

RESOLUTION NO. 2006-832

Adopted by the Sacramento City Council

November 14, 2006

ADOPTING THE MITIGATED NEGATIVE DECLARATION ADDENDUM AND THE MITIGATION MONITORING PLAN FOR THE PLAZA PROJECT, LOCATED SOUTH OF ARENA BOULEVARD, WEST OF TRUXEL ROAD AND EAST OF INNOVATOR DRIVE IN NORTH NATOMAS, SACRAMENTO, CALIFORNIA. (P06-070) (APN: 225-1250-02 AND 005)

BACKGROUND

- A. On June 24, 1997, 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 the Natomas Crossing Alleghany Area #2 PUD project (P96-083).
- B. The **Natomas Crossing Alleghany Area #2** Modification [P06-070] (The Plaza) proposes to modify the previously approved Project as follows: The existing zoning will be reconfigured on the site, and the Schematic Plan will be amended to depict retail and residential uses on the site as opposed to strictly retail development.
- C. The City of Sacramento's Environmental Planning Services conducted an initial study on the Project Modification and 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.
- D. The City Council has final approval authority over the following Project entitlements:
 - 1. Schematic Plan Amendment to develop 35,000 to 51,000 square feet of commercial development and devote 10.7± acres to future medium density residential development.
 - 2. Rezone to relocate 10.7+ acres of Shopping Center-PUD and 6.8+ acres of Limited Commercial-PUD zoning.
- 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. Having 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 determines 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 2. 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 3. Pursuant to CEQA section 21081.6 and CEQA Guidelines section 15074, and in support of its approval of the Project Modification, the City Council adopts a Mitigation Monitoring Program to require all reasonably feasible mitigation measures be implemented by means of Project Modification 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 the State EIR Guidelines adopted pursuant thereto.

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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

Exhibit A-Mitigation Monitoring Plan

MITIGATION MONITORING PLAN
FOR
THE PLAZA
(P06-070)

TYPE OF ENVIRONMENTAL DOCUMENT:
INITIAL STUDY/ADDENDUM TO THE NATOMAS CROSSING PUD ALLEGHANY AREA #2
(P96-083) NEGATIVE DECLARATION

PREPARED FOR:
CITY OF SACRAMENTO, DEVELOPMENT SERVICES DEPARTMENT

DATE:

ADOPTED BY:

DATE:

ATTEST:

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.

**THE PLAZA
(P06-070)
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 , Room 200, Sacramento, CA 95834, pursuant to CEQA Guidelines Section 21081.6

SECTION 1: PROJECT IDENTIFICATION

Project Name / File Number: The Plaza (P06-070)
Owner/Developer- Name: Alleghany Properties LLC, Greg Guardino
Address: 2150 River Plaza Drive, Suite 155
Sacramento, CA 95833

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

The subject property consists of 17.49± net vacant acres located south of Arena Boulevard, west of Truxel Road east of Innovator Drive and north of Prosper Street in the Natomas Crossing Unit Development (PUD) in the North Natomas Community Plan area of the City of Sacramento (APN: 225-1250-002 and 005).

Project Description:

The proposed project consists of the necessary entitlements to develop approximately 43,000 square feet of commercial space, and devote 10.7 acres of future medium density residential development in the Natomas Crossing PUD – Alleghany Area #2 Planned Unit Development (PUD) in the North Natomas Community Plan area. The specific entitlements include:

- A. **Rezone** to relocate ±10.7 acres of Shopping Center-PUD (S-C -PUD) zoning and ± 6.8 acres of Limited Commercial -PUD (C-1-PUD) zoning.
- B. **Tentative Map** to subdivide two parcels into 8 parcels on ±17.5 net acres in the S-C-PUD and C-1-PUD zones
- C. **Schematic Plan amendment** to develop approximately 43,000 square feet of commercial development, and devote 10.7 acres to future medium density residential development in the Natomas Crossing Planned Unit development.
- D. **Plan Review** to develop approximately 43,000 square feet of commercial space the C-1-PUD zone in the Natomas Crossing Planned Unit Development

SECTION 2: GENERAL INFORMATION

The Plan includes mitigation for Air Quality, Biological Resources, Human Health 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 applicable mitigation measures have been taken from the Initial Study or revised as required by current regulations and are assigned the same number they have in the document.

