

RESOLUTION NO. 2006-829

Adopted by the Sacramento City Council

November 14, 2006

APPROVING THE MITIGATED NEGATIVE DECLARATION AND APPROVING THE MITIGATION MONITORING PLAN FOR THE NATOMAS EAST/GATEWAY TOWER PROJECT, LOCATED AT 2490 NATOMAS PARK DRIVE IN SOUTH NATOMAS, SACRAMENTO, CALIFORNIA. (P06-001) (APN: 274-0042-035)

BACKGROUND

- A. The City of Sacramento's Environmental Planning Services conducted or caused to be conducted an Initial Study on "Natomas East/Gateway Tower, P06-001" ("Project") to determine if the Project may have a significant effect on the environment.
- B. The Initial Study identified potentially significant effects of the Project. Revisions to the Project made by or agreed to by the Project applicants before the proposed Mitigated Negative Declaration and Initial Study were released for public review were determined by the 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 may 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 State's California Environmental Quality Act (CEQA) and the Sacramento Local Environmental Procedures as follows:
1. On August 28, 2006 a Notice of Intent (NOI) to adopt the MND dated August 28, 2006 was circulated for public comment for thirty 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 within 500 feet of the boundaries of the proposed project. The comments of such persons and agencies were sought.
 2. On August 28, 2006, the project site was posted with the NOI, the NOI was published in the Daily Recorder, a newspaper of general circulation, and the NOI was posted in the office of the Sacramento City Clerk.
- C. 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.

- D. 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.
- E. The City Council has final approval authority over the following Project entitlements:
 - 1. South Natomas Community Plan Map Amendment to re-designate 19.1± acres from 17.2± acres of Office/Office Park and 1.9± acres of Support Commercial to 15.1± acres of Office/Office Park and 4.0± acres of Support Commercial
 - 2. Rezone 19.1± acres from 17.2± acres of Office Building Planned Unit Development (OB-PUD) zone and 1.9± acres of Limited Commercial Planned Unit Development (C-1-PUD) zone to 15.1± acres of Office Planned Unit Development (OB-PUD) zone and 4.0± acres of General Commercial Planned Unit Development (C-2-PUD) zone
 - 3. PUD Schematic Plan Amendment to the Natomas Corporate Center Planned Unit Development to depict office, support commercial, and a hotel on 19.08± acres
 - 4. PUD Guidelines Amendment to the Natomas Corporate Center Planned Unit Development to allow the development of a twelve-story office building, support retail, and hotel uses at this location
- F. Pursuant to CEQA 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 record for all matters before the City Council.

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

- Section 1. With respect to the entitlements over which the City Council has final approval authority, the City Council adopts the Mitigated Negative Declaration for the Project.
- Section 2. Pursuant to CEQA Guidelines Section 15074, and in support of its approval of the Project, the City Council adopts a Mitigation Monitoring Plan to require all reasonable feasible mitigation measures be

implemented by means of Project conditions, agreements, or other measures, as set forth in the Mitigation Monitoring Plan.

Section 3. 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 the State Environmental Impact Report (EIR) Guidelines adopted pursuant thereto.

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Exhibit A Mitigation Monitoring Plan – 10 pages

Adopted by the City of Sacramento City Council on November 14, 2006 by the following vote:

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

Noes: None

Abstain: None

Absent: Mayor Fargo.

Attest: 
Shirley Concolino, City Clerk


Robert King Fong, Vice Mayor

MITIGATION MONITORING PLAN

FOR:

GATEWAY TOWER (P06-001)

PREPARED BY:

CITY OF SACRAMENTO
DEVELOPMENT SERVICES DEPARTMENT
ENVIRONMENTAL PLANNING SERVICES
ROCHELLE HALL
808-5914

TYPE OF ENVIRONMENTAL DOCUMENT:

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

DATE:

AUGUST 28, 2006

ADOPTED BY:

CITY OF SACRAMENTO
PLANNING COMMISSION

DATE:

ATTEST:

GATEWAY TOWER (P06-001) 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, 2101 Arena Boulevard, Suite 200, Sacramento, CA 95834, pursuant to CEQA Guidelines Section 21081.6.

SECTION 1: PROJECT IDENTIFICATION

Project Name/File Number: Gateway Tower (P06-001)

Owner/Developer: John S. Kelly
Bannon Investors, Ltd
3610 American River Drive, Suite 190
Sacramento, CA 95864
Phone: (916) 978-4897

City of Sacramento Contact: Rochelle Hall, Assistant Planner
Environmental Planning Services
Development Services Department
2101 Arena Boulevard, Suite 200
Sacramento, CA 95834
(916) 808-5914

Project Location

The proposed project site is located within the South Natomas Community Plan Area on the south side of Interstate 80. The site is located between Interstate 5 (bounding the site on the west) and Natomas Park Drive (bounding the site on the east), and West El Camino Avenue bounds the site on the north. Capital Oaks Drive bisects the site. The project site is comprised of Assessor's Parcel Number (APN): 274-0042-035.

