



# REPORT TO COUNCIL

## City of Sacramento

# 18

915 I Street, Sacramento, CA 95814-2604  
www. CityofSacramento.org

PUBLIC HEARING  
July 25, 2006

Honorable Mayor and  
Members of the City Council

**Title:** Ung Subdivision (P05-183)

**Location/Council District:** 6301 & 6321 Elder Creek Road, APN: 038-0202-004,  
Council District 6.

**Recommendation:** 1) Adopt a **Resolution** approving the Environmental Exemption per CEQA Section 15332 and 2) adopt a **Resolution** amending the South Sacramento Community Plan land use designation.

**Contact:** Greg Sandlund, Junior Planner 808-8931; Tom Buford, Senior Planner 808-7931

**Presenter:** Greg Sandlund

**Department:** Development Services

**Division:** Planning

**Organization No:** 4875

### Description/Analysis

**Issue:** The proposed seven lot subdivision requires a community plan amendment in order to be consistent with the Zoning Code and General Plan. This project was continued from the May 9<sup>th</sup> City Council hearing so that additional information could be obtained regarding environmental conditions at the project site. Staff has confirmed that the original recommendation to adopt the Environmental Exemption per CEQA Section 15332 is appropriate. Attachment 3 provides background information regarding the project and the Planning Commission action.

**Policy Considerations:** The Ung Subdivision project is consistent with applicable City policies, including the City's Smart Growth Principles, as well as the City's Strategic Plan's three-year goals of achieving sustainability and enhancing livability, and expanding economic development throughout the City. In addition, the proposed project is consistent with the General Plan and Community Plan by promoting infill development as a means to meet housing needs and developing a residential land use in a manner which is efficient and utilizes existing urban resources (sec 2-15, Goal C).



**Committee/Commission Action:** On March 23, 2006, the Planning Commission approved the Tentative Map to subdivide 1.59± acres into seven (7) single-family lots and a Subdivision Modification to allow a lot that has a depth of less than 100 feet within the Standard Single Family (R-1) zone. The Planning Commission voted six ayes and zero noes to approve the proposed project on consent and recommended approval of the community plan amendment to the City Council.

**Environmental Considerations:** The proposed project is exempt from environmental review pursuant to California Environmental Quality Act Guidelines (CEQA) Section 15332 because the project: a) is consistent with the R-1 zoning; b) is on a 1.59± gross acre site; c) is on a site that has no value as habitat; d) would not result in any significant effects relating to traffic, noise, air quality, or water quality; and e) the site can be adequately served by all required utilities and public improvements.

Following the Planning Commission hearing the owner of the adjacent parcel to the north contacted staff to comment that a former dump on his land should be analyzed to determine its impact on the development of the subject site. Staff requested that the applicant's environmental consultant conduct further research on the former dump and confirm its original conclusion. The environmental consultant has confirmed the conclusion that no further environmental studies are necessary and that the subject site can be developed for residential land use.

Attachment 3 provides further background information regarding this environmental determination. Attachment 4 includes a letter from the environmental consultant.

**Rationale for Recommendation:** The project is consistent with sound principles of land use and environmental quality. The community plan amendment would make the proposed development compatible with surrounding uses, which include standard single family homes. Under Sacramento City Code Chapter 17.204, an amendment to a community plan requires a public hearing and action by the City Council.

