



REPORT TO PLANNING COMMISSION City of Sacramento

6

915 I Street, Sacramento, CA 95814-2671

PUBLIC HEARING
January 13, 2011

To: Members of the Planning Commission

Subject: 8151 Sheldon Commercial Rezone (P10-060)

A request to amend the General Plan and Zoning Designation from residential to commercial for approximately 3.8 acres for properties located at 8151 Sheldon Road. This request requires:

- A. Environmental Determination:** Mitigated Negative Declaration Addendum
- B. Mitigation Monitoring Program**
- C. General Plan Amendment** to amend the General Plan Land Use Designation for approximately 3.8 acres from Suburban Neighborhood High Density to Suburban Center.
- D. Rezone** of approximately 2.7 acres from Multi-Family Residential (R-2B) to General Commercial Review (C-2-R).

Location/Council District:

8151 Sheldon Road
Assessor's Parcel Number: 117-0220-002, 022, 023, 024
Council District 8

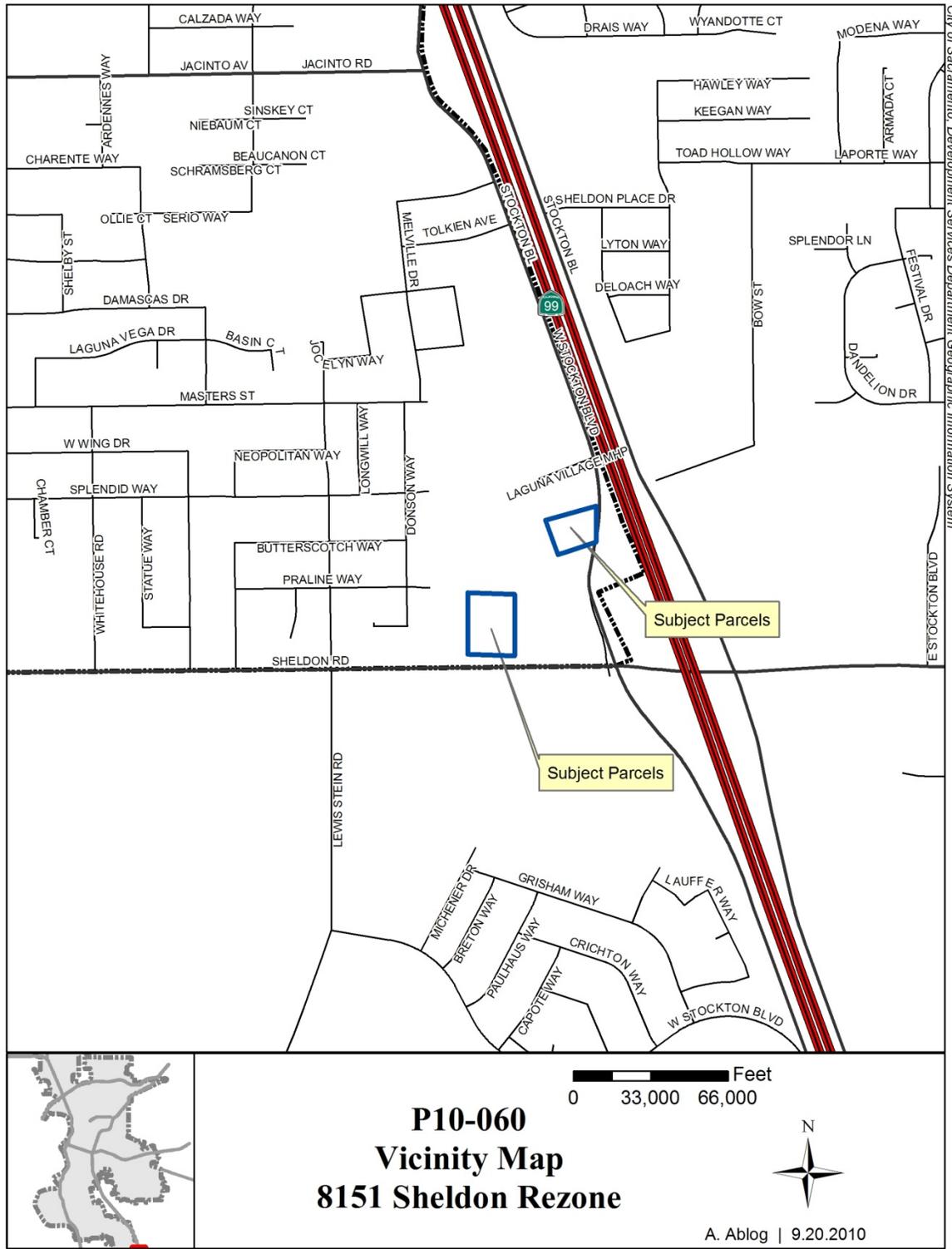
Recommendation: Staff recommends the Planning Commission recommend approval and forward the General Plan Amendment and Rezone request to the City Council based on the findings listed in Attachments 2. The City Council has the final approval authority over items B and C. **Staff is not aware of any opposition and the project is non-controversial.**

Contact: Antonio Ablog, Associate Planner, 808-7702, Lindsey Alagozian, Senior Planner, 808-2659

Applicant: Dr. Jeffrey Moore, Southport, Inc. 31941 Corydon Street, Ste. 1 Lake Elsinore, CA 92530

Owner: Joe Rossettie, SLC Sheldon LLC, 12651 High Bluff Drive #250, San Diego, CA 92130

Vicinity Map



Summary: The applicant is proposing to amend the General Plan Designation of four parcels from Suburban Neighborhood High Density to Suburban Center, and Rezone three parcels from Multi-Family Residential (R-2B) to General Commercial Review (C-2-R). No development plans are proposed for approval at this time. The “R” review designation is being incorporated into the zoning of the property to ensure that future development will relate to characteristics of the site and surrounding area which will require a Plan Review for any future development.

