

RESOLUTION NO. 2007-048

Adopted by the Sacramento City Council

January 23, 2007

ADOPTING THE MITIGATED NEGATIVE DECLARATION AND THE MITIGATION MONITORING PLAN FOR THE ALAMBRA AT S STREET CONDOMINIUM COMMUNITY PROJECT (P06-076)

BACKGROUND

- A. The City of Sacramento's Environmental Planning Services conducted or caused to be conducted an initial study on Alhambra at S Street Condominium Community (P06-076) ("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 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 September 22, 2006 a Notice of Availability/Intent to Approve the MND (NOI) dated September 20, 2006 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 within 500 feet of the boundaries of the proposed project. The comments of such persons and agencies were sought.

 - 2. On September 22, 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 County Clerk.

 - 3. On October 26, 2006 revisions were made to the Mitigated Negative Declaration, including the Initial Study based on verbal comments on the project effects and clarifications in the Mitigated Negative Declaration. The revisions were made pursuant to CEQA Guidelines Section

1507.5(c)(2)(4) and do not require recirculation.

- 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. The City Council has final approval authority over the following Project entitlements: Mitigated Negative Declaration; Mitigation Monitoring Plan; Tentative Condominium Map to subdivide 4.25+/- net acres in the General Commercial Alhambra Corridor Special Planning District (C-2-SPD) zone; Special Permit alternative ownership housing (condominiums) in the General Commercial Alhambra Corridor Special Planning District (C-2-SPD) zone; Special Permit to exceed the height limit in the General Commercial Alhambra Corridor Special Planning District (C-2-SPD) zone; and Variance to reduce the required S Street setback in the General Commercial Alhambra Corridor Special Planning District (C-2-SPD) zone.
- E. 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.

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

- Section 1. 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 and that there is no evidence that the project has any potential for adverse effect on wildlife resources or that the habitat upon which the wildlife depends.
- Section 2. With respect to the entitlements over which the City Council has final approval authority, the City Council adopts the MND for the Project.
- Section 3. 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 4. 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.

Table of Contents:

Exhibit A – Mitigated Negative Declaration

Exhibit B – Mitigation Monitoring Plan

Adopted by the City of Sacramento City Council on January 23, 2007 by the following vote:

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

Noes: None.

Abstain: None.

Absent: Mayor Fargo.

Attest:


Shirley Concolino, City Clerk


Vice Mayor, Kevin McCarty

Exhibit A – Mitigated Negative Declaration

This information/document is available on the City of Sacramento Website at:
http://www.cityofsacramento.org/webtech/streaming_video/live_council_meetings.htm
under Future and Archived Meetings and is on file in Hard Copy in the Office of the City Clerk at 915 I Street, Historic Building, First Floor.

Exhibit B - Mitigation Monitoring Plan

MITIGATION MONITORING PLAN

FOR
ALHAMBRA AT S STREET CONDOMINIUM COMMUNITY (DR06-124 / P06-076)

TYPE OF ENVIRONMENTAL DOCUMENT:
INITIAL STUDY/ NEGATIVE DECLARATION

PREPARED FOR:
CITY OF SACRAMENTO, DEVELOPMENT SERVICES DEPARTMENT

DATE:
SEPTEMBER 20, 2006

ADOPTED BY:
CITY OF SACRAMENTO
CITY COUNCIL

DATE:

ATTEST:

**ALHAMBRA AT S STREET CONDOMINIUM COMMUNITY (P06-076)
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 Blvd, Suite 200, Sacramento, CA 95834, pursuant to CEQA Guidelines Section 21081.6.

SECTION 1: PROJECT IDENTIFICATION

Project Name / File Number: Alhambra at S Street Condominium Community / P06-076
Owner/Developer- Name: Trammell Crow Residential (Peter Solar)
Address: 1810 Gateway Drive, Suite 240 San Mateo, CA 94404

Project Location / Legal Description of Property (if recorded):

The proposed project site consists of three parcels located at 1891 Alhambra Boulevard and 3201 S Street (Assessors Parcel Numbers: 010-0063-006, -007, and -012). The site is on the north side of S Street, east of Alhambra Boulevard, in the Alhambra Corridor Special Planning District in the City of Sacramento.

