

RESOLUTION NO. 2011-215

Adopted by the Sacramento City Council

April 12, 2011

RE-ADOPTING THE MITIGATED NEGATIVE DECLARATION AND ADDENDUM AND RE-ADOPTING THE MITIGATION MONITORING PLAN IN CONNECTION WITH AN AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR TRUXEL 3 PUD PROJECT (P11-021)

BACKGROUND

- A. On March 24, 2011 the City Planning Commission conducted a public hearing on, and forwarded to the City Council a recommendation to approve with conditions the proposed amendment to the development agreement for the Truxel 3 PUD (City Agreement No. 96-051)(the "Project").
- B. On April 12, 2011, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code section 17.200.010(C)(1) (a), (b), and (c) (publication, posting, and mail [500 feet]), and received and considered evidence and testimony concerning the Project.

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 September 23, 2003, 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 Truxel 3 Planned Unit Development (P00-123)(Resolution 2003-666).
- B. On December 13, 2005, 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 considered the adopted mitigated negative declaration (MND) as amended with an addendum for the Truxel 3 Planned Unit Development (P05-022)(Resolution 2005-914).
- C. The Project does not require the preparation of a subsequent environmental impact report or negative declaration.

Section 2. In reviewing the Project, the City Council has reviewed and considered the information contained in the previously adopted MND, the addendum for the Truxel 3 Planned Unit Development, and all oral and documentary evidence

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

- A. The Project involves no substantial changes that will require major revisions of the previously adopted MND because 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 will be undertaken which will require major revisions to the previously adopted MND because 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 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; 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. In connection with its consideration of the Project, and based on its review of the previously adopted MND, the addendum for the Truxel 3 Planned Unit Development, and all oral and documentary evidence received during the hearing on the Project, the City Council finds that the MND and addendum reflect the City Council's independent judgment and analysis and re-adopts the MND as amended.

Section 4. The mitigation monitoring program is adopted for the Project, 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 Guideline 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.

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Exhibit A: Mitigation Monitoring Program (Resolution 2003-666)

Adopted by the City of Sacramento City Council on April 12, 2011 by the following vote:

Ayes: Councilmembers Ashby, Cohn, D Fong, R Fong, McCarty, Pannell, Sheedy, and Mayor Johnson.

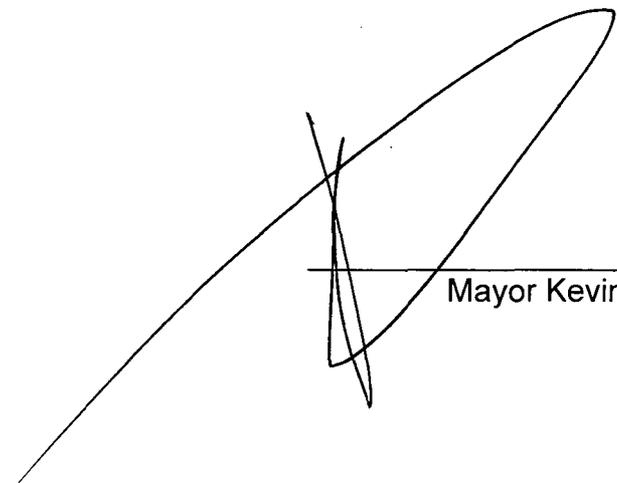
Noes: None.

Abstain: None.

Absent: Councilmember Schenirer.

Attest:


Shirley Concolino, City Clerk



Mayor Kevin Johnson

RESOLUTION NO. 2003-666

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF SEP 23 2003

A RESOLUTION RATIFYING THE MITIGATED NEGATIVE DECLARATION AND ADOPTING THE MITIGATION MONITORING PLAN FOR TRUXEL 3 PLANNED UNIT DEVELOPMENT, LOCATED AT THE SOUTHEAST CORNER OF TRUXEL ROAD AND GATEWAY PARK BOULEVARD, SACRAMENTO, CALIFORNIA.

(APN: 225-0170-043)
(P00-123)

WHEREAS, the Environmental Coordinator has prepared an Initial Study and Mitigated Negative Declaration for the above identified project;

WHEREAS, the Initial Study and Mitigated Negative Declaration was prepared and circulated for the above-identified project pursuant to the requirements of CEQA;

WHEREAS, the proposed Negative Declaration and comments received during the public review process were considered prior to action being taken on the project;

WHEREAS, based upon the Negative Declaration 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, provided that mitigation measures are added to the above identified project.

