

RESOLUTION NO. 2007-246

Adopted by the Sacramento City Council

April 26, 2007

**APPROVING THE MITIGATED NEGATIVE DECLARATION AND THE
MITIGATION MONITORING PLAN FOR THE TAYLOR STREET
COTTAGES PROJECT, LOCATED ON THE WEST SIDE OF THE 4000
BLOCK OF TAYLOR STREET IN THE NORTH SACRAMENTO
COMMUNITY PLAN AREA, SACRAMENTO, CALIFORNIA.
(P06-142) (APN: 237-0180-012 & -053)**

BACKGROUND

- A. The City of Sacramento's Environmental Planning Services conducted or caused to be conducted an Initial Study on Taylor Street Cottages, P06-142 ("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 which were agreed to by the applicant before the proposed Mitigated Negative Declaration and Initial Study were released for public review. Mitigation measures were determined by the City's Environmental Planning Services Division to avoid or reduce the potentially significant effects to a less-than-significant level, and, 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:
 - 1. On February 21, 2007 a Notice of Intent (NOI) to adopt the MND dated February 20, 2007 was circulated for public comments for twenty 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 500 feet of the boundaries of the proposed project. The comments of such persons and agencies were sought during the twenty-day review period.
 - 2. On February 20, 2007 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, as well as the hearing of the Project. Comments were received

during the public review process from the United States Army Corps of Engineers; however, they did not affect the findings of the MND. The City Council has determined that the MND constitutes an adequate, accurate, objective and complete review of the environmental effects of the proposed project.

- D. The City Council has final approval authority over the following Project entitlement:
 - 1. Rezone 6.79± acres from Agricultural (A) to Single-Family Alternative (R-1A).
- E. Pursuant to CEQA 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. 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.
- Section 2. With respect to the entitlements over which the City Council has final approval authority, the City Council adopts the Mitigated Negative Declaration for the Project.
- Section 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 that all reasonably feasible mitigation measures be implemented.
- Section 4. Upon approval of the Project, the City's Environmental Planning Services Division 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 Environmental Impact Report Guidelines adopted pursuant thereto.

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Exhibit A: Mitigation Monitoring Plan – 13 pages

Adopted by the City of Sacramento City Council on April 26, 2007 by the following vote:

Ayes: Councilmembers, Cohn, Fong, McCarty, Sheedy, Tretheway, and Waters.

Noes: Mayor Fargo.

Abstain: Councilmember Hammond.

Absent: Councilmember Pannell.



Mayor Heather Fargo

Attest:



Shirley Concolino, City Clerk

MITIGATION MONITORING PLAN

FOR:
TAYLOR STREET COTTAGES (P06-142)

PREPARED BY:
CITY OF SACRAMENTO
DEVELOPMENT SERVICES DEPARTMENT
ENVIRONMENTAL PLANNING SERVICES
ROCHELLE HALL
808-5914

TYPE OF ENVIRONMENTAL DOCUMENT:
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

DATE:
February 20, 2007

ADOPTED BY:
CITY OF SACRAMENTO
PLANNING COMMISSION

DATE:

ATTEST:

**TAYLOR STREET COTTAGES (P06-142)
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: TAYLOR STREET COTTAGES (P06-142)

Owner/Developer/Applicant: Michael Harlan
Syncon Homes
1508 Eureka Road, Suite 230
Roseville, CA 95661
Phone: (916) 772-5221

City of Sacramento Contact: Rochelle Hall, Assistant Planner
Environmental Planning Services
Development Services Dept
2101 Arena Blvd., Suite 200
Sacramento, CA 95834
Phone: (916) 808-5914

Project Location

The proposed project site is generally rectangular in shape, and is located north of Interstate-80. The site is bounded on the east by Taylor Street. Magpie Creek borders the western boundary of the project site. The project site is located on Assessor's Parcel Numbers (APN) 237-0180-012 and 237-0180-053.

Project Components

The proposed project requests to rezone approximately seven acres from Agricultural (A) to Single-Family Alternative (R-1A) and subdivide the land into 73 single-family lots and four landscape lots. Specific entitlements include:

- A. **Inclusionary Housing Plan;**
- B. **Rezone** two parcels totaling approximately seven acres from Agricultural (A) to Single-Family Alternative (R-1A) zone;
- C. **Special Permit** to allow single-family dwellings in the Single-Family Alternative (R-1A) zone; and
- D. **Tentative Parcel Map** to subdivide approximately seven acres to 73 Single-Family lots and four landscape lots in the proposed Single-Family Alternative (R-1A) zone.

SECTION 2: GENERAL INFORMATION

The Mitigation Monitoring Plan (MMP) includes mitigation for Biological Resources, Cultural Resources, Hazards, and Noise. The intent of the Plan is to prescribe and enforce a means for properly and successfully implementing the mitigation measures as identified within the Initial Study for this project. Unless otherwise noted, the cost of implementing the mitigation measures as prescribed by this Plan shall be funded by the owner/developer identified above. This Mitigation Monitoring Plan (MMP) is designed to aid the City of Sacramento in its implementation and monitoring of mitigation measures adopted for the proposed project.