Table 1: Project Information
General Plan Designation: Suburban Neighborhood High Density.
Existing zoning of site: Multi-Family (R-2B) and General Commercial (C-2-R)
Existing use of site: 2 vacant parcels, 1 residential structure, 1 commercial structure
Property area: Approximately 3.8 acres (after lot line adjustment).

Background Information: The applicant proposes to amend the General Plan designation of four parcels and Rezone three of those parcels for future commercial development. Three of the parcels are located on the north side of Sheldon Road (APN: 117-0220- 022, 023, and 024). One parcel is developed with a single-family home, while the others are vacant. These parcels are zoned Multi Family (R-2B) for medium density housing. One of these parcels (APN: 117-002-022) is currently in process for a Lot Line Adjustment to adjust the lot line to coincide with the Rezone and Plan Amendment proposed with this application. This lot line adjustment will be complete prior to any final action on this project. The total area of the Rezone is approximately 2.7 acres.

The fourth parcel is located on the west side of West Stockton Boulevard north of the Sheldon/Highway 99 interchange and is zoned General Commercial Review (C-2-R) (APN: 117-0220-002). This parcel is a part of the aforementioned lot line adjustment and will be reduced in size approximately 1.1 acre. This parcel is already zoned General Commercial (C-2-R), but does require a General Plan Amendment to amend the General Plan Designation from Suburban Neighborhood High Density to Suburban Center.

The four parcels were part of a Tentative Map that was approved in April of 2007. As part of this project, the three subject parcels on the north side of Sheldon Road were Rezoned from Rural Estates (RE-1/4) to Multi-Family Residential (R-2B) (APN: 117-0220- 022, 023, and 024). At that time the applicant did not propose new development on the parcels as he intended to submit for a commercial rezone of the parcels after the approved subdivision began construction. Three parcels under different ownership at the northwest corner of the Sheldon Road and West Stockton Boulevard were an obstacle in pursuing the rezone with the prior application. These parcels, totaling 4.89 acres, were zoned Rural Estates and were key in assembling a commercial site viable for development. The applicant did not see the benefit in rezoning to a commercial designation at the time if the corner piece were to remain residential. In 2009, the General Plan Designation for the corner parcels (apn: 117-0220-019, 020, and 021) adjacent to the subject site was amended from Suburban Neighborhood High Density to Suburban Center and rezoned to General Commercial Review (C-2-R) (see Attachment 1-Land Use Map).

While the corner parcels are still under different ownership, the new owner of the subject parcels wishes to amend the zoning and General Plan Designations of the parcels to create a viable commercial area at the northwest corner of Sheldon Road and West Stockton Boulevard.

Public/Neighborhood Outreach and Comments: Early project notifications have been sent to all property owners within five hundred feet of the project site, as well as to the North Laguna Creek Neighborhood Association, and the City of Elk Grove. City staff has not received any comments related to this rezone.

Environmental Considerations: The Environmental Services Manager has reviewed the project for compliance with the requirements of the California Environmental Quality Act (CEQA). The project falls within the scope of the Mitigated Negative Declaration for 8151 Sheldon (P05-044) which was approved by the City Council on February 8, 2007. The project changes land use designations for several parcels from residential to commercial uses, but these changes would not result in any additional impacts or mitigation measures not considered in the previously approved Mitigated Negative Declaration.

An Addendum to the previously-adopted Mitigated Negative Declaration has been prepared describing the proposed land use and zoning redesignations and evaluating the potential environmental effects of the proposed project. Based on other development in the project area, it is reasonable to assume that the parcels could support two commercial buildings, one approximately 23,533 square feet in size, and the other approximately 9,583 in size. These estimates have been used to evaluate the potential traffic and other effects that could be generated at the site above and beyond the estimates previously used for the residential land use designations. No new traffic, noise or air quality effects would be anticipated based on the development scenario used for the analysis of impacts.

The Addendum confirms the project description and justification for use of an Addendum pursuant to the California Environmental Quality Act (CEQA) Guidelines (Section 15164).

Policy Considerations

2030 General Plan: The subject parcels are designated Suburban Neighborhood High Density on the 2030 General Plan Land Use Map. This designation is reserved for multi-family housing at densities from 15 to 30 dwelling units per net acre. With this project, the applicant proposes to change this designation to Suburban Center to match the changes that were made to the adjacent parcels. The Suburban Center designation is reserved for lower-intensity single-use commercial development or horizontal and vertical Mixed-use development including retail, office, or residential uses. Buildings are encouraged to be located adjacent to the street with heights from 1 to 4 stories. The urban form characteristics envisioned for suburban centers include:

- Commercial development at a Floor Area Ratio (FAR) between 0.25 and 2.00.
- Compact development with buildings sited adjacent to the street
- Building facades and entrances with a high degree of transparency
- Attractive pedestrian streetscapes
- Convenient and attractive pedestrian connections from adjoining neighborhoods.