**Financial Considerations:** None

**Emerging Small Business Development (ESBD):** No goods or services are being purchased under this report.

Respectfully Submitted by: David M. Kwong  
David Kwong  
Planning Manager

Approved by: William Thomas  
William Thomas  
Director of Development Services

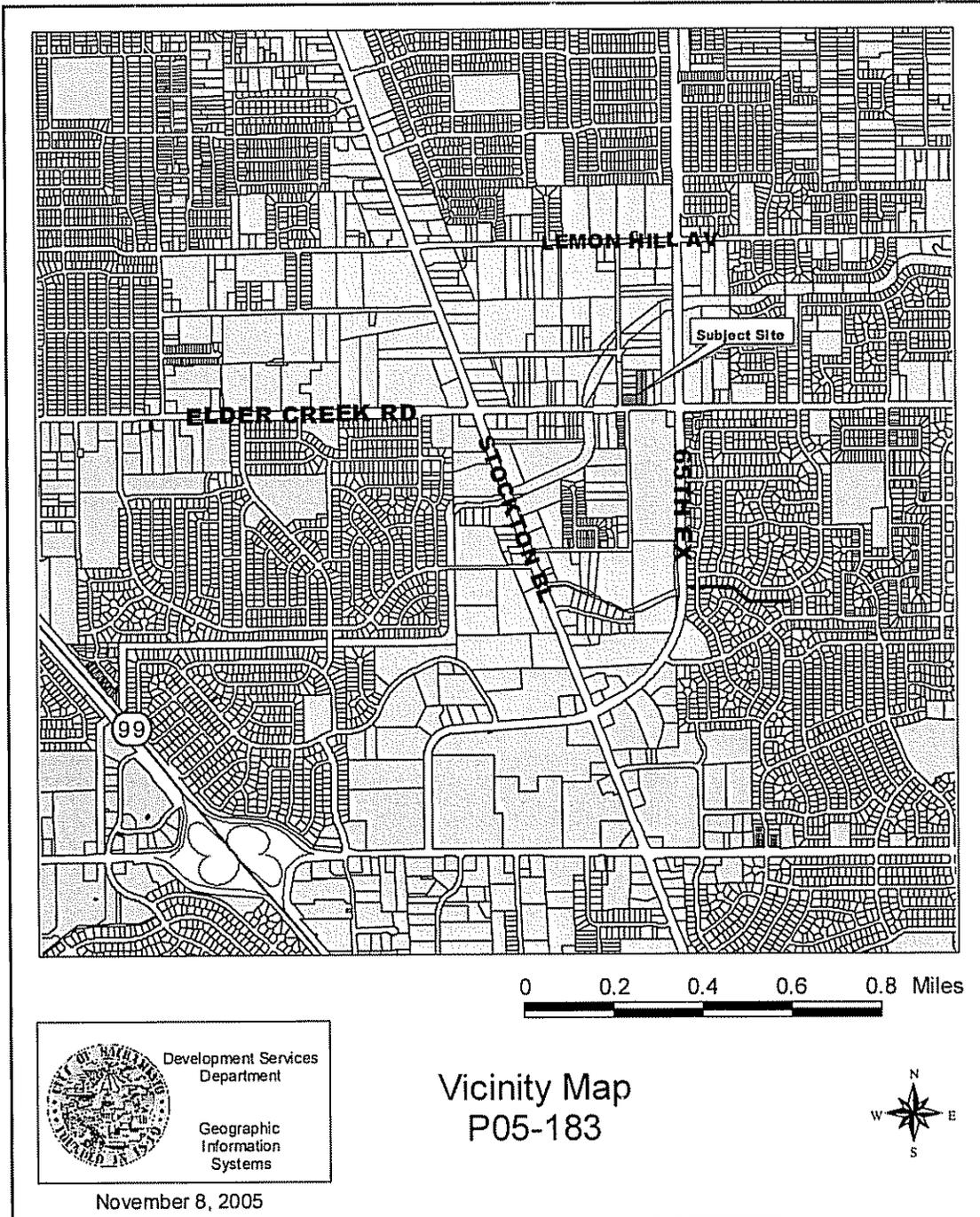
Recommendation Approved:

