

RESOLUTION NO. 2006-223

Adopted by the Sacramento City Council

March 28, 2006

CONSIDERING THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PLAN FOR THE PROPERTY LOCATED SOUTHEAST OF WEST EL CAMINO AVENUE AND GATEWAY OAKS DRIVE (APN: 225-1010-013, -014, -015, -017) (P05-124)

BACKGROUND

- A. On February 23, 2006, the City Planning Commission considered the Mitigated Negative Declaration and Mitigation Monitoring Plan;
- B. On March 21, 2006, the City Council heard and considered evidence in the above-mentioned matter.

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

- Section 1. At the regular meeting of March 21, 2006, the City Council heard and considered evidence in the above entitled matter. Based on verbal and documentary evidence at said hearing, the City Council took the following actions for the location listed above:
- A. Considered the Mitigated Negative Declaration;
 - B. Considered the Mitigation Monitoring Plan.

These actions were made based upon the following findings of fact and subject to the following conditions:

FINDINGS OF FACT

- A. Mitigated Negative Declaration: The City Council **approves** the Mitigated Negative Declaration, based upon the following findings:
 1. The Mitigated Negative Declaration was prepared and circulated for the above-identified project pursuant to the requirements of CEQA;
 2. The proposed Mitigated Negative Declaration and comments received during the public review process were considered prior to action being taken on the project; and

3. Based upon the Initial Study and the comments received during the public review process, there is no substantial evidence that the project will have a significant effect on the environment.
- B. Mitigation Monitoring Plan: The Mitigation Monitoring Plan is **approved** based upon the following findings of fact:
1. One or more mitigation measures have been added to the above-identified project;
 2. A Mitigation Monitoring Plan has been prepared to ensure compliance and implementation of the mitigation measures for the above-identified project, a copy of which is attached as Exhibit 1A;
 3. The Mitigation Monitoring Plan meets the requirements of Public Resources Code Sec. 21081.6; and
 4. The Mitigation Monitoring Plan is approved, and the mitigation measures shall be implemented and monitored as set forth in the Plan.

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Exhibit A: Mitigation Monitoring Plan – 7 pages

Adopted by the City of Sacramento City Council on March 28, 2006 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

Exhibit A: Mitigation Monitoring Plan

**RIVER'S END MIXED USE PROJECT (P05-124)
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:	River's End Mixed Use (P05-124)
Owner/Developer- Name:	Jim Franklin
Address:	Sixells, LLC 7844 Madison Ave., Suite 165 Fair Oaks, CA 95628 (916) 962-7553

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

The project site is located on the southeast corner of West El Camino Avenue and Gateway Oaks Drive, approximately 100 feet east of the Gateway Oak Drive, in the South Natomas Community Plan area. The site is identified as Sacramento County Assessor Parcel Numbers 225-1010-013, 014, 015 and 017

Project Description:

Two development schemes have been proposed for the subject site. Scheme A would include 26,000± sq ft retail use on 2.06± acres and 94 condominium units on 5.31± acres. Scheme B would include 14,000± square foot retail uses on 1.33± acres and 110 condominium units on 6.03± acres. In addition, a 900± sq ft recreation building will be constructed on the eastern tip of the project site for both schemes. The project would include internal circulation and pedestrian improvements, courtyard, landscaping and utilities easement. Individual condominium units would range from approximately 1,300 square feet to 1,850 square feet in size, and would provide a variety of configurations including two-story and three-story units.

SECTION 2: GENERAL INFORMATION

The Plan includes mitigation for Biological, Noise, Hazard, Aesthetics, 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 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 will be responsible for ensuring compliance.