Staff supports amending the General Plan Designation for these parcels as they are located adjacent to a major highway interchange. Though the General Plan supports higher densities, the subject site would most likely be developed with single-story commercial buildings that would provide space for neighborhood serving commercial uses. The site provides a good location for such commercial development where residential uses could be negatively affected by the noise and traffic from the freeway and from Sheldon Road. The proposed amendments would enlarge the adjacent 4.89 acres that were redesignated in 2009 and make for a larger, more commercially viable site.

Rezone: Three of the subject parcels, totaling approximately 2.7 acres, are proposed to be rezoned from Medium Density Residential (R-2B) to General Commercial Review (C-2-R) (APN: 117-0220- 022, 023, and 024). The fourth parcel included with this application is already zoned C-2-R and would not need to be rezoned. The C-2-R zone is reserved for sale of commodities, or performance of services, including repair facilities, offices, small wholesale stores or distributors, and limited processing and packaging and is consistent with the requested Suburban Center General Plan designation.

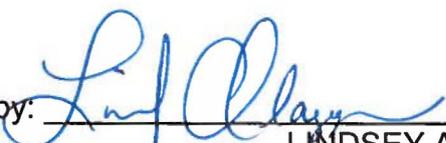
The C-2 zone is typical for small to medium commercial centers and the “R” review designation will require that any future development will require a formal Plan Review. The “R” designation is typical when a site rezoned without an associated development plan.

Similar to the General Plan Amendment, staff supports the Rezone of these parcels as they are located adjacent to a major highway interchange, and they provide a viable location for commercial development where residential uses could be negatively affected by the noise and traffic from the freeway and from Sheldon Road. Further, the “R” review will ensure future Plan Review of any development plans.

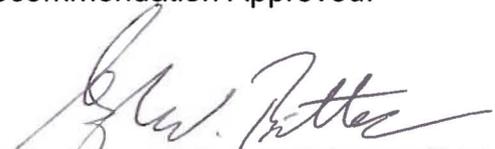
Summary

Amending the General Plan and rezoning the subject parcels would create a viable commercial district where residential uses would not be desirable. The subject parcels could be developed in conjunction with neighboring commercial sites to form a commercial center that could provide neighborhood serving uses as well as commercial services that take advantage of the site’s proximity to a major freeway interchange. Though no development plans are proposed at this time, the applicant proposes to place an “R” review designation on the site that will require further review of the site once more specific plans are drafted.

Respectfully submitted by: 
ANTONIO ABLOG
Associate Planner

Approved by: 
LINDSEY ALAGOZIAN
Senior Planner

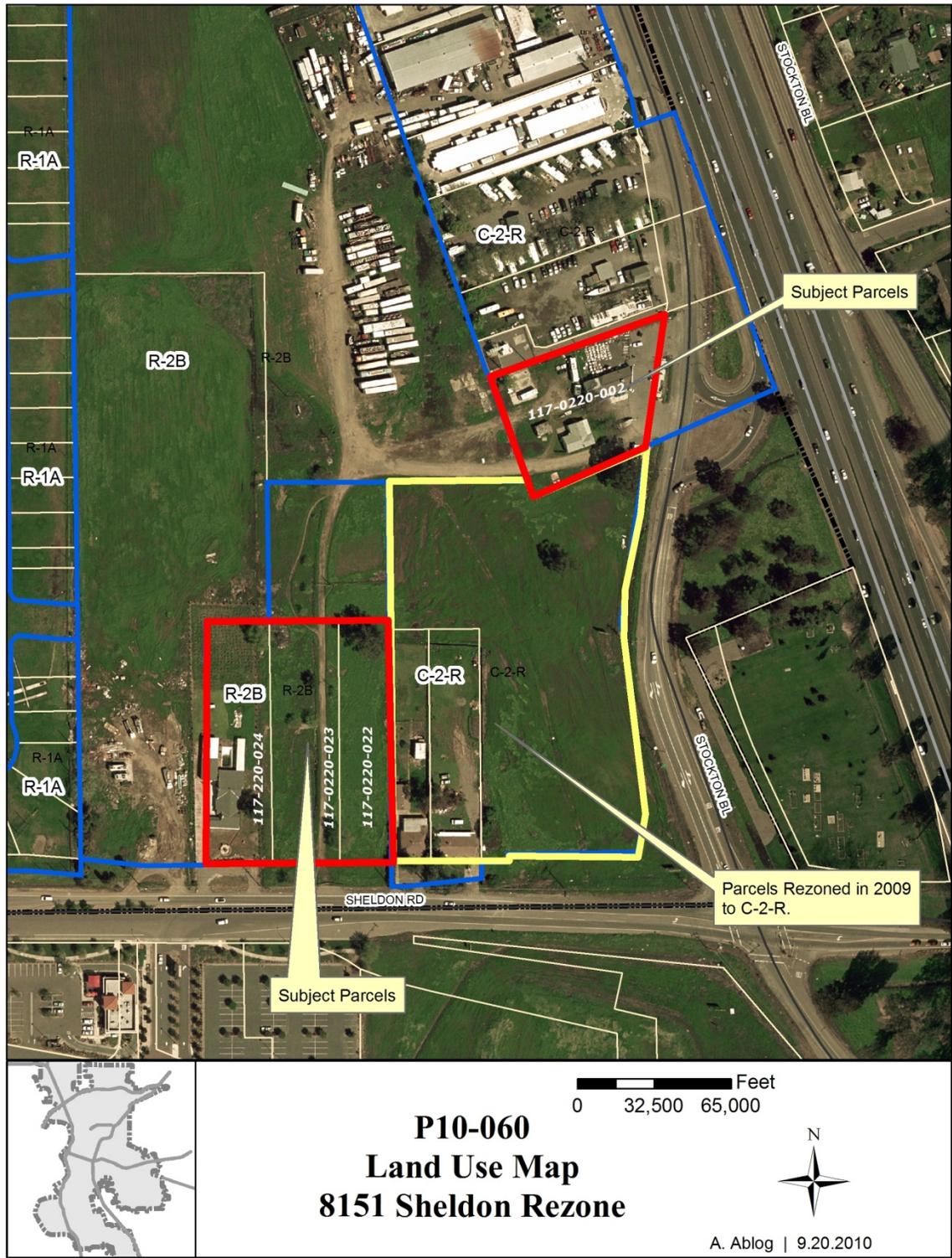
Recommendation Approved:


