

## RESOLUTION NO. 2009-179

Adopted by the Sacramento City Council

March 24, 2009

### ADOPTING THE MITIGATED NEGATIVE DECLARATION AND THE MITIGATION MONITORING PROGRAM FOR THE LA VALENTINA STATION PROJECT (P08-106)

#### BACKGROUND

- A. On March 12, 2009, the City Planning Commission conducted a public hearing and forwarded to the City Council a recommendation to approve, with conditions, the La Valentina Station (P08-160) project.
- B. On March 24, 2009, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Sections 17.200.010(C)(2)(a), (b) and (c) (publication, posting and mail 500'), and received and considered evidence concerning the La Valentina Station (P08-106) project.

#### BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. The City Council finds as follows:

- A. The Project initial study identified potentially significant effects of the Project. Revisions to the Project made by or agreed to by the Project applicant before the proposed mitigated negative declaration and initial study were released for public review were determined by City's Environmental Planning Services to avoid or reduce the potentially significant effects to a less than significant level, and, therefore, there was no substantial evidence that the Project as revised and conditioned would have a significant effect on the environment. A Mitigated Negative Declaration (MND) for the Project was then completed, noticed and circulated in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines and the Sacramento Local Environmental Procedures as follows:
  - 1. On February 13, 2009, a Notice of Intent to Adopt the MND (NOI) dated February 13, 2009 was circulated for public comments for 20 days. The NOI was sent to those public agencies that have jurisdiction by law with respect to the proposed project and to other interested parties and agencies, including property owners, residents and businesses within 500 feet of the boundaries of the proposed project. The comments of such persons and agencies were sought.
  - 2. On February 13, 2009 the project site was posted with the NOI, and the NOI was posted in the office of the Sacramento County Clerk.

- Section 2. The City Council has reviewed and considered the information contained in the MND, including the initial study, the revisions and conditions incorporated into the Project, and the comments received during the public review process and the hearing on the Project. The City Council has determined that the MND constitutes an adequate, accurate, objective and complete review of the environmental effects of the proposed project.
- Section 3. Based on its review of the MND and on the basis of the whole record, the City Council finds that the MND reflects the City Council's independent judgment and analysis and that there is no substantial evidence that the Project will have a significant effect on the environment.
- Section 4. The City Council adopts the MND for the Project.
- Section 5. Pursuant to CEQA section 21081.6 and CEQA Guidelines section 15074, and in support of its approval of the Project, the City Council adopts a Mitigation Monitoring Program to require all reasonably feasible mitigation measures be implemented by means of Project conditions, agreements, or other measures, as set forth in the Mitigation Monitoring Program.
- Section 6. Upon approval of the Project, the City's Environmental Planning Services shall file or cause to be filed a Notice of Determination with the Sacramento County Clerk and, if the project requires a discretionary approval from any state agency, with the State Office of Planning and Research, pursuant to section 21152(a) of the Public Resources Code and section 15075 of the State EIR Guidelines adopted pursuant thereto.
- Section 7. Pursuant to Guidelines section 15091(e), the documents and other materials that constitute the record of proceedings upon which the City Council has based its decision are located in and may be obtained from, the Office of the City Clerk at 915 I Street, Sacramento, California. The City Clerk is the custodian of records for all matters before the City Council.

**Table of Contents:**

- Exhibit 4A: Mitigation Monitoring Program  
Exhibit 4B: Comment Letter

Adopted by the City of Sacramento City Council on March 24, 2009 by the following vote:

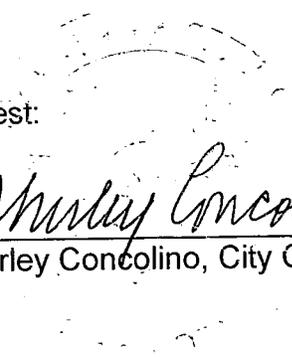
Ayes: Councilmembers Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, Waters, and Mayor Johnson.

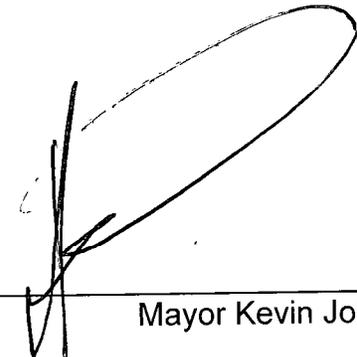
Noes: None.

Abstain: None.

Absent: None.

