

RESOLUTION NO. 2007-077

Adopted by the Sacramento City Council

February 6, 2007

ADOPTING THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PLAN FOR THE GATEWAY AT STONEHENGE (P06-011), LOCATED AT 1737 KATHLEEN AVENUE. (APN: 265-0373-028) (P06-011)

BACKGROUND

- A. The City of Sacramento's Environmental Planning Services conducted or caused to be conducted an initial study on the Gateway at Stonehenge (P06-011) ("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 October 6, 2006 a Notice of Intent to Adopt the MND (NOI) dated October 5, 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 October 6, 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 December 1, 2006, revisions were made to the Mitigated Negative Declaration, including the Initial Study based on the revision of the project description. The revisions were made pursuant to CEQA Guidelines Section 15073.5 (c)(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: North Sacramento Community Plan Amendment to re-designate 0.69 acre from Industrial to Residential (11-21 du/na), and Rezone 0.69 acre from Light Industrial (M-1) to Multiple Family (R-2A) zone.
- E. 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 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.
- 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 Plan 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 Plan.
- Section 4. Upon approval of the Project, the City’s Environmental Planning Services shall file or cause to be filed a Notice of Determination (NOD) 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.

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Exhibit A – Mitigation Monitoring Plan

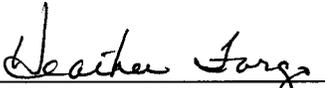
Adopted by the City of Sacramento City Council on February 6, 2007 by the following vote:

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

Noes: None.

Abstain: None.

Absent: None.



Mayor, Heather Fargo

Attest


Shirley Concolino, City Clerk

MITIGATION MONITORING PLAN

FOR:
GATEWAY AT STONEHENGE (P06-011)

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

TYPE OF ENVIRONMENTAL DOCUMENT:
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

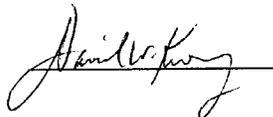
DATE:
October 6, 2006
(revised 12-11-06)

ADOPTED BY:
CITY OF SACRAMENTO
PLANNING COMMISSION

DATE:

12/14/06

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 Blvd., Ste. 200, Sacramento, CA 95834, pursuant to CEQA Guidelines Section 21081.6.

SECTION 1: PROJECT IDENTIFICATION

Project Name/File Number: Gateway at Stonehenge (P06-011)

Owner/Developer/Applicant: Russ Hungate
Expo Enterprises
1133 Blumenfeld Drive
Sacramento, CA 95815
Phone: (916) 821-5940

City of Sacramento Contact: Rochelle Hall, Assistant Planner
Environmental Planning Services
Development Services Dept
2101 Arena Blvd., Ste. 200
Sacramento, CA 95834
(916) 808-5914

Project Location

The proposed project site is located south and west of Business 80. The site is bounded on the east by Academy Way, an industrial warehouse, a park and ride lot, the light rail, Southern Pacific Railroad, Roseville Road and finally Business 80. Kathleen Avenue followed by El Camino Avenue bounds the project site to the south. Sacramento Municipal Utility District (SMUD), industrial warehouse, Judah Street, and Del Paso Boulevard are located to the west of the site. To the north of the project site are existing Single Family residential dwelling units (R-1), Eldridge Avenue, and Marconi Boulevard. The project site is located on Assessor's Parcel Number (APN) 265-0373-028, and addressed 1737 Kathleen Avenue.

Project Components

The proposed project consists of entitlements to construct nine (9) two-story townhouse units and one (1) common lot in the proposed Multiple Family (R2-~~BA~~) zone in the North Sacramento Community Plan Area. Specific entitlements include:

- A. **North Sacramento Community Plan Amendment** to re-designate 0.69 acre from Industrial to Residential (11-21 du/da);
- B. **Rezone** 0.69 acres from Light Industrial (M-1) to Multiple Family (R-2~~BA~~) zone;
- C. **Tentative Parcel Map** to subdivide 0.69 acres to nine (9) townhouse parcels and one (1) common parcel in the proposed Multiple Family (R-2~~BA~~) zone; and
- D. **Special Permit** to allow the development of an alternative housing type, nine townhouses and one common lot, within the proposed Multiple Family (R-2~~BA~~) zone;

SECTION 2: GENERAL INFORMATION

The Mitigation Monitoring Plan (MMP) includes mitigation for 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 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.

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		VERIFICATION OF COMPLIANCE			
MITIGATION MEASURE	IMPLEMENTING RESPONSIBILITY	MONITORING RESPONSIBILITY	COMPLIANCE STANDARDS	TIMING	VERIFICATION OF COMPLIANCE (INITIALS/DATE)
<p>Cultural Resources: CR-1a 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</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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<p>qualified archeologist according to current professional standards.</p> <p>CR-1b 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 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>					
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<p>CR-2 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-interment 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>					
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<p>Noise: N-1: Construction of a 6-foot high noise barrier along the east side of the Lot 4 backyard/patio. This barrier should be of solid construction, such as masonry or stucco, with no gaps or holes that would compromise its noise-insulation performance. The barrier should connect directly to the northeast corner of the Lot 4 home or be a continuation of the east wall. It is expected that this barrier would provide the additional acoustical shielding required for compliance with the City's 60 dB Ldn criterion.</p>	Applicant	City of Sacramento -- Department of Development Services	<p>Construction plans shall incorporate the applicable noise attenuation measure and be approved by the Building Division.</p> <p>The Building Division shall require full compliance and completion of the specified noise attenuation measure.</p>	<p>Prior to issuance of any Final Building Permits, Certificate of Occupancy,</p>	
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