GREGORY BITTER, AICP
Principal Planner

Attachments:

- | | |
|--------------|-------------------------------------|
| Attachment 1 | Land Use Map |
| Attachment 2 | Proposed Findings of Fact |
| Attachment 3 | Resolution - CEQA |
| Attachment 4 | Resolution – General Plan Amendment |
| Attachment 5 | Ordinance – Rezone |

Attachment 1 – Land Use Map



Attachment 2 – Proposed Findings of Fact

Findings of Fact

- A. The Planning Commission has reviewed and considered the information contained in the Mitigated Negative Declaration and Addendum for the Project in making the recommendations set forth below.

- B. The Planning Commission recommends approval and forwards to the City Council the **General Plan Amendment** for the Project as set forth in Attachment 3.

- C. The Planning Commission recommends approval and forwards to the City Council the **Rezone** for the Project based on the findings as set forth in Attachment 4.

RESOLUTION NO.

Adopted by the Sacramento City Council

ADOPTING THE MITIGATED NEGATIVE DECLARATION ADDENDUM AND THE MITIGATION MONITORING PLAN FOR THE 8151 SHELDON COMMERCIAL REZONE PROJECT (P10-060)

BACKGROUND

A. On January 13, 2011 the City Planning Commission conducted a public hearing on, and forwarded to the City Council a recommendation to approve with conditions the 8151 Sheldon Commercial Rezone Project.

B. On _____, 2011 the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17.200.010(C), and received and considered evidence concerning the 8151 Sheldon Commercial Rezone.

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

Section 1. The City Council finds as follows:

A. On February 7, 2007, pursuant to the California Environmental Quality Act (Public Resources Code §21000 *et seq.* ("CEQA"), the CEQA Guidelines (14 California Code of Regulations §15000 *et seq.*), and the City of Sacramento environmental guidelines, the City Council adopted a mitigated negative declaration (MND) and a mitigation monitoring program and approved 8151 Sheldon Subdivision (P05-044) (Project).

B. The 8151 Sheldon Commercial Rezone Project (P10-060) (Project Modification) proposes to modify the previously approved Project as follows: A request to amend the General Plan Designation from Suburban High Density Residential to Suburban Center and zoning re-designation from RE-1/4 to C-2R for approximately 3.8 acres for properties located at 8151 Sheldon Road. This request requires a General Plan Amendment and a Rezone. There are no building specific proposals at this time.

C. The initial study on the Project Modification determined that the proposed changes to the original Project did not require the preparation of a subsequent environmental impact report or negative declaration. An addendum to the previously adopted MND was then prepared to address the modification to the Project.

Section 2. The City Council has reviewed and considered the information contained in the previously adopted MND for the Project, the addendum, and all oral and

documentary evidence received during the hearing on the Project Modification. The City Council had determined that the previously adopted MND and the addendum constitute an adequate, accurate, objective, and complete review of the proposed Project Modification and finds that no additional environmental review is required based on the reasons set forth below:

A. No substantial changes are proposed by the Project Modification that will require major revisions of the previously adopted MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

B. No substantial changes have occurred with respect to the circumstances under which the Project Modification will be undertaken which will require major revisions to the previously adopted MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

C. No new information of substantial importance has been found that shows any of the following:

1. The Project Modification will have one or more significant effects not discussed in the previously adopted MND;

2. Significant effects previously examined will be substantially more severe than shown in the previously adopted MND;

3. Mitigation measures previously found to be infeasible would in fact be feasible and would substantially reduce one or more significant effects of the Project Modification; or

4. Mitigation measures which are considerably different from those analyzed in the previously adopted MND would substantially reduce one or more significant effects on the environment.

Section 3. Based on its review of the previously adopted MND for the Project, the addendum, and all oral and documentary evidence received during the hearing on the Project Modification, the City Council finds that the MND and addendum reflect the City Council's independent judgment and analysis and adopts the MND and the addendum for the Project Modification and readopts the findings of fact in support of the MND.

Section 4. The mitigation monitoring program for the Project is adopted for the Project Modification, and the mitigation measures shall be implemented and monitored as set forth in the program, based on the following findings of fact:

1. The mitigation monitoring program has been adopted and implemented as part of the Project;

2. The addendum to the MND does not include any new mitigation measures, and has not eliminated or modified any of the mitigation measures included in the mitigation monitoring program;

3. The mitigation monitoring plan meets the requirements of CEQA section 21081.6 and CEQA Guidelines section 15074.

Section 5. 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 EIR Guidelines adopted pursuant thereto.