RIVER'S END MIXED USE PROJECT (P05-124)
MITIGATION MONITORING PLAN

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	VERIFICATION OF COMPLIANCE	
				Timing	Verification of Compliance (Initials/Date)
<p>until a qualified biologist determines that the nest is no longer active.</p> <p>Bio 5: If an active nest is located within 0.25 mile of the construction area, a biologist will monitor nests weekly during construction to evaluate potential nesting disturbance caused by construction activities. The biological monitor shall have the authority to stop construction if construction appears to be adversely affecting a nesting raptor.</p> <p>Bio 6: The City Arborist must conduct a site survey to verify that the tree is not a heritage tree. If the City Arborist determines that the tree is a heritage tree, then a tree removal permit is required.</p>					

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Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	VERIFICATION OF COMPLIANCE		
			Compliance Standards	Timing	Verification of Compliance (Initials/Date)
Biological:					
Bio 1: If construction begins outside the 1 March to 31 August breeding season, there will be no need to conduct a preconstruction survey for active nests. If a nest becomes active after construction has started, then the bird is considered adapted to construction disturbance.	Developer	City of Sacramento, Development Services Dept. & Urban Forest Services	Measures shall be included with construction specifications.	Construction specifications shall be included on construction plans prior to issuance of grading permit.	
Bio 2: If construction is scheduled to occur between 1 March and 31 August then a qualified biologist shall conduct a preconstruction survey for raptor nests within a 0.25-mile radius of the construction site not less than 30 days prior to construction. If no active raptor nests are found, then no further mitigation measures are necessary.				Measure shall be implemented prior to and during construction activities.	
Bio 3: If an active nest is located on the construction site, a minimum 250-foot Environmentally Sensitive Area (buffer) will be established around the nest tree. A biologist shall delimit the Environmentally Sensitive Area on the construction site with yellow caution tape, temporary flagging, or temporary exclusion fencing.					
Bio 4: The construction contractor shall install stakes or temporary flagging, fencing, etc., at the edge of the buffer zone, if it occurs on the construction site. The Environmentally Sensitive Area shall be maintained throughout the construction period. No disturbance shall occur within 250 ft of a nest tree.					

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Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	VERIFICATION OF COMPLIANCE		
			Compliance Standards	Timing	Verification of Compliance (Initials/Date)
Noise:			City Development Services Department	Measures shall be included with construction specification.	Measures shall be implemented prior to issuance of the Cert. of Occupancy permit.
Noise 1:	If it is determined that Site 4 and the open space around the club house (Site 5) be used for recreational uses, a property line barrier 16-feet in height would be required adjacent to the club house/outdoor activity area. The barrier would need to gradually decrease along the property line to a height of 12-feet adjacent to Site 4. This would result in predicted future traffic noise levels complying with the City of Sacramento "normally acceptable" exterior noise level criteria of 60dB Ldn. Walls of this size may not be considered feasible or aesthetically desirable. Therefore, the "conditionally acceptable" standard of 65 dB Ldn may be applied at these locations. A barrier 6-foot in height would be required along the property line facing I-5 to comply with the "Conditionally Acceptable" exterior noise level criterion of 65 dB Ldn.				
Noise 2:	Barriers should be constructed of concrete or masonry block, or precast concrete. Wood is not recommended due to eventual warping and shrinking of materials which results in openings and cracks which compromise the barrier longevity. Other prefabricated barriers may be used, but should be				

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Noise 3: If Site 4 and the open area around the club house (Site 5) are not designated for recreational use, mitigation of traffic noise is not required. However, design of these areas shall include dense shrubs and tree plantings. Seating areas, tables, lot or active recreational space shall not be designated.	reviewed by an acoustical consultant.				
Noise 4: Air conditioning should be provided for all residences constructed in this development to allow occupants to close doors and windows as desired to achieve acoustical isolation.					
AESTHETICS, LIGHT AND GLARE :			Lighting 1: All newly installed exterior lighting exceeding 175 watts that is installed and operated as part of the project development shall be downward directed, and shall be designed and installed in such a manner to avoid unreasonable glare on other properties.		
			Developer /Contractor	City Development Services Department	Lighting Plans shall indicate mitigation measures. Measures shall be implemented prior to issuance of the Building permit.