WHEREAS, this Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis;

WHEREAS, the Environmental Coordinator has prepared a Mitigation Monitoring Plan for ensuring compliance and implementation of the mitigation measures as prescribed in the Initial Study for the above identified project; and

WHEREAS, in accordance with Section 21081.6 of the California Public Resources Code, the City of Sacramento requires that a Mitigation Monitoring Plan be developed for implementing mitigation measures as identified in the Initial Study for the project;

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NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO THAT:

1. The Negative Declaration for Truxel 3 Planned Unit Development (P00-1213) be ratified.
2. The Mitigation Monitoring Plan is approved for the proposed Truxel 3 Planned Unit Development project based upon the following findings:
 - a. One or more mitigation measures have been added to the above identified project;
 - b. 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 1.


MAYOR

ATTEST:


CITY CLERK

P00-123

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DATE ADOPTED: SEP 23 2003

EXHIBIT 1 – Mitigation Monitoring Plan

**TRUXEL 3 PROJECT (P00-123)
MITIGATION MONITORING PLAN**

This Mitigation Monitoring Plan (MMP) has been required by and prepared for the City of Sacramento Planning and Building Department, Environmental Planning Services, 1231 I Street, Room 300, Sacramento, CA 95814, pursuant to CEQA Guidelines Section 21081.6.

SECTION 1: PROJECT IDENTIFICATION

Project Name / File Number: Truxel 3 Project (P00-123)
Owner/Developer- Name: Armrod Charitable Foundation, Eleni Tsakopoulos
Address: 7700 College Town Drive, Suite 101
Sacramento, CA 95826

Project Location / Legal Description of Property (if recorded): The Project is located within the North Natomas Community Plan area. The project site is located at the southeast intersection of Truxel Road and Gateway Park Boulevard. (APN: 225-0170-043).

Project Description: The proposed Truxel 3 Project would consist of establishing a Planned Unit Development for developing approximately 5.0± gross acres (2.8 net acres) of vacant land for the purpose of constructing Highway Commercial uses. The Truxel 3 project would provide highway commercial uses for both the North Natomas Community and travelers of I-80. Appropriate off-street parking would be required in accordance with the City's Zoning Ordinance for projects being constructed within the Planned Unit Development.

Specific entitlements being requested for the proposed project include:

- A. Development Agreement
- B. Rezone - to Highway Commercial
- C. Planned Unit Development (PUD) Establishment (PUD Guidelines and PUD Schematic Plan)

SECTION 2: GENERAL INFORMATION

The Plan includes mitigation for Seismicity, Soils, and Geology; Air Quality; Biological Resources; 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.

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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.

MITIGATION MONITORING PROGRAM

Introduction

The California Environmental Quality Act (CEQA) requires review of any plan or project that could have significant adverse effects on the environment. In 1988, CEQA was amended to require reporting on and monitoring of mitigation measures adopted as part of the environmental review process. This MMP is designed to aid the City of Sacramento in its implementation and monitoring of mitigation measures adopted for the Proposed Project.

MMP Components

The components of each monitoring form are addressed briefly, below.

Mitigation Measure: All mitigation measures that were identified in the Initial Study are presented, and numbered accordingly. The mitigation measures are presented by topic (e.g., Air Quality).

Implementing Responsibility: This item identifies the entity that will undertake the required action.

Monitoring Responsibility: This item identifies the entity that will monitor the required action.

Compliance Standards: This item identifies the specific actions that are required in each mitigation measure.

Timing: Each action must take place prior to the time at which a threshold could be exceeded. Implementation of the action must occur prior to or during some part of approval, project design or construction, or on an ongoing basis. The timing for each measure is identified.

Verification of Compliance: The individual assigned to assure compliance with identified mitigation measures will initial the form when the measure has been successfully implemented. The individual assigned to assure compliance will date the form when the measure has been successfully implemented.