Section 6. 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.

Section 7. Exhibit A Mitigation Monitoring Program is a part of this Resolution.

Table of Contents:

Exhibit A: Mitigation Monitoring Program

Exhibit A – Mitigation Monitoring Plan

**8151 SHELDON SUBDIVISION (P05-044)
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, Second Floor, Sacramento, CA 95834, pursuant to CEQA Guidelines Section 21081.6.

SECTION 1: PROJECT IDENTIFICATION

Project Name/File Number: 8151 Sheldon Subdivision (P05-044)

Owner/Developer: Robert Nelson
Nouveau Homes
6620 Sierra College Boulevard, Suite 200
Rocklin, CA 95677

Project Location:

The proposed project is located north of Sheldon Road, west of State Highway 99, east of Bruceville Road, and north of the City/County line, within the Jacinto Creek Planning Area (APNs #117-0220-002,022,023,024 & 025).

Project Description:

The project consists of entitlements to develop a 18.7± acre site in the Rural Estates-Four Residential Units per Acre (RE ¼) zone of the Jacinto Creek Planning Area (JCPA) within the South Sacramento Community Plan area. Specific entitlements include:

Environmental Determination: Mitigated Negative Declaration;

Mitigation Monitoring Plan;

General Plan Amendment to amend the General plan designation from 15.6± acres of low density residential to 14.4± acres of medium density residential, and 1.2± acres of Open Space;

Community Plan Amendment to amend the community plan designation of 15.6± acres from Residential 11-21 to 14.1± acres of Residential 11-21 and 1.2± acres of Parks/Open Space;

Rezone of 15.6± acres from Rural Estates (RE - 1/4) to 14.1± acres of Multi-Family Residential (R-2B, and 1.2± acres of Agroculture/Open Space (AOS);

Tentative Map to subdivide 18.7± acres into 175 lots for residential development;

Special Permit to develop 167 single-family homes in the R-2B zone;

Inclusionary housing plan;

Subdivision Modification to construct a non-standard intersection at Splendid Way and B Street;

Subdivision Modification to construct a non-Standard intersection at A Street and Praline Way;

Subdivision Modification to construct a 41-foot wide Public Street at A Court;

Subdivision Modification to construct a 40-foot outside radius Cul-De-Sac at A Court; and,

Subdivision Modification to create lots with less than 20 feet of public street frontage (Lots 53, 78, 79, and 92).

Lots A, B, and C, are properties to be subdivided by the applicant. However, they are proposed to be "remainder" parcels in that they will not be rezoned for development. The Lots are zoned Rural Estates, which allows for only residential development at 4 units per acre, and will remain that zone until rezoned at a later time with a different application.

SECTION 2: GENERAL INFORMATION

The Mitigation Monitoring Plan (MMP) includes mitigation for Biological Resources, 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 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 with the MMP. The City of Sacramento will be responsible for ensuring compliance.

**8151 SHELDON SUBDIVISION (P05-044)
MITIGATION MONITORING PLAN**

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
<p>Biological Resources: Mitigation Measures for nesting birds and foraging habitat: BR-1 The applicant/developer/constructor shall submit to the City of Sacramento, Department of Development Services verification from the California Department of Fish and Game (DFG) that the applicant has satisfied DFG requirements for mitigating loss of Swainson's hawk foraging habitat. The project applicant shall purchase compensatory Swainson's hawk foraging habitat at a ratio acceptable to DFG from an approved mitigation bank or develop other arrangements acceptable to the DFG prior to building/grading permits being issued.</p> <p>BR-2 If any construction or grading activity is going to occur during the nesting season of February to August, a qualified biologist shall prepare a pre-construction survey within thirty (30) days prior to any grading or construction activity to determine if any special status species or species of special concern are present (that is, nesting raptor species [including Swainson's hawk] and western burrowing owls).</p> <p>BR-3 If active raptor nests are found on the site, the applicant/developer/constructor shall work with the DFG to determine the</p>	Project Applicant/ Developer	City of Sacramento – Development Services Department, Development Engineering and Finance Division, Environmental Planning Services Ca. Dept. of Fish and Game (DFG) US Fish and Wildlife Service (USFWS) Army Corps of Engineers (ACOE)	Measures shall be included with construction specifications	Construction specifications shall be included on the construction plans prior to the issuance of a grading permit. Measures shall be implemented prior to and during construction activities.	