Project Components

The proposed project consists of entitlements to subdivide the project site into two parcels. One (1) parcel includes construction of one (1) twelve-story 352,866 square foot building, consisting of 331,970 square feet of office and 20,896 square feet of support commercial, and the second parcel includes construction of a 175-room hotel in the future on approximately 19 acres in the previously approved Natomas Corporate Center PUD. Specific entitlements include:

- A. Mitigation Monitoring Program** The Mitigation Monitoring Plan for the Natomas East Project (P03-020) shall be applicable to the current Gateway Towers Project, except where noted in this Initial Study, where new findings may add or subtract from the 2003 Mitigation Monitoring Plan document;

- B. Planned Unit Development (PUD) Guidelines Amendment** to the Natomas Corporate Center PUD Guidelines to increase the allowable height limit from ten (10) stories to twelve (12) stories;
- C. Planned Unit Development Schematic Plan Amendment** to the Natomas Corporate Center PUD to construct 331,970 square feet of office, 20,896 square feet of support commercial, and a proposed hotel site on approximately 19 acres;
- D. Rezone** of approximately 19 acres from 17.21 acres of Office Building Planned Unit Development (OB-PUD) zone and 1.86 acres of Limited Commercial Planned Unit Development (C-1-PUD) zone to 15.1 acres of Office Building Planned Unit Development (OB-PUD) zone and 3.97 acres of General Commercial Planned Unit Development (C-2-PUD) zone;
- E. South Natomas Community Plan Amendment** to re-designate approximately 19 acres from 17.21 acres of Office and Office Park and 1.86 acres of Support Commercial to 15.41 acres of Office and Office Park and 3.97 acres of Support Commercial;
- F. Special Permit** to allow the development of one (1) twelve-story 352,866 square-foot office building, consisting of 331,970 square feet of office and 20,896 square feet of support commercial, on approximately 15 acres in the Office Planned Unit Development (OB-PUD) and the proposed General Commercial Planned Unit Development (C-2 –PUD) zones; and
- G. Tentative Map** to subdivide approximately 19 acres into two parcels

SECTION 2: GENERAL INFORMATION

The Mitigation Monitoring Plan (MMP) includes mitigation for biological resources and transportation. 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. In addition, this MMP includes applicable mitigation measures from the 2003 Natomas East Initial Study/Mitigated Negative Declaration (IS/MND), including mitigation for air quality and cultural resources and are enacted as part of this project to reduce significant impacts. They are included in this MMP as a method of tracking their compliance. 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 verbatim 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 within the MMP. The City of Sacramento, along with other applicable local, state or federal agencies, will be responsible for ensuring compliance.

**GATEWAY TOWERS (P06-001)
MITIGATION MONITORING PLAN**

			VERIFICATION OF COMPLIANCE		
MITIGATION MEASURE	IMPLEMENTING RESPONSIBILITY	MONITORING RESPONSIBILITY	COMPLIANCE STANDARDS	TIMING	VERIFICATION OF COMPLIANCE (INITIALS/DATE)
<p>Biological Resources:</p> <p>BR-1: All project related activity must comply with the provisions of Sacramento City Codes Chapter 12.56, City Street Trees, and 12.64, Heritage Trees.</p> <p>BR-2: Avoid destruction of oak trees by re-designing parking lots around existing tree stands by creation of tree islands.</p> <p>BR-3: Any pruning required for equipment clearance or other construction activities shall be carried out or supervised by a certified arborist. If trenching activities sever roots, all roots shall be cut clean. Any roots greater than 2-inches in diameter require an inspection by an ISA certified arborist prior to severing. Any tree roots to be severed shall be the maximum feasible distance from the trunk. Any roots over one-inch in diameter that are damaged as a result of construction activities shall be traced back and cleanly cut behind any split, cracked, or damaged area. If the project arborist determines that</p>	Applicant	City Planning & Building Department & Department of Fish & Game, and U.S. Fish & Wildlife Service	<p>Submittal of construction plans with mitigation measures identified.</p> <p>Implementation of mitigation measures prior, during, and after construction</p>	<p>Mitigation measures shall be completed prior to the issuance of a Notice to Proceed</p>	

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<p>excavation and/or root severing has weakened the tree or surrounding soil, a safety evaluation will be performed. If the tree is deemed to be unsafe due to possible soil failure and felling of the tree, the tree may need to be removed. Steel bracing will be used in trenches to protect workers and equipment from soil failure.</p> <p>BR-4: All trees that are not permitted to be removed shall be protected by installing a construction fence around the drip line, and no construction activities allowed to take place inside the perimeter. If activities must occur under the drip lines of trees, at least 12 inches of mulching will be temporarily installed to protect tree roots from compaction. The contractor shall be held liable for any damage to existing trees not permitted for removal. The contractor will hire a certified arborist to do the appraisal, submit a report for review by the City Arborist, and mitigate for damages.</p>					
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<p>Transportation/Circulation: T-1: For the Natomas Park Drive / Garden Highway intersection: The project sponsor shall pay the City of Sacramento to prepare a signal timing plan to adjust the AM peak-hour traffic phase timing on the southbound, eastbound and westbound approach left turn and through movements to match project traffic demands.</p>	<p style="text-align: center;">Applicant</p>	<p style="text-align: center;">City Development Services Department - Development Engineering</p>	<p style="text-align: center;">Submittal of construction plans with mitigation measures identified</p>	<p style="text-align: center;">Mitigation measures shall be completed prior to issuance of Certificate of Occupancy of a building</p>	
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The following section contains mitigation measures from the 2003 Natomas East (S/MND), and are applicable to the proposed project.