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**TRUXEL 3 PROJECT (P00-123)
MITIGATION MONITORING PLAN**

| Mitigation Measure | Implementing Responsibility | Monitoring Responsibility | VERIFICATION OF COMPLIANCE | | |
|--|-----------------------------|---|--|--|--|
| | | | Compliance Standards | Timing | Verification of Compliance (Initials/Date) |
| 3. Seismicity, Soils, and Geology: | | | | | |
| SSG-1. If groundwater were encountered during excavation activities, pumped water shall be channeled to an infiltration basin, located within an upland area of the construction activities and would eventually percolate into the groundwater. Upon percolation of all pumped water, the infiltration basin shall be backfilled and revegetated or developed per City and Regional Water Quality Control Board requirements. | Applicant | City Planning & Building Department, Department of Utilities, and Department of Public Works. | The listed measure shall be included on all construction plans. | Mitigation measures shall be implemented in the field during construction activities. | |
| 5. Air Quality: | | | | | |
| AQ-1. Exposed soil shall be watered with adequate frequency to keep soil moist at all times. | Applicant | City Planning & Building Department, Department of Public Works and SMAQMD | The applicant shall include the listed measures on all grading plans (the City shall not approve any construction plans without them). | Mitigation measures shall be implemented in the field during grading and construction activities | |
| AQ-2. Loads of haul/dump trucks shall be covered securely. | | | | | |
| AQ-3. Any exposed piles of dirt, sand, gravel, or other construction debris shall be enclosed, covered, or watered twice daily. | | | | | |
| AQ-4. All dirt and mud which has been generated from or deposited by construction equipment going to and from the construction site along neighborhood streets shall be removed at a minimum of three times per week. | | | | | |
| AQ-5. Equipment idling shall be kept to a minimum when equipment is not in use. No piece of equipment shall be left to idle in one place for more than 30 minutes. | | | | | |
| AQ-6. On-site vehicle speeds shall be limited to 15 miles per hour on unpaved surfaces. | | | | | |

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EXHIBIT 1 - Mitigation Monitoring Plan

**TRUXEL 3 PROJECT (P00-123)
MITIGATION MONITORING PLAN**

| Mitigation Measure | Implementing Responsibility | Monitoring Responsibility | VERIFICATION OF COMPLIANCE | | |
|--|-----------------------------|---|---|--|--|
| | | | Compliance Standards | Timing | Verification of Compliance (Initials/Date) |
| AQ-7. Revegetate disturbed areas immediately after the completion of construction to reduce wind erosion. | | | | | |
| 7. Biological: | | | | | |
| BR-1. Prior to the issuance of a grading permit, the applicant shall either: (i) provide ½ acre of mitigation land that meets the requirements of the Natomas Basin Habitat Conservation Plan (NBHCP) for each acre of land authorized for disturbance; or (ii) pay the required NBHCP fees. No permit can be issued unless one of these has occurred. If the applicant acquires land and transfers it to the Conservancy, the applicant must pay that portion of the NBHCP fees other than the acquisition portion. Applicant land acquisitions must be approved in advance by the Conservancy. | Applicant | City Planning & Building Department; Department of Public Works, The Natomas Basin Conservancy. CA Dept. Fish & Game, U.S. Fish & Wildlife Service. | Mitigation Measures, including construction-timing restrictions shall be included on the Construction Specifications. Pre-construction biological surveys shall be completed as specified and submitted with grading/building plans. The applicant shall comply with all requirements of the NBHCP. | Prior to issuance of any grading or building permit, measures identified on plans shall be verified for compliance. The Building Division and Dept of Public Works shall assure that measures are identified on construction plans and confirm compliance prior to issuance of any grading or building permit. Measures shall also be implemented concurrent with construction activities. | |
| BR-2. A pre-construction survey shall be completed by a qualified biologist in order to determine the presence and status of special-status species and their habitats within the project area, including Swainson's hawk, western burrowing owl, white-tailed kite, and tricolored blackbird. The results of the pre-construction surveys along with recommended take minimization measures shall be documented in a report and submitted to the USFWS and the CDFG. If necessary, the City shall implement specific take minimization measures as directed by the CDFG and the USFWS. | | | | | |
| BR-3. The project applicant/developer shall: (1) comply with all requirements of the NBHCP, together with any additional requirements specified in the North Natomas Community Plan EIR; (2) comply with any additional mitigation measures identified in the NBHCP EIR/EIS; and (3) comply with all conditions in the incidental take permits issued by the USFWS and CDFG. | | | | | |

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| Mitigation Measure | Implementing Responsibility | Monitoring Responsibility | VERIFICATION OF COMPLIANCE | | |
|--|-----------------------------|---|---|--|--|
| | | | Compliance Standards | Timing | Verification of Compliance (Initials/Date) |
| 11. Cultural Resources: | | | | | |
| <p>CR-1. If subsurface archaeological, historical, or paleontological remains are discovered during construction, work in the area of the find shall stop immediately. A qualified archaeologist and a representative of the Native American Heritage Commission shall be consulted to develop, if necessary, further mitigation measures to reduce cultural resources impacts to a less-than-significant level before construction continues.</p> <p>CR-2. If human burials are encountered, all work in the area of the find shall stop immediately and the Sacramento County Coroner's office shall be notified. If the remains are determined to be Native American in origin, both the Native American Heritage Commission and any identified descendants would 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).</p> | Applicant | City Planning & Building Department, Department of Public Works | Notes shall be included on the Construction Specifications. | Measures shall be implemented in field during grading and construction activities. | |

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