*for* Ray Kerridge  
Ray Kerridge  
City Manager

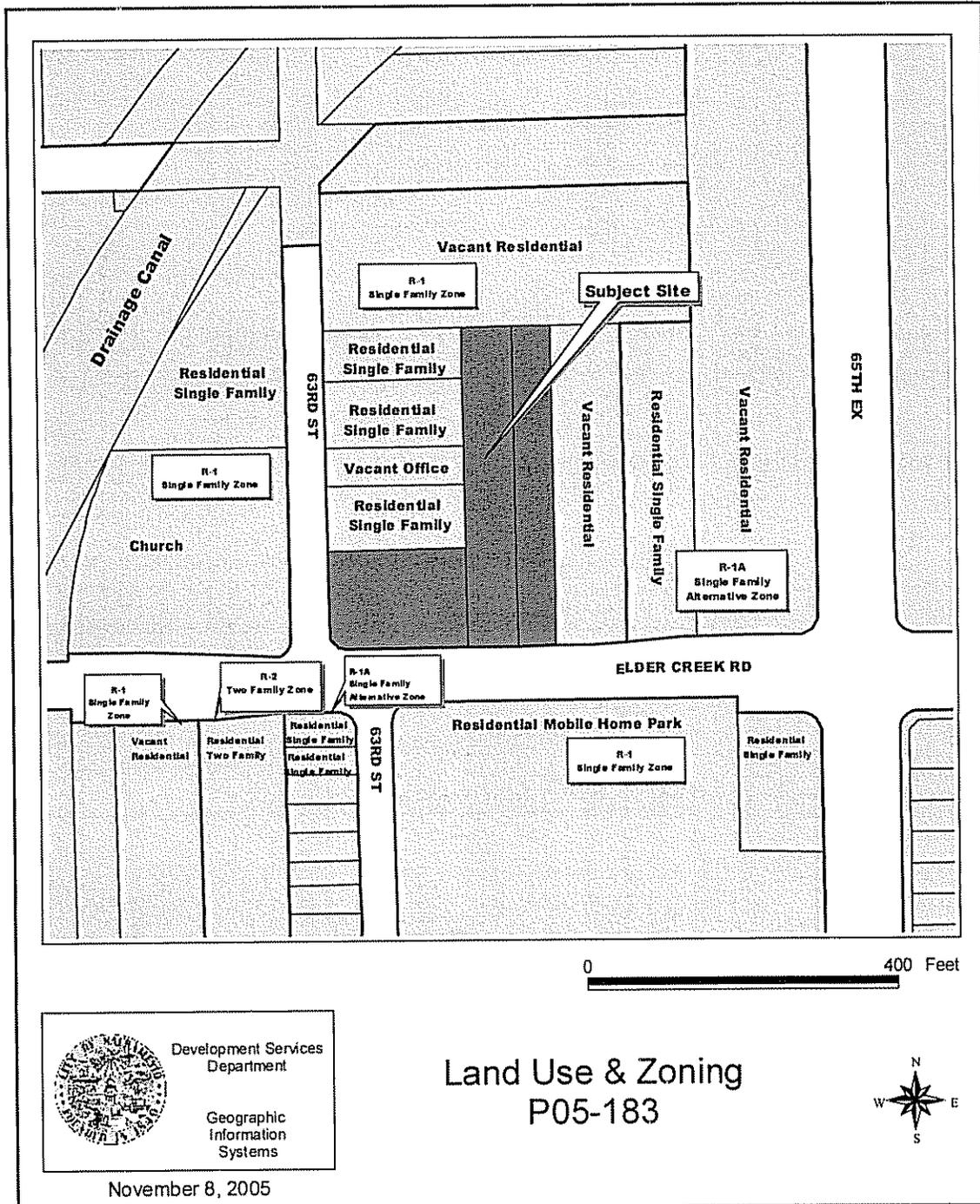
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Attachment 1 – Vicinity Map



Attachment 2 – Land Use and Zoning Map



Attachment 3 – Background Information

**Background Information:**

**Summary**

The subject site consists of three parcels totaling 1.59± acres located at 6301 & 6321 Elder Creek Road. The site is currently vacant. The General Plan, South Sacramento Community Plan, and the Zoning for this site are all designated for residential development but are currently inconsistent in regards to housing density. Initially staff and the applicant explored ways to develop the site at a higher density in order to be consistent with the South Sacramento Community Plan's density of 11-21 du/na and the General Plan's density of 16-29 du/na. Staff found that cluster homes, apartments, and other high density housing products would be inappropriate when considering the irregular dimensions of the site, parking requirements, open space and vehicular access off of Elder Creek Road. The proposed project is at a density of 5.6 du/na, which is consistent with the existing zoning of R-1.