Project Description:

The proposed project includes the demolition of the existing office buildings and the development of a mixed residential and retail project. The proposed project includes 278 for-sale condominium units with an approximate 3,900 square foot fitness center/common building, 4,486 square feet of ground floor retail, and a 5 level parking structure located on approximately 4.25 acres (See Figure 3 – Tentative Condominium Map and Site Plan).

Requested entitlements for project approval include:

- **Tentative Condominium Map** to create ownership residential condominiums on 4.25± net acres in the General Commercial Alhambra Corridor Special Planning District (C-2-SPD) zone;
- **Special Permit** for condominium housing in the General Commercial Alhambra Corridor Special Planning District (C-2-SPD) zone ;
- **Special Permit** to exceed the height limit in the General Commercial Alhambra Corridor Special Planning District (C-2-SPD) zone;
- **Variance** to reduce the required S Street setback in the General Commercial Alhambra Corridor Special Planning District (C-2-SPD) zone.

SECTION 2: GENERAL INFORMATION

The Plan includes mitigation for Air Quality, Hazards, Noise, and Cultural Resources. 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.

			VERIFICATION OF COMPLIANCE		
Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials / Date)
5. AIR QUALITY					
<p>AQ-1. The project shall provide a plan, for approval by the lead agency and SMAQMD, demonstrating that the heavy-duty (> 50 horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average 20 percent NOx reduction and 45 percent particulate reduction compared to the most recent CARB fleet average at time of construction; and</p> <p>The project representative shall submit to the lead agency and SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during any portion of the construction project. The inventory shall include the horsepower rating, engine production year, and projected hours of use or fuel throughput for each piece of equipment. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory</p>	Applicant / Developer	City Development Services Department (DSD) / Sacramento Metropolitan Air Quality Management District (SMAQMD)	Written verification of compliance from the SMAQMD of compliance shall be submitted to the City Development Services Department	Measures shall be implemented prior to issuance of grading permits	

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<p>shall not be required for any 30-day period in which no construction activity occurs. At least 48 hours prior to the use of subject heavy-duty off-road equipment, the project representative shall provide SMAQMD with the anticipated construction timeline including start date, and name and phone number of the project manager and onsite foreman.</p> <p>AQ-2. The project shall ensure that emissions from all off-road diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately, and the lead agency and SMAQMD shall be notified within 48 hours of identification of non-compliant equipment. A visual survey of all in-operation equipment shall be made at least weekly, and a monthly summary of the visual survey results shall be submitted throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity</p>	Applicant / Developer	City Development Services Department (DSD) / Sacramento Metropolitan Air Quality Management District (SMAQMD)	Written verification of compliance from the SMAQMD of compliance shall be submitted to the City Development Services Department	Measures shall be implemented prior to issuance of grading permits	

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<p>occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey. The SMAQMD and/or other officials may conduct periodic site inspections to determine compliance. Nothing in this section shall supercede other SMAQMD or state rules or regulations.</p> <p>AQ-3. Prior to the approval of improvement plans or the issuance of grading permits, the proponent will submit written verification from the SMAQMD that the offsite air quality mitigation fee of \$1,688 has been paid to SMAQMD, and that the construction air quality mitigation plan has been approved by SMAQMD and the lead agency.</p>	Applicant / Developer	City Development Services Department (DSD) / Sacramento Metropolitan Air Quality Management District (SMAQMD)	Written verification of compliance from the SMAQMD of compliance shall be submitted to the City Development Services Department	Measures shall be implemented prior to issuance of grading permits	
<p>9. HAZARDS</p> <p>H-1. Prior to demolition activities at the site, the applicant/developer shall survey the existing buildings for asbestos containing material (ACM) and lead containing paint. If discovered, all applicable federal, State and local regulations including SMAQMD Rules 902 and 304 (pertaining to asbestos abatement and</p>	Applicant / Developer	City Development Services Department, Sacramento County Environmental Management Department / SMAQMD	Measures shall be included on all demolition plans and Written verification of compliance from the Sacramento County Environmental Management Department and/or SMAQMD as necessary	Prior to issuance of demolition permits.	