Attest:

  
*Shirley Concolino*  
Shirley Concolino, City Clerk

  
\_\_\_\_\_  
Mayor Kevin Johnson

**MITIGATION MONITORING PLAN**

FOR

La Valentina Station (P08-106)

**TYPE OF ENVIRONMENTAL DOCUMENT:  
INITIAL STUDY/ NEGATIVE DECLARATION**

**PREPARED FOR:**

CITY OF SACRAMENTO, DEVELOPMENT SERVICES DEPARTMENT

**DATE:**

February 13, 2009

**ADOPTED BY:  
CITY OF SACRAMENTO  
PLANNING COMMISSION**

DATE:  
  
\_\_\_\_\_

ATTEST:  
  
\_\_\_\_\_

**La Valentina Station (P08-106)  
MITIGATION MONITORING PLAN**

This Mitigation Monitoring Plan (MMP) has been required by and prepared for the City of Sacramento Development Services Department, Environmental Planning Services, 300 Richards Boulevard, Sacramento, CA 95811, pursuant to CEQA Guidelines Section 21081.6.

**SECTION 1: PROJECT IDENTIFICATION**

**Project Name / File Number:** La Valentina Station / P08-106  
**Owner/Developer- Name** Meea Kang – Domus Development, Inc.  
**Address:** 594 Howard Street, Suite 204  
San Francisco, CA 94105

**Project Location / Legal Description of Property (if recorded):**  
The proposed project site is located on 12<sup>th</sup> Street between C and E Streets in the Central City.

Assessor's Parcel Number (APN) 002-0082-016, 002-0082-024, 002-0121-002, 002-0121-027, 002-0121-032, 002-0121-034, 002-0121-036, and 002-0121-038.

**Project Description:**

A mixed-use development comprised of 18 townhouse units, 63 affordable apartment units, 7 live-work units and approximately 2,500 square feet of ground-floor commercial/flex spaces on 1.27 acres in the general commercial (C-3) zone and the proposed Multi-Family (R-5) zone. Specific entitlements include:

- A. Rezone** RMX to R-5 to increase the allowable density from 36 to 94 du/na;
- B. Special Permit** to allow gated development;
- C. Special Permit – Height** to allow structures to exceed the maximum allowable height;
- D. Special Permit – Parking** to reduce required parking;
- E. Variance** to reduce the interior side setback;
- F. Variance** to allow a roof structure to exceed the maximum allowable height;
- G. Variance** to allow compact stalls to exceed a maximum of forty percent; and a
- H. Tentative Map**

**SECTION 2: GENERAL INFORMATION**

The Plan includes mitigation for Cultural Resources, Hazards, and Traffic. The intent of the Plan is to prescribe and enforce a means for properly and successfully implementing the mitigation measures as identified within the Initial Study for this project. Unless otherwise noted, the cost of implementing the mitigation measures as prescribed by this Plan shall be funded by the owner/developer identified above. This Mitigation Monitoring Plan (MMP) is designed to aid the City of Sacramento in its implementation and monitoring of mitigation measures adopted for the proposed project.

The mitigation measures have been taken from the Initial Study and are assigned the same number they have in the document. The MMP describes the actions that must take place to implement each mitigation measure, the timing of those actions, and the entities responsible for implementing and monitoring the actions. The developer will be responsible for fully understanding and effectively implementing the mitigation measures contained with the MMP. The City of Sacramento will be responsible for ensuring compliance.

Environmental Resource	Mitigation Measure	Responsible Entity	Compliance Milestone / Confirm Complete
Cultural Resources	<p><b>Cultural Resources</b></p> <p>CR-1 In the event that any prehistoric subsurface archeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits, animal bone, obsidian and/or mortars are discovered during construction-related earth-moving activities, all work within 50 meters of the resources shall be halted, and the City shall consult with a qualified archeologist to assess the significance of the find. Archeological test excavations shall be conducted by a qualified archeologist to aid in determining the nature and integrity of the find. If the find is determined to be significant by the qualified archeologist, representatives of the City and the qualified archeologist shall coordinate to determine the appropriate course of action. All significant cultural materials recovered shall be subject to scientific analysis and professional museum curation. In addition, a report shall be prepared by the qualified archeologist according to current professional standards.</p> <p>CR-2 If a Native American site is discovered, the evaluation process shall include consultation with the appropriate Native American representatives.</p> <p>If Native American archeological, ethnographic, or spiritual resources are involved, all identification and treatment shall be conducted by qualified archeologists, who are certified by the Society of Professional Archeologists (SOPA) and/or meet the federal standards as stated in the Code of Federal Regulations (36 CFR 61), and Native American representatives, who are approved by the local Native American community as scholars of the cultural traditions.</p>	<p>Development Service Department, City of Sacramento</p> <p>Native American Heritage Commission</p>	<p>The Development Services Department shall assure that measures are identified on construction plans and specifications and confirm compliance prior to issuance of any grading or building permit.</p>