Revised 2/09/2007
Copy to Applicant
Original to File

**8151 SHELDON SUBDIVISION (P05-044)
MITIGATION MONITORING PLAN**

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
<p>appropriate mitigation actions needed prior to proceeding. A copy of the pre-construction study and DFG concurrence with proposed actions shall be submitted to the Department of Development Services prior to issuance of grading or construction permits.</p> <p>BR-4 If an adults-only active burrowing owl burrow(s) nest is discovered during the pre-construction survey the monitoring biologist shall install a one-way door on the burrow(s) and monitor and inspect per Department of Fish and Game Guidelines. If an active nest with chicks is encountered one-way doors shall not be used unless authorized by DFG in writing. No construction shall occur near the nest until the monitoring biologist has consulted with the DFG on the allowing construction to proceed. The monitoring biologist shall through consultations with DFG determine an appropriate buffer between the nest and any construction activity allowed to proceed on the project site prior to the fledging of the chicks. No construction or grading activities shall begin until the monitoring biologist has submitted a written clearance to the Department of Development Services that the burrowing owl(s) have vacated or been safely relocated by the monitoring biologist.</p>					

**8151 SHELDON SUBDIVISION (P05-044)
MITIGATION MONITORING PLAN**

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
<p>BR-5 After active burrows are vacated, the burrow must be destroyed completely by the monitoring biologist prior to grading or construction activity.</p> <p>Mitigation Measures for Invertebrates:</p> <p>BR-6 Prior to the issuance of a grading permit, the Applicant shall provide to the City of Sacramento Development Services Department evidence of compliance with Federal Endangered Species Act (FESA). The following measures shall be implemented and documented for compliance with FESA:</p> <p>a. The Applicant will provide compensatory mitigation as required by USFWS for VPFS and VPTS.</p> <p>b. Under the consultation process, the Applicant will be required to prepare a mitigation plan for submittal to USFWS. The mitigation plan will include the following components for direct and indirect impacts:</p> <ul style="list-style-type: none"> o Avoidance Component. Demonstrate how the project has been designed to minimize impacts to federal-listed vernal pool crustaceans and their habitat (e.g. ESA, biological monitor, and special-status species training for construction personnel). o Preservation 					

**8151 SHELDON SUBDIVISION (P05-044)
MITIGATION MONITORING PLAN**

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
<p>Component. For every acre of habitat directly or indirectly affected, at least two (2) vernal pool credits will be dedicated within a USFWS-approved ecosystem preservation bank (2:1 ratio).</p> <ul style="list-style-type: none"> o Conservation Component. For every acre of habitat directly affected, at least one (1) vernal pool creation credit will be dedicated within a USFWS-approved habitat mitigation bank. o In the event that preservation or conservation credits are not available for purchase at the time of mitigation implementation, the deposit of funds, the amount of money to be deposited determined by USFWS, into a USFWS Species Fund in lieu fee program shall be acceptable to satisfy both the preservation and conservation components of the mitigation plan. c. The USFWS will review the mitigation plan and issue a Biological Opinion. The Biological Opinion will include an incidental take statement and approval of the mitigation plan. d. The Applicant will notify the City of Sacramento Development Services Department that VPFS and VPTS mitigation is complete by submitting a copy of the Biological Opinion and bill of sale for the mitigation credits to the City of Sacramento. 					

8151 SHELDON SUBDIVISION (P05-044)
MITIGATION MONITORING PLAN

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
<p>BR-7 Prior to the issuance of a grading permit the Owner shall provide to the City of Sacramento Development Services Department evidence of compliance with FESA. The following measures will be implemented to document for the City the Owner's compliance with FESA:</p> <p>BR-8 The Owner will provide compensatory mitigation as required by USFWS for VPFS and VPTS.</p> <p>BR-9 Under the consultation process, the Owner will be required to prepare a mitigation plan for submittal to USFWS. The mitigation plan will include the following components for direct and indirect impacts:</p> <p>a. Avoidance Component. Demonstrate how the project has been designed to minimize impacts to federal-listed vernal pool crustaceans and their habitat (e.g. ESA, biological monitor, and special-status species training for construction personnel).</p> <p>b. Preservation Component. For every acre of habitat directly or indirectly affected, at least two (2) vernal pool credits will be dedicated within a USFWS-approved ecosystem preservation bank (2:1 ratio).</p> <p>c. Conservation Component. For every acre of habitat directly affected, at least one (1) vernal pool creation credit</p>					

8151 SHELDON SUBDIVISION (P05-044)
MITIGATION MONITORING PLAN

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
<p>will be dedicated within a USFWS-approved habitat mitigation bank.</p> <p>d. In the event that preservation or conservation credits are not available for purchase at the time of mitigation implementation, the deposit of funds, the amount of money to be deposited determined by USFWS, into a USFWS Species Fund in lieu fee program shall be acceptable to satisfy both the preservation and conservation components of the mitigation plan.</p> <p>BR-10 The USFWS will review the mitigation plan and issue a Biological Opinion. The Biological Opinion will include an incidental take statement and approval of the mitigation plan.</p> <p>BR-11 The Owner will notify the City of Sacramento Development Services Department that VPFS and VPTS mitigation is complete by submitting a copy of the Biological Opinion and bill of sale for the mitigation credits to the City of Sacramento.</p> <p>Mitigation Measures for Wetlands subject to Section 404 CWA jurisdiction:</p> <p>BR-12 Prior to issuance of a grading permit, the Developer shall provide verification of status of the wetlands from the Corps.</p> <p>BR-13 The Developer shall submit a wetland</p>					