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<p>related fees), Construction Safety Orders 1529 (pertaining to Asbestos Containing Building Materials (ACBM)) and 1532.1 (pertaining to lead or materials containing lead) from Title 8 of the CCR, Part 61, Subpart M of the CFR (pertaining to ACBM), regarding removal and disposal of ACM and lead containing paint shall be complied with. Regulated Asbestos Containing Materials (RACM) abatement and lead-containing paint removal must be performed and monitored by contractors with appropriate certification from CAL/OSHA and the California Department of Health Services.</p> <p>H-2. Upon demolition activities of the site and prior to grading and excavation, the applicant/developer shall have a Phase II Environmental Site Assessment investigation conducted to analyze the existing soil at the site for petroleum hydrocarbons, heavy metals, and volatile organic compounds (VOCs). The project applicant shall comply with all recommendations of identified in the Phase II</p>	Applicant / Developer	City Development Services Department,	<p>Measures shall be included on all demolition and grading plans and</p> <p>Written verification of compliance by submission of the Phase II Environmental Site Assessment</p>	Prior to issuance of grading permits.	

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<p>Environmental Site Assessment.</p> <p>H-3. If necessary, a report of program results shall be made by a State licensed and qualified engineer and submitted to the Sacramento County Environmental Management Department (SCEMD). If the findings of the soil analyses indicate levels of contaminants above those acceptable to the SCEMD, then a remediation program shall be prepared to excavate and remove the contaminated soils to an appropriate solid waste disposal facility.</p>	Applicant / Developer	City Development Services Department, Sacramento County Environmental Management Department.	<p>Measures shall be included on all demolition and grading plans and</p> <p>As necessary Written verification of compliance from the Sacramento County Environmental Management Department.</p>	Concurrent with grading activities and prior to issuance of building permits.	
<p>10 NOISE:</p> <p>N-1. Exterior facades facing the Light Rail tracks must be finished with stucco or brick siding.</p> <p>N-2. Windows and glass entry doors on the facades of the units adjacent to and facing the Light Rail tracks and the adjacent parcel to the east shall have a sound transmission classification (STC) rating of at least 35.</p> <p>N-3. Air conditioning or other suitable mechanical ventilation must be provided to the units</p>	<p>Applicant / Developer</p> <p>Applicant / Developer</p> <p>Applicant / Developer</p>	<p>City Development Services Department</p> <p>City Development Services Department</p> <p>City Development Services Department</p>	<p>Mitigation Measures shall be included on the Map and within the Standard Construction Specifications.</p> <p>Mitigation Measures shall be included on the Map and within the Standard Construction Specifications.</p> <p>Mitigation Measures shall be included on the Map and</p>	<p>Measures shall be implemented prior to issuance of final building permits</p> <p>Measures shall be implemented prior to issuance of final building permits</p> <p>Measures shall be implemented prior to</p>	

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adjacent to the Light Rail tracks and Alhambra Boulevard to allow residents to close windows for the desired acoustical isolation.			within the Standard Construction Specifications.	issuance of final building permits	
<p>14. CULTURAL RESOURCES</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</p>	Applicant / Developer	City Development Services Department	Mitigation Measures shall be included on the Map and within the Standard Construction Specifications. If required, verification of compliance shall be provided to the Development Services Staff	Measures shall be implemented in field during grading and construction activities.	

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<p>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>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</p>	Applicant / Developer	City Development Services Department	Mitigation Measures shall be included on the Map and within the Standard Construction Specifications.	Measures shall be implemented in field during grading and construction activities.	

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<p>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>	Applicant / Developer	City Development Services Department	Mitigation Measures shall be included on the Map and within the Standard Construction Specifications.	Measures shall be implemented in field during grading and construction activities.	