THE PLAZA (P06-070)
MITIGATION MONITORING PROGRAM CHECKLIST

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	VERIFICATION OF COMPLIANCE		
			Compliance Standards	Timing	Verification of Compliance (Initials/Date)
<p>Air Quality:</p> <p><u>Mitigation Measure #2 (taken from the original negative declaration P96-083)</u></p> <p>AQ-1 The applicant shall comply with the following short term construction mitigation:</p> <p>a. All sites shall be graded such that the new topography makes a smooth transition to existing adjacent topography.</p> <p>b. Dust and soil erosion control measures shall be implemented during the construction phases of all projects. These measures are intended to minimize soil erosion and fugitive dust emissions. Suggested measures include:</p> <ol style="list-style-type: none"> 1) watering exposed soils; 2) covering exposed soils with straw or other materials; 3) adopting measures to prevent construction vehicles from tracking mud onto adjacent roadways; 4) covering trucks containing loose and dry soil; and 5) providing interim drainage measures during the construction period. <p>c. In non-pavement areas, any vegetation covered or removed during grading or construction (including slope protection) should be replanted following the construction activities.</p>	Applicant/ Developer	City of Sacramento Development Services Department	Mitigation measures shall be included in construction specifications	During grading and construction	

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 MITIGATION MONITORING PROGRAM CHECKLIST

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<p>Biological: <u>Mitigation Measure #8 - updated</u></p> <p>BR-1. The applicant shall comply with the following mitigation measure related to reducing the impact of the project on burrowing owls:</p> <p>a. Immediately prior to grading permit, the applicant/ developer shall hire a qualified biologist to perform a pre-construction survey of the site to determine if any burrowing owls are using the site for foraging or nesting. If any nests are found, the Department of Fish and Game shall be contacted regarding possible suitable mitigation measures. These measures may include the provision of a buffer (typically 300 foot minimum) from the nest site during the breeding season (March 15 - August 31) or a relocation effort for the burrowing owls. The survey shall be submitted to the City for review prior to the commencement of any grading or construction activities.</p> <p>b. If future surveys reveal the presence of burrowing owls on the project site, the applicant/ developer shall prepare a plan for relocation of the burrowing owls to a suitable site. At a minimum, the plan must include the following:</p> <ol style="list-style-type: none"> 1) the location of the birds (and nests) proposed to be relocated; 2) the location of the proposed relocation site; 3) the number of owls involved and the time of year when the relocation is proposed to take place; 4) the name and credentials of the biologist who will be retained by the applicant to move the birds (and nests); 5) the proposed method of capture and transport for the owls to the new site. 	Applicant / Developer	City of Sacramento Development Services Department and California Department of Fish and Game (CDFG).	Mitigation Measures, shall be included on the Construction Specifications. Applicant / Developer shall provide the City Development Services Dept. with written CDFG verification of agreement, and implementation as appropriate.	The Development Services Department shall assure that measures are identified on construction plans and confirm compliance prior to issuance of any grading or building permit. Measures shall be implemented prior to and concurrent with construction activities.	

**THE PLAZA (P06-070)
MITIGATION MONITORING PROGRAM CHECKLIST**

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	VERIFICATION OF COMPLIANCE		
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<p>6) a description of the site preparations at the relocation site (e.g., enhancement of existing burrows, creation of artificial burrows, one-time or long-term vegetation control, etc.); and</p> <p>7) a description of efforts proposed to follow-up and/or monitor the relocation.</p>					
<p>Cultural Resources:</p> <p>Mitigation Measure #12 (taken from the original negative declaration, P96-083)</p> <p>CR-1. If subsurface archaeological or historical remains (including unusual amounts of bones, stones, or shells) are discovered during excavation or construction of the site, work 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>	Applicant/ Developer	City Development Services Department	The Site Conditions Unit staff person or a resident engineer in the Building Division and a representative of Environmental Planning Services shall be notified in case of an archaeological discovery. The Building Division shall include this measure as a random inspection item on the Special Conditions Attachment.	Measures shall be implemented in field during grading and construction activities.	