The applicant seeks to subdivide the parcels into seven single family lots. This housing density is consistent with the current zoning designation for the site. The South Sacramento Community Plan needs to be amended to be consistent with the proposed project and the Zoning Code. With the site being less than five acres, the General Plan does not need to be amended because "the land use designations on the more specific map are applicable" (GP 9-15).

**Environmental Considerations:**

Shortly after receiving the project application on November 3<sup>rd</sup>, 2005, environmental planning staff required the applicant to submit a phase I environmental study. Based on the Phase I and project materials, Environmental Planning Services determined that the project was exempt from environmental review pursuant to California Environmental Quality Act Guidelines (CEQA) Section 15332 as the project is an infill project.

On April 28th, 2006, planning staff received a telephone call from the neighbor to the north who indicated he thought a 1,000-foot setback from his property was required because that property had once been a landfill. Staff contacted Tammy Derby with the County Environmental Management Department (CEMD), who advised that the property to the north had been a burn dump (Waring's Dump). The CEMD applies the 1,000-foot buffer to inert landfills that may produce internal gases. Burn dumps do not present this hazard.

The CEMD indicated however that lead and zinc contamination from Waring's Dump would be a concern. Staff was advised by CEMD that the County is involved in an enforcement action against the owner, seeking a formal closure plan for the property.

Staff has been advised by the County that (a) the Waring's Dump site (APN 038-0202-001), approximately 2 acres in size, is adjacent to the project site (APN 038-0202-004,

005 and 006) and that the dump site included portions of four other parcels to the north, (b) Waring's Dump site is contaminated with lead and zinc, and (c) the County is proceeding with an enforcement action against the owner of the Waring's Dump site.

Staff required the applicant to confirm the Phase I report's conclusions in light of the facts set forth in (a), (b) and (c) and confirm its conclusion that no further action or investigation would be needed.

On June 9<sup>th</sup>, 2006, after further site investigation, research and an interview with Tammy Derby, ADR Environmental Group (the applicant's environmental consultant) sent a letter to the applicant with the conclusion that:

"It is unlikely that this former dump site has environmentally impacted the subject Property due to its cross gradient location with respect to inferred ground water flow direction, the lack of methane detected in the gas monitoring wells, and the low mobility of lead and zinc in soil (page 4)(Attachment 4)."

Environmental Planning Services agrees with the ADR Environmental Group's conclusion and has confirmed the environmental determination that the project is exempt from environmental review pursuant to CEQA guidelines Section 15332 as an infill project.

Attachment 4 – June 9<sup>th</sup> 2006 Letter from ADR Environmental Group



**ADR Environmental Group, Inc.**

1760 Creekside Oaks Drive • Suite 120 • Sacramento, CA 95833

(888) 622-3734 • (916) 921-0600 • FAX (916) 648-6688

June 9, 2006

Mr. Peter Hau  
Wonder Agents  
8231 East Stockton Boulevard, Suite A  
Sacramento, California 95828

**Subject: Warings Dump, 63<sup>rd</sup> and Morrison Creek, Sacramento, CA 95819**  
**ADR Project No.: PETE 01-06-003-CA (A)**

Mr. Hau,

ADR Environmental Group, Inc. (ADR) was retained by Wonder Agents to perform a file review of the Sacramento County Environmental Health Department (SCEMD) records regarding the site identified as Warings Dump, and to assess the likelihood that this site has environmentally impacted the structurally undeveloped site identified as 6301 and 6327 Elder Creek Road and further identified as Sacramento County Assessor Parcel Numbers 038-0202-005 and -006 (subject Property).