**8151 SHELDON SUBDIVISION (P05-044)
MITIGATION MONITORING PLAN**

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
<p>mitigation and monitoring plan to the City:</p> <p>a. The mitigation plan will be prepared in accordance with the requirements of the Army Corps of Engineer's Regulatory Guidance Letter (RGL 02-02) for compensatory wetland mitigation and the Mitigation and Monitoring Proposal Guidelines (Corps, 30 December 2004).</p> <p>b. The mitigation plan will describe how the jurisdictional wetlands in the grading plan area will be mitigated. Mitigation may include the purchase of wetland mitigation credits at a Corps approved mitigation bank.</p> <p>c. A copy of the bill of sale for the purchase of wetland mitigation credits will be submitted to the City.</p> <p>BR-14 The Grading Permit shall be conditioned to not allow grading within 250 feet of any jurisdictional wetland until the Developer provides the City of Sacramento evidence that the discharge of fill into jurisdictional wetlands is authorized under Section 404 of the Clean Water Act.</p> <p>Mitigation Measures for Isolated wetlands subject to Porter-Cologne Act:</p> <p>BR-15 Prior to issuance of a grading permit, the Developer shall provide</p>					

8151 SHELDON SUBDIVISION (P05-044)
MITIGATION MONITORING PLAN

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
<p>verification of status of the wetlands from the Corps.</p> <p>BR-16 Prior to issuance of a grading permit, the Developer will submit a wetland mitigation and monitoring plan to the City:</p> <p>a. The mitigation plan will be prepared in accordance with the requirements of the RWQCB's Water Quality Order No. 2004-0004-DWQ wetland mitigation.</p> <p>b. The mitigation plan will describe how the isolated wetlands will be mitigated. Mitigation may include the purchase of wetland mitigation credits at a mitigation bank.</p> <p>c. A copy of the bill of sale verifying the purchase will be included in the mitigation plan.</p> <p>BR-17 The Grading Permit shall be conditioned to not allow grading within 250-feet of the isolated wetlands until the Developer provides the City of Sacramento evidence that the discharge of fill into the isolated wetlands is authorized under the Porter-Cologne Act.</p> <p>BR-18 The Grading Permit shall be conditioned to require temporary fencing to be installed around the isolated wetlands and the buffer to exclude construction equipment until the Developer provides the City of Sacramento evidence that the discharge of fill into the</p>					

**8151 SHELDON SUBDIVISION (P05-044)
MITIGATION MONITORING PLAN**

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
isolated wetlands is authorized under the Porter-Cologne Act.					
<p>Noise: To reduce exterior sound levels in the backyards of the lots adjacent to Sheldon Road to 60 dB Ldn or less, the normally acceptable level, at a minimum the following mitigation measures shall be incorporated into the project:</p> <p>N-1. For lots adjacent to Sheldon Road (lots 35-36), a sound wall shall be constructed as follows: a. Along the south property line of Lots 35-36. b. On the east property line of Lot 36 (unless a wall is constructed first by future development west of the site). c. To a position even with the back corner of the home on the west property line of Lot 36.</p> <p>N-2. The sound walls must be constructed as follows: a. Continuous along their widths and heights with no gaps, including at the ground. b. A minimum height of seven (7) feet shall be required. c. Suitable materials for the sound wall include earthen berms, masonry block, pre-cast concrete panels, or combinations thereof, provided that it meets all of the other requirements listed above.</p>	Project Applicant/ Developer	City of Sacramento – Development Services Department; Development Engineering Division	Measures shall be included with construction specifications	Construction specifications shall be included on the construction plans prior to the issuance of a grading permit. Measures shall be implemented during construction activities	

8151 SHELDON SUBDIVISION (P05-044)
MITIGATION MONITORING PLAN

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
<p>To ensure that interior noise levels do not exceed the threshold of 45 dB L_{dn}, the following measures shall be incorporated into the development project.</p> <p>N-3. At a minimum, air conditioning shall be included for all lots where the 45 dB L_{dn} interior threshold would potentially be exceeded (lots 35-36) to allow the occupants to close doors and windows as desired to achieve acoustical isolation.</p>					
<p>Cultural Resources:</p> <ol style="list-style-type: none"> 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. 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 	Project Applicant/ Developer	City of Sacramento Development Services Department	<p>Incorporate the protocol and procedures into grading and construction contracts.</p> <p>If any cultural resources are discovered</p> <ol style="list-style-type: none"> Cease all work in the immediate area Retain a qualified archaeologist or cultural resources consultant to perform a site investigation and take appropriate action. 	During grading and construction contract agreements During construction activities	

8151 SHELDON SUBDIVISION (P05-044)
MITIGATION MONITORING PLAN

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
American Heritage Commission and any identified descendants must be notified and recommendations for treatment solicited (CEQA Section 15064.5); Health and Safety Code Section 7050.5; Public Resources Code Section 5097.94 and 5097.98.					

RESOLUTION NO.

Adopted by the **Sacramento** City Council

AMENDING THE 2030 GENERAL PLAN LAND USE AND URBAN FORM DIAGRAM FOR APPROXIMATELY 3.8 ACRES FROM SUBURBAN NEIGHBORHOOD HIGH DENSITY TO SUBURBAN CENTER (P10-060)(APN: 117-0220-002, 022, 023, 024)