				VERIFICATION OF COMPLIANCE		
MITIGATION MEASURE	IMPLEMENTING RESPONSIBILITY	MONITORING RESPONSIBILITY	COMPLIANCE STANDARDS	TIMING	VERIFICATION OF COMPLIANCE (INITIALS/DATE)	
<p>Air Quality:</p> <p>AQ-1: The project developer shall enclose, cover or water twice daily all soil piles during construction of the project.</p> <p>AQ-2: The project developer shall water exposed soil with adequate frequency to keep soil moist at all times during construction of the project.</p> <p>AQ-3: The project developer shall water all haul roads twice daily during construction of the project.</p> <p>AQ-4: The project developer shall cover the load of all haul/dump trucks securely during construction of the project.</p>	Developer/Contractor	City Planning & Building Department & SMAQMD	Note shall be included on all construction plans and documents	<p>Prior to issuance of any Notice to Proceed, the mitigation measures shall be verified on grading plans.</p> <p>Measures shall be implemented in field during construction</p>		

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<p>Biological Resources:</p> <p>BR-1: Projects within one mile of an active nest tree shall provide:</p> <ul style="list-style-type: none"> • One acre of Habitat Management (HM) land (at least 10% of the land requirements shall be met by fee title acquisition or a conservation easement allowing for the active management of the habitat, with the remaining 90% of the HM lands protected by a conservation easement that is acceptable to the Department) on agricultural lands or other suitable habitats which provide foraging habitat for Swainson's hawk, for each acre of development authorized (1:1 ratio); or • One-half acre of HM land (all of the HM land requirements shall be met by fee title acquisition or a conservation easement that is acceptable to the Department) which allows for the active management of the habitat for prey production on the HM lands, for each acre of development authorized (0.5:1 ratio). 	Applicant	City Planning & Building Department & Department of Fish & Game, and U.S. Fish & Wildlife Service	<p>Submittal of construction plans with mitigation measures identified. Implementation of mitigation measures prior, during, and after construction</p>	<p>Mitigation measures shall be completed prior to the issuance of a Notice to Proceed</p>	
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<p>Projects within 5 miles of an active nest tree greater than one mile from the nest tree:</p> <ul style="list-style-type: none"> • 0.75 acres of HM land for each acre of urban development authorized (0.75:1 ratio) shall be provided. All HM lands protected under this requirement may be protected through fee title acquisition or conservation easement (acceptable to the Department) on agricultural lands or other suitable habitats which provide foraging habitat for Swainson's hawk. 					
<p>Projects within 10 miles of an active nest tree but greater than 5 miles from an active nest tree:</p> <ul style="list-style-type: none"> • 0.5 acres of HM land for each acre of urban development authorized (0.5:1 ratio) shall be provided. All HM lands protected through fee title acquisition or conservation easement (acceptable to the Department) on agricultural lands or other suitable habitats which provide foraging habitat for Swainson's hawk; <p style="text-align: center;">or</p>					

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<p>BR-2: The developer shall pay into a fee program established jointly by the City of Sacramento and the CDFG, if available;</p> <p style="text-align: center;">or</p> <p>BR-3: The applicant shall satisfy any other mitigation measures that the CDFG develops and deems appropriate.</p> <p>BR-4: If construction activities are to occur during February through September, pre-construction surveys for nesting, and other raptor species should be conducted by a qualified biologist within 500 feet of proposed construction areas. If active nests are identified in these areas, the CDFG should be consulted to develop measures to avoid "take" of active nests prior to the initiation of any construction activities. Avoidance measures may include establishment of a buffer zone using construction fencing or the postponement of vegetation removal until after the nesting season, or until after a qualified biologist has determined the young have fledged and are independent of the nest site.</p>			
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<p>Cultural Resources:</p> <p>CR-1: If subsurface archaeological or historical remains are discovered during construction, work in the area shall stop immediately and a qualified archaeologist and a representative of the Native American Heritage Commission shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less-than-significant level before construction continues.</p> <p>CR-2: If human burials are encountered, all work in the area shall stop immediately and the Sacramento County Coroner's office shall be notified immediately. If the remains are determined to be Native American in origin, both the Native American Heritage Commission and any identified descendants must be notified and recommendations for treatment solicited, pursuant to CEQA Section 15064.5, the State Health and Safety Code Section 7050.5, and Public Resources Code Section 5097.94 and 5097.98.</p>	Applicant	City of Sacramento--- DSD Native American Heritage Commission	Measures shall be included on all grading plans	Measures shall be implemented during construction activities, as specified.	
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