**Site Location, Description and History**

According to the March 2004 *Final Site Investigation Report (FSI)* for Warings Dump prepared by the California Integrated Waste Management Board (CIW), Warings Dump is located in south Sacramento where it is bounded by Morrison Creek on its northwest side, lies north of Elder Creek Road and east of 63<sup>rd</sup> Street. Originally, the site was a soil borrow pit during the construction of State Highway 99 in the 1930s. Approximately three acres of sand, gravel and topsoil in and along the creek channel were excavated and removed. Reportedly, the excavation extended to depths of 50 feet below ground surface (bgs) at some places. In the 1940s, two new sewage treatment plants that discharged into Morrison Creek were constructed, increasing the flow in the creek. As a result of this increased flow, seepage and overflow began to fill the abandoned borrow pit. During the late 1940s, water in the pit stood at 20 to 30 feet deep.

During the next decade, waste was accepted and disposed at Warings Dump. Much of this waste was burned at the site. Trench excavations performed in 2004 show that considerable household refuse, construction materials and rubble, demolition debris and even waste from canneries were all accepted and disposed at the site. Complaints from residents in the growing community eventually resulted in the dump's closure under city order. In 2004, a hummocky (low mounds) surface exposed more recent illegal dumping and fill in the area. Beneath this broader irregular surface, the old borrow contents, parts of which remain immersed in water resting on a bottom of dense native clay, lie covered with 6 to 9 feet of mixed soil, concrete and other demolition debris.

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In the mid-1960s, Morrison Creek was channelized as part of Sacramento County's flood control "Drainage Bond Project." During this project, the creek was widened, deepened and realigned, and an engineered berm that now separates the creek from Warings Dump was constructed.

#### Site Investigation Summary

To assess the site, the CIW excavated 20 trenches to native soil depths up to 24 feet bgs) to visually assess the cross section of the fill and to collect soil samples. In addition, three gas monitoring wells were installed at the site. Approximately 40 soil samples were collected from the trenches. Upon completion of collecting the soil samples, the trench was screened for methane, carbon dioxide, hydrogen sulfide, carbon monoxide and oxygen. The soil samples were analyzed for metals, selected samples were analyzed for Total Threshold Limit Concentrations (TTLIC), and samples that indicated elevated levels of lead and zinc were further analyzed by methods Title 22 Waste Extraction Test (WET) and EPA 6010 to determine the possibility of material leaching into the groundwater (STLC).

Elevated concentrations of lead and/or zinc were detected in 9 of the trenches. None of these trenches was located within 80 feet of the subject Property. TTLIC analysis of 28 samples indicated that the average mean concentration of lead is 677 milligrams per kilogram (or parts per million - ppm) with a 90 percent confidence interval of  $\pm 259$  ppm. Thus, this analysis indicates that there is a 90 percent chance that the average soil contaminant concentration of lead at the site (up to 936 ppm) has not exceeded the TTLIC of 1,000 ppm.

TTLIC analysis of 28 samples indicated the average mean concentration of zinc is 2,507 ppm with a 90 percent confidence interval of  $\pm 1,269$  ppm. Thus, this analysis indicates that there is a 90 percent chance that the average soil contaminant concentration of zinc at the site (up to 3,776 ppm) has not exceeded the TTLIC of 5,000 ppm.

The WET test was run on 10 soil samples that exceeded the TTLIC for lead, and a statistical analysis was run on lead and zinc using a 90 percent confident interval. The results for lead determined that the mean of the samples was 24.63 milligrams per liter (ppm) with a confidence interval of  $\pm 9.1$  ppm. Thus, there is a 90 percent chance that lead exceeds the regulatory solubility threshold limit of 5.0 ppm.

