

RESOLUTION NO. 2006-845

Adopted by the Sacramento City Council

November 21, 2006

APPROVING THE MITIGATED NEGATIVE DECLARATION AND APPROVING THE MITIGATION MONITORING PLAN FOR ELMHURST TERRACE, LOCATED AT 2105 34TH STREET, SACRAMENTO, CALIFORNIA (P06-071) (APN: 010-0141-047, -059, -060, -061, -062, -063, -066)

BACKGROUND

A. Environmental Determination: Mitigated Negative Declaration

1. The City Council of the City of Sacramento finds as follows:
 - a. The City of Sacramento's Environmental Planning Services conducted or caused to be conducted an Initial Study on the Elmhurst Terrace (P06-071) ("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. Therefore, there was no substantial evidence that the Project as revised and conditioned may 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:
 - i. On July 28, 2006 a Notice of Availability (NOI) /Intent to Approve the MND 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 at least 500 feet of the boundaries of the proposed Project. The comments of such persons and agencies were sought. The public comment period began on July 28, 2006 and ended on August 17, 2006.

- ii. On July 28, 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.
 - 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.
2. 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.
 3. Pursuant to 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.
 4. The documents and other materials that constitute the record of proceedings upon which the City Council has based its decision are located in the City of Sacramento Development Services Department, Environmental Planning Services, 2101 Arena Boulevard, Suite 200, Sacramento, CA 95834. The custodian of these documents and other materials is the Development Services Department, Environmental Planning Services.
 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.

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

- Section 1. The City Council ratifies the Mitigated Negative Declaration for Elmhurst Terrace (P06-071).
- Section 2. The City Council approves the Mitigation Monitoring Plan for the Elmhurst Terrace (P06-071) based upon the following findings:
 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 A,
3. The Mitigation Monitoring Plan meets the requirements of Public Resources Code Section 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

Adopted by the City of Sacramento City Council on November 21, 2006 by the following vote:

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

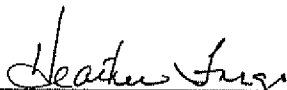
Noes: None.

Abstain: None.

Absent: Councilmember McCarty.

Attest:


Shirley Concolino, City Clerk



Mayor, Heather Fargo

MITIGATION MONITORING PLAN

for

P06-071 – Elmhurst Terrace

Prepared By:

City of Sacramento
Development Services Department
Environmental Planning Services
Grace Hovey
808-7601

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Preparation Date:

July 18, 2006

Adopted By:

City of Sacramento
Planning Commission

Adoption Date:

ATTEST:

P06-071 – Elmhurst Terrace

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: Elmhurst Terrace/ P06-071

Owner/Developer: Maurice Herbelin
HF Properties, LLC
P O Box 191643
Sacramento, CA 95819

City of Sacramento Contact: Grace Hovey, Associate Planner
Environmental Planning Services
Development Services Dept
2101 Arena Blvd Ste. 200
Sacramento, CA 95834
(916) 808-7601

Project Location

The proposed project site is generally rectangular in shape and is located directly south and east of State Freeway 50. The site is bounded on the west by 34th Street and State Freeway 50, T Street South Alley and State Freeway 50 to the north, 34th Street East Alley to the east and existing single family homes on Truckee Way to the south. A portion of the Caltrans Maintenance Yard is located to the northwest and north of the project site and single family homes are located across the 34th Street East Alley to the east. The project site is located on seven parcels (Assessor's Parcel Numbers 010-0141-047, 059, 060, 061, 062, 063 and 066).

Project Components and Approvals

The proposed project consists of entitlements to construct 30 single-family detached homes on approximately 1.6 developed gross acres in the proposed Multi-Family (R-3A) zone. Specific entitlements include:

- A) Environmental Determination: Mitigated Negative Declaration
- B) Mitigation Monitoring Plan
- C) General Plan Amendment to redesignate approximately 1.6 acres from Low Density Residential (4-15) to Medium Density Residential (16-29)
- D) Rezone of approximately 1.6 gross acres from Standard Single-Family (R-1) Zone to the Multi-Family (R-3A) Zone
- E) Tentative Map to subdivide approximately 1.6 gross acres into 33 single-family lots and three (3) common area lots

- F) Special Permit to allow the development of 30 single-family lots within the Multi-Family (R-3A) Zone
- G) Subdivision Modification to create 33 single-family lots that deviate from the single-family lot requirements
- H) Subdivision Modification to allow the use of asphalt on T Street South Alley

SECTION 2: GENERAL INFORMATION

The Mitigation Monitoring Plan (MMP) includes mitigation for 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 were 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.

**MITIGATION MONITORING PLAN
Elmhurst Terrace (P06-071)**

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
<p>CULTURAL RESOURCES</p> <p>CR-1 In the event that any prehistoric subsurface archeological features or deposits, including locally darkened soil ("middens"), 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 qualified archeologist according to current professional standards.</p>	Applicant	City of Sacramento Development Services Department	Measure included on the grading plan and in the Construction Specifications	During construction	

MITIGATION MONITORING PLAN
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<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 archeological sites are</p>	Applicant	<p>City of Sacramento Development Services Department</p> <p>Native American Heritage Commission</p>	Measure included on the grading plan and Construction Specifications	During construction	

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<p>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-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>	<p>Applicant</p>	<p>City of Sacramento Development Services Department County Coroner Native American Heritage Commission</p>	<p>Measure included on the grading plan and Construction Specifications</p>	<p>During construction</p>	