Environmental Resource	Mitigation Measure	Responsible Entity	Compliance Milestone / Confirm Complete
	<p>In the event that no such Native American is available, persons who represent tribal governments and/or organizations in the locale in which resources could be affected shall be consulted. If historic archeological sites are involved, all identified treatment is to be carried out by qualified historical archeologists, who shall meet either Register of Professional Archeologists (RPA), or 36 CFR 61 requirements.</p> <p>CR-3 If a human bone or bone of unknown origin is found during construction, all work shall stop in the vicinity of the find, and the County Coroner shall be contacted immediately. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission, who shall notify the person most likely believed to be a descendant. The most likely descendant shall work with the contractor to develop a program for re-internment of the human remains and any associated artifacts. No additional work is to take place within the immediate vicinity of the find until the identified appropriate actions have taken place.</p>		

Environmental Resource	Mitigation Measure	Responsible Entity	Compliance Milestone / Confirm Complete
Hazards	<p><b>Hazards</b></p> <p>Hazards 1: The November 2005 Phase II Environmental Site Assessment shall be submitted to the County of Sacramento, Department of Environmental Health (DEH) for review. The applicant shall comply with all requirements for cleanup identify by DEH.</p> <p>Hazards 2: Prior to approval of any building permit, the applicant shall submit documentation that confirms that DEH has approved the applicant's plan for cleanup and that all cleanup efforts have been completed.</p>	<p>Development Service Department, City of Sacramento</p> <p>Department of Environmental Health, County of Sacramento</p>	<p>The Development Services Department shall assure that measures are identified on construction plans and specifications and confirm compliance prior to issuance of any grading or building permit.</p>
Traffic	<p><b>Traffic</b></p> <p>Traffic 1: The project applicant shall construct roadway medians at D Street and E Street to the satisfaction of the City's Department of</p>	<p>Department of Transportation</p> <p>Development Services</p>	<p>The Department of Transportation and the</p>

Environmental Resource	Mitigation Measure	Responsible Entity	Compliance Milestone / Confirm Complete
	<p>Transportation.</p> <p>Traffic 2: The project applicant shall pay a fair share contribution to the City of Sacramento Traffic Operation Center for the retiming and monitoring of the signals at 12<sup>th</sup> St/ D St and 12<sup>th</sup> St/E St. intersections to improve vehicle progression along the 12<sup>th</sup> Street corridor.</p>	Department	<p>Development Services Department shall assure that measures are identified on construction plans and specifications and confirm compliance prior to issuance of any grading or building permit.</p>

March 4, 2009

Rochelle Hall  
Assistant Planner  
City of Sacramento, Development Services Department  
Environmental Planning Services  
300 Richards Blvd.  
Sacramento, CA 95811

Dear Ms. Hall,

This letter is in response to the Notice of Availability/Intent to Approve – Draft Mitigated Negative Declaration for the La Valentina Station (P08-106) project.

I and another person own the property at 405 11<sup>th</sup> Street and we also live there full-time with his eight year-old son. I have concerns about this project, in particular the specific entitlements for Special Permits for parking and for height.

On our block of 11<sup>th</sup> Street, none of the 5 homes or apartment houses have garages, driveways, nor alleys. Everyone on my street depends on close, accessible street parking for our cars. Our neighborhood has a lot of foot traffic from people living in crisis – the homeless population traversing between Loaves and Fishes and downtown. It is simply not safe for us to have to park far away from our homes, especially those of us with children.

The yet-to-be-completed Creamery Project, which is between C and E streets and 11<sup>th</sup> and 10<sup>th</sup> Streets, has also applied for (and I believe was granted) Special Permits to reduce required parking, and if the Valentina project also has less parking, we will be hard pressed to find parking close to our homes. Please understand that this is an urgent matter to those of us on this block!

As for the matter of height, anything over 3 stories will block the sun from the back side of all of our houses, resulting in very dark back yards. This means our vegetable garden will not survive.

I urge you not to allow these special permits.

Sincerely,

Andrea Hagan  
405 11<sup>th</sup> Street  
Sacramento, CA 95814  
916.930.1940