The results for zinc determined that the mean of the samples was 142.9 ppm with a confidence interval of  $\pm 104.6$  ppm. Thus, there is a 90 percent chance that zinc exceeds the regulatory solubility threshold limit of 250 ppm.

Gas well PA-7 was completed as a single probe to 12 feet bgs and was screened at 5 to 10 feet. One gas sample was collected one day after installation of the well and was analyzed for volatile organic compounds and fixed gases such as methane. No gases were detected. CIW recommended periodic (monthly) monitoring of the gas probes for at least one year.

Groundwater was encountered at 12-15 feet bgs. However, this groundwater was not sampled since it was likely perched water and since it was inter-mixed with the dump waste. A boring was advanced to 30 feet bgs through a clay layer to confirm that the clay was the native bottom and to see if water was below the clay. The boring did not encounter groundwater.

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CIW estimated the average depth of the waste in the center of the pit to be approximately 23 feet. The dump is estimated to contain approximately 86,000 cubic yards of waste. The core area of the dump (the main deep waste area) contains approximately 65,000 cubic yards of waste. The outer area around the core contains approximately 19,000 cubic yards of waste - this outer area extends 50 feet or more beyond the core area and comprises a shallower deposit.

CIW concluded that the material within the fill at Waring's Dump would likely be classified as a California hazardous waste site based on contaminant concentrations exceeding the STLCS for lead and zinc. CIW also recommended that a cover (usually clean fill) be placed on the site to prevent exposure to the public.

#### **Detail Summary of Trenches Located Nearest the Subject Property**

The south ends of Trenches F-4 and G-5 were located approximately 40 feet north of the subject Property. Gas monitoring well PA-7 was installed approximately 60 feet northeast of the northeast corner of the subject Property. The remainder of the trenches and gas monitoring wells were located further to the north of the subject Property.

Trench F-4 extended approximately 32 feet north of its starting point. The southernmost 10 feet is shallow (<8 feet bgs) and thin deposits of ash were detected at about 4 feet bgs. At 24 feet north of the south end (approximately 64 feet north of the subject Property), waste was found at depths up to 23 feet bgs. This waste included watery sump materials, petroleum products and solid debris.

Trench G-5 extended approximately 65 feet north of its starting point. The southernmost 20 feet is shallow (<8 feet bgs) and very little waste was encountered. At 48 feet north of the south end (approximately 88 feet north of the subject Property), waste was found at depths up to 22 feet bgs. This waste included watery sump materials, petroleum products and solid debris.

#### **Interviews**

The ADR Assessor interviewed Ms. Tammy Derby, Environmental Specialist with the SCEMD. According to Ms. Derby, no cover has yet been installed on the dump site nor have any other CIW recommendations been implemented. Ms. Derby is aware of no groundwater sampling at the site.

On January 28, 2005, the SCEMD filed a *Notice and Order* to the owners (Krishna Living Trust and Mr. and Mrs. Lupsa) of the Waring Dump parcels, and this matter remains entangled in the legal system.

According to Ms. Derby, all the SCEMD is requiring is a cover over the site and restrictions on further development. The restriction will require a review and approval of the development by the SCEMD to ensure the development is protective of human health. If the action taken includes a cover, no residential development will be permitted on the Waring Dump parcels, including parcel number 038-0202-001, which adjoins the subject Property to the north. However, if the remedial action selected includes removal and proper disposal of all the waste followed by importation of clean fill, then no restrictions would be placed on the future development of the site.

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In addition, according to Ms. Darby, the laws governing the closure of a landfill are specific to the parcel(s) on which the landfill was located and do not extend to adjoining properties. Therefore, if, for example, a 3-acre landfill were located on a larger parcel and the action taken was a cover, no structural development would be permitted within 1,000 feet of the perimeter of the closed landfill on that same parcel, but the 1000 foot restriction does not apply to the adjoining parcels. Although the law does not provide for extending restrictions beyond the affected parcel(s), Ms. Derby recommends that, if any adjoining properties are structurally developed in the future, the occupants be advised of the presence of this abandoned landfill.

#### **Groundwater Conditions**

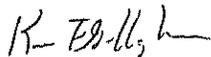
Although no site specific shallow groundwater information was located for the subject Property, according to the *Sacramento County, California Groundwater Elevations, Spring 1999* map prepared by the County of Sacramento Public Works Department, the depth to groundwater is approximately 50 feet below ground surface with a groundwater flow direction to the west.

#### **Conclusions**

Based on the March 2004 *Final Site Investigation Report* summarized above, it is unlikely this former dump site has environmentally impacted the subject Property due to its cross-gradient location with respect to inferred groundwater flow direction, the lack of methane detected in the gas monitoring wells, and the low mobility of lead and zinc in soils. In addition, it would be unlikely that occupants of the subject Property would come in contact with contamination from the dump, provided that the dump is properly covered and access to the dump site is restricted (both required by the *Notice and Order*) and potable water to the subject Property is provided by the city of Sacramento.

If you have any additional questions or comments regarding this issue, please contact me at 916-921-0600. Thank you

Sincerely,  
**ADR Environmental Group, Inc.**



Kevin F. Gallagher, REA #07243  
Environmental Project Manager

#### **Attachments:**

*Final Site Investigation Report*, dated March 2004  
*Notice and Order, Warings Dump*, dated January 28, 2005

**RESOLUTION NO.**

Adopted by the Sacramento City Council  
July 25, 2006

**AMENDING THE SOUTH SACRAMENTO COMMUNITY PLAN LAND USE MAP TO REDESIGNATE FROM 1.59± GROSS ACRES OF MEDIUM DENSITY RESIDENTIAL (11-21 dwelling units/net acre [du/na]) TO 1.59± GROSS ACRES OF LOW DENSITY RESIDENTIAL (4-8 du/na), LOCATED AT THE SOUTHWEST CORNER OF 63<sup>RD</sup> STREET AND ELDER CREEK ROAD. (APN: 038-0202-004, 005, 006) (P05-183)**

**BACKGROUND**

The City Council conducted a public hearing on July 25, 2006 concerning the South Sacramento Community Plan land use map, and based on documentary and oral evidence submitted at the public hearing, the City Council hereby finds:

- A. The subject site is suitable for residential development;
- B. The proposed plan amendment is compatible with the surrounding uses;
- C. The proposal is consistent with the policies of the South Sacramento Community Plan and the General Plan; and
- D. The project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines (Section 15332-Infill Development Projects).

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

Section 1. The City Council of the City of Sacramento finds as follows:

(1) The City of Sacramento's Environmental Planning Services has reviewed the Ung Subdivision (P05-183) and has determined the Project is exempt from review under the California Environmental Quality Act as follows:

(a) The Project is exempt under the following provisions of the California Environmental Quality Act and/or Guidelines (Section 15332-Infill Development Projects).

- (b) The factual basis for the finding of exemption is as follows:
- (i) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
  - (ii) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
  - (iii) The project site has no value as habitat for endangered, rare or threatened species.
  - (iv) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
  - (v) The site can be adequately served by all required utilities and public services.
- (2) The City Council has reviewed and considered the Environmental Planning Services determination of exemption and the comments received at the hearing on the Project and has determined that the Project is exempt from review under the California Environmental Quality Act for the reasons stated above.

Section 2. The property (APN: 038-0202-004, 005, 006), as described on the attached Exhibit A, within the City of Sacramento is hereby re-designated on the South Sacramento Community Plan land use map from 1.59± gross acres of Medium Density Residential (11-21 du/na) to 1.59± gross acres of Low Density Residential (4-8 du/na).

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Exhibit A – South Sacramento Community Plan Amendment Exhibit