The mitigation measures have been taken verbatim from the Initial Study and are assigned the same number they have in the document. The MMP describes the actions that must take place to implement each mitigation measure, the timing of those actions, and the entities responsible for implementing and monitoring the actions. The developer will be responsible for fully understanding and effectively implementing the mitigation measures contained within the MMP. The City of Sacramento, along with other applicable local, state or federal agencies, will be responsible for ensuring compliance.

MITIGATION AGREEMENT

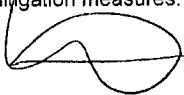
PROJECT NAME / FILE NUMBER: Taylor Street Cottages (P06-142)

OWNER/DEVELOPER/APPLICANT: Michael Harlan
 Syncon Homes
 1508 Eureka Road, Suite 230
 Roseville, CA 95661
 Phone: (916) 772-5221

I, Michael Harlan (owner/developer/applicant), agree to amend the project application P06-142 to incorporate the attached mitigation measures as identified in the Initial Study for the project. I understand that by agreeing to these mitigation measures, all identified potentially significant environmental impacts should be reduced to below a level of significance, thereby enabling the Environmental Coordinator to prepare a Mitigated Negative Declaration of environmental impact for the above referenced project.

I also understand that the City of Sacramento will adopt a Mitigation Monitoring Plan (Plan) for this project. This Plan will be prepared by the Development Services Department, pursuant to the California Environmental Quality Act Guidelines Section 21081.6 and pursuant to Article III of the City's Local Administrative Procedures for the Preparation of Environmental Documents.

I acknowledge that this project, P06-142, would be subject to this Plan at the time the Plan is adopted. This Plan will establish responsibilities for the monitoring of my project by various City Departments and by other public agencies under the terms of the agreed upon mitigation measures. I understand that the mitigation measures adopted for my project may require the expenditure of owner/developer funds where necessary to comply with the provisions of said mitigation measures.



 Signature (Owner/Developer/Applicant)

Director of Land Acquisition
 Title

3.21.07
 Date

TAYLOR STREET COTTAGES (P06-142)
MITIGATION MONITORING PLAN

		VERIFICATION OF COMPLIANCE			
MITIGATION MEASURE	IMPLEMENTING RESPONSIBILITY	MONITORING RESPONSIBILITY	COMPLIANCE STANDARDS	TIMING	VERIFICATION OF COMPLIANCE (INITIALS/DATE)
<p>Biological Resources: BR-1a Prior to issuance of grading permits, the applicant shall retain a qualified biologist to conduct preconstruction surveys of suitable burrowing owl habitat within the project site within 30 days prior to construction to ensure that no burrowing owls have become established at the site. If ground disturbing activities are delayed or suspended for more than 30 days after the preconstruction survey, the site shall be re-surveyed. If no burrowing owls are located, then no further mitigation is required.</p> <p>BR-1b If located, occupied burrows shall not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by California Department of Fish and Game (CDFG) verifies through noninvasive methods that either the birds have not begun egg-laying and incubation; or that juveniles from the occupied burrows are foraging independently and are capable of independent survival.</p>	Applicant	City of Sacramento – Development Services Department and California Department of Fish and Game	Measures shall be included on all grading and construction plans	Measures shall be implemented prior to the issuance of grading permits and during construction activities, as specified.	

TAYLOR STREET COTTAGES (P06-142)
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<p>BR-1c If destruction of occupied burrows is unavoidable, the applicant shall coordinate with CDFG to identify existing suitable burrows located on protected land to be enhanced or new burrows will be created by installing artificial burrows at a ratio of 2:1.</p>					
<p>BR-1d If owls must be relocated away from the site the applicant shall coordinate with CDFG to relocate the owls using passive relocation techniques (as described in the CDFG's October 17, 1995, Staff Report on burrowing owl mitigation, or latest version).</p>					
<p>BR-1e If avoidance is the preferred method of mitigating potential project impacts, then no disturbance shall occur within 160 feet of occupied burrows during the non-breeding season (September 1 through January 31) or within 250 feet during the breeding season (February 1 through August 31).</p>					
<p>BR-2 The applicant shall clearly mark the boundary of the seasonal wetland area identified in the Preliminary Jurisdictional Delineation Report (Report) for the project site (Sycamore, 2007). The area shall be avoided during project construction</p>					

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<p>and operation. In the event the United States Army Corps of Engineers verifies the Report, the use restrictions on such area set forth in this Mitigation Measure shall lapse and be of no further effect. In the event the USACE determines that such area is a jurisdictional wetland, the applicant shall comply with all requirements applicable to the area as established by the USACE. Any fill of such area shall comply with the "Isolated Wetlands Waste Discharge Requirement" issued by the Regional Water Quality Control Board.</p> <p>Cultural Resources: CR-1a In the event that any prehistoric or 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</p>	<p>Applicant</p>	<p>City of Sacramento— Development Services Department and Native American Heritage Commission</p>	<p>Measures shall be included on all grading and construction plans</p>	<p>Measures shall be implemented during construction activities, as specified.</p>	
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<p>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> <p>CR-1b 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</p>					
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<p>represent tribal governments and/or organizations in the locale in which resources could be affected shall be consulted. If historic archeological sites are 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-2 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>Energy E-1 Connection to an existing natural gas line or installation of a natural gas line in a location other than a public</p>	<p>Applicant</p>	<p>City of Sacramento – Department of Development Services</p>	<p>Measures shall be included on