BACKGROUND

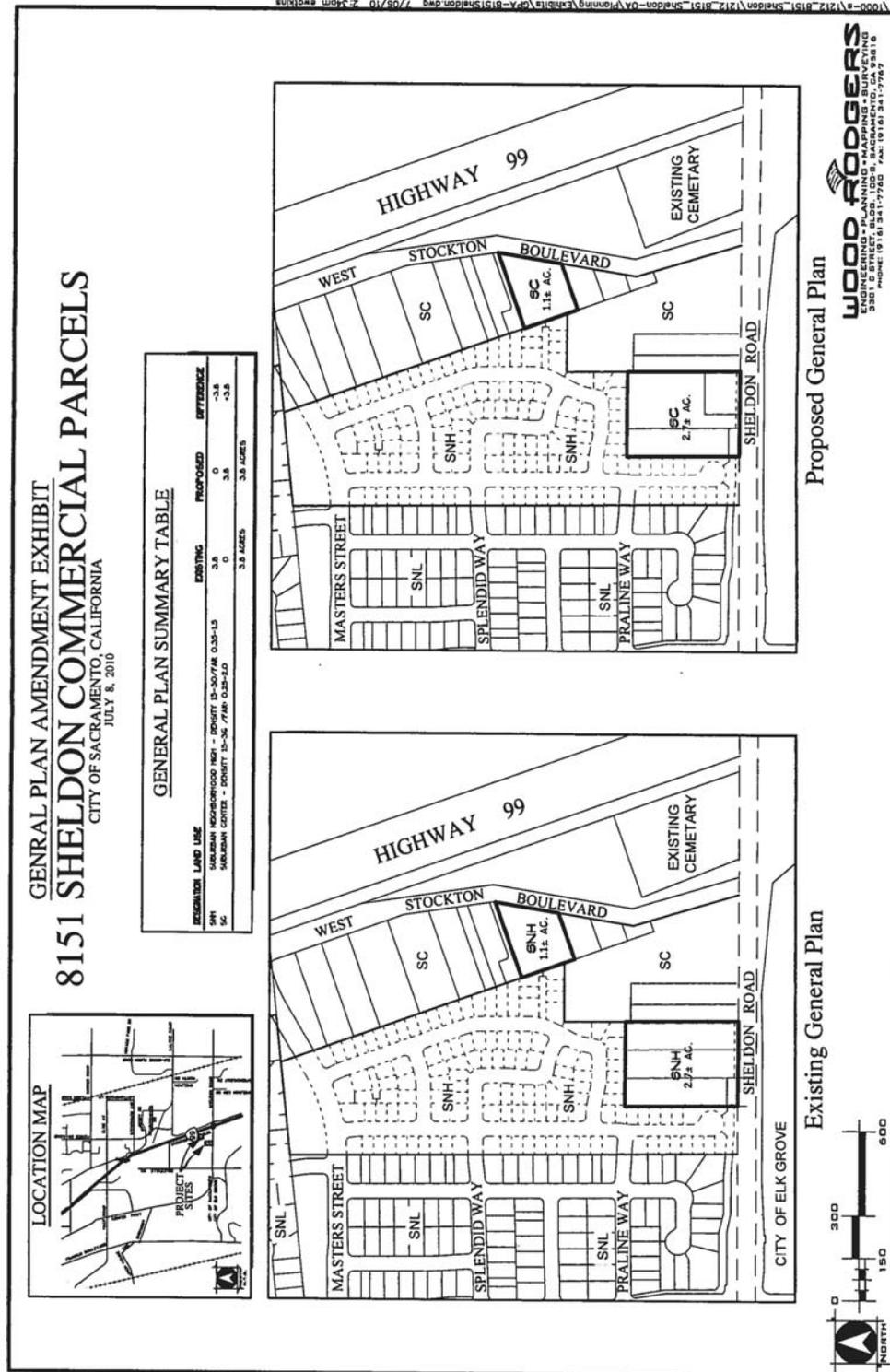
- A. On March 3, 2009, Council adopted the 2030 General Plan (Resolution No. 2009-131).
- B. On January 13, 2011 the City Planning Commission conducted a public hearing on, and forwarded to the City Council a recommendation to approve proposed amendment to the 2030 General Plan Land Use and Urban Form Diagram.
- C. On _____, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17.200.010(C)(1)(a).

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

Section 1. Based on the verbal and documentary evidence received at the hearing, the City Council approves the 2030 General Plan Land Use and Urban Form Diagram Amendment as follows:

- A. Environmental Determination: Addendum to a prior Mitigated Negative Declaration (P05-044)
- B. The 2030 General Plan Land Use and Urban Form Diagram Amendment is approved as set forth in Exhibit A
- C. Exhibit A is part of this Resolution.

Exhibit A – General Plan Amendment



ORDINANCE NO.

Adopted by the Sacramento City Council

**AMENDING TITLE 17 OF THE SACRAMENTO CITY CODE (THE ZONING
CODE) BY REZONING CERTAIN REAL PROPERTY
FROM MULTI-FAMILY RESIDENTIAL (R-2B) TO GENERAL COMMERCIAL
REVIEW (C-2-R).
(P10-060)(APN: 117-0220-022, 023, 024)**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

Section 1. Title 17 of the Sacramento City Code (the Zoning Code) is amended by rezoning the property shown in the attached Exhibit A, generally described, known, and referred to as 8151 Sheldon (APN: 117-0220-022, 023, 024) and consisting of approximately 2.8 net acres, from Multi-Family Residential (R-2B) to General Commercial Review (C-2-R).

Section 2. Rezoning of the property shown in the attached Exhibit A, by the adoption of this Ordinance, will be considered to be in compliance with the requirements for the rezoning of property described in the Zoning Code, as amended, as those procedures have been affected by recent court decisions.

Section 3. The City Clerk of the City of Sacramento is directed to amend the official zoning maps, which are part of the Zoning Code, to conform to the provisions of this Ordinance.