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<p>NOISE</p> <p>N-1 The following applies to all newly constructed units:</p> <p>A. All joints in exterior walls shall be sealed airtight around windows and doors, at the wall perimeter and at major seams.</p> <p>B. All above ground penetrations of exterior walls by electrical and plumbing components shall include a 1/4 to 1/2 inch airspace around the perimeter. This space shall be filled loosely with fiberglass insulation. The space shall then be sealed airtight on both sides of the wall with a resilient, non-hardening caulking or mastic.</p> <p>C. Basic exterior wall construction shall comprise the following material of equal surface weight and Sound Transmission Class, STC rating.</p> <ol style="list-style-type: none"> 1. Minimum 2" x 4" wood studs at 16 or 24 inches on center. 2. Minimum R-13 insulation in the stud 	Applicant	City of Sacramento Development Services Department	Measures included in building design	Prior to issuance of building permit	

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<p>cavities.</p> <p>3. Minimum $\frac{5}{8}$" gypsum wallboard fastened to the interior face of the wood studs. The wall shall be fully taped and finished, and sealed around the perimeter with a combination of backer rod and resilient, non-hardening caulking.</p> <p>4. The exterior surface shall be finished with the following or with another product with equal or greater surface weight.</p> <p style="margin-left: 20px;">a. Finished with a minimum $\frac{7}{8}$" thick, dense, 3-coat stucco over wire mesh and building paper,</p> <p style="text-align: center;">OR</p> <p style="margin-left: 20px;">b. Cementitious board over minimum $\frac{7}{16}$" thick plywood,</p> <p style="margin-left: 20px;">D. Ceilings on the upper floor shall be finished with a minimum $\frac{5}{8}$" gypsum board</p>					

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<p>with minimum R-19 insulation in the ceiling.</p> <p>E. Windows shall have a minimum STC rating of 30 or better. Windows shall have an air infiltration rate of less than or equal to 0.20 CFM/lin. ft. when tested with a 25 mile an hour wind per ASTM standards.</p> <p>F. Exterior doors facing or providing a view of US 50 shall have a minimum STC rating of 30.</p> <p>G. There shall be no need to open windows, doors or other exterior openings to provide adequate ventilation.</p> <p>N-2 The following construction requirements apply to exterior walls on the north and west face of each building.</p> <p>A. Lots 1 & 8, West Face of Homes</p> <p>1. 2nd Floor Habitable Rooms.</p> <p>a. Windows shall be a minimum STC 32 rating. Windows shall have an air</p>	Applicant	City of Sacramento Development Services Department	Measures included in building design	Prior to issuance of building permit	

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<p>infiltration rate of less than or equal to 0.15 CFM/lin. ft. when tested with a 25 mile per hour wind per ASTM standards.</p> <p>B. Lots 2, 7 & 11, North and West Face of Homes</p> <p>1.2nd Floor Habitable Rooms.</p> <p>a. Windows shall be a minimum STC 32 rating. Windows shall have an air infiltration rate of less than or equal to 0.15 CFM/lin. ft. when tested with a 25 mile per hour wind per ASTM standards.</p> <p>C. Lots 12 through 14 & 19 through 21, Northern Face of Homes</p> <p>1.2nd Floor Habitable Rooms.</p> <p>a. Windows shall be a minimum STC 32 rating. Windows shall have an air infiltration rate of less than or equal to 0.15 CFM/lin. ft. when tested with a</p>					

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<p>25 mile per hour wind per ASTM standards.</p> <p>D. Lots 4 through 6, 27 through 28 & 30, Northern Face of Homes</p> <p>1. 1st Floor Habitable Rooms.</p> <p>a. Windows shall be a minimum STC 32 rating. Windows shall have an air infiltration rate of less than or equal to 0.15 CFM/lin. ft. when tested with a 25 mile per hour wind per ASTM standards.</p> <p>2. 2nd Floor Habitable Rooms.</p> <p>a. Windows shall be a minimum STC 37 rating. Windows shall have an air infiltration rate of less than or equal to 0.10 CFM/lin. ft. when tested with a 25 mile per hour wind per ASTM standards.</p> <p>E. Lots 3 & 31 through 33 North and West Face of Homes</p> <p>1. 1st Floor Habitable Rooms.</p>					

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<p>a. Windows shall be a minimum STC 34 rating. Windows shall have an air infiltration rate of less than or equal to 0.15 CFM/lin. ft. when tested with a 25 mile per hour wind per ASTM standards.</p> <p>b. 2-layers of 5/8" gypsum wallboard fastened to the interior face of the wood studs. Each layer shall be taped at seams and with fasteners covered and sealed with joint compound. The second layer shall be fully taped and finished and sealed around the perimeter with a combination of backer rod and resilient, non-hardening caulking.</p> <p>2. 2nd Floor Habitable Rooms.</p> <p>a. Windows shall be a minimum STC 39 rating. Windows shall have an air infiltration rate of less than or equal to 0.10 CFM/lin. ft. when tested with a 25 mile per</p>					

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<p>hour wind per ASTM standards.</p> <p>b. 2-layers of 5/8" gypsum wallboard fastened to the interior face of the wood studs. Each layer shall be lapped at seams and with fasteners covered and sealed with joint compound. The second layer shall be fully taped and finished and sealed around the perimeter with a combination of backer rod and resilient, non-hardening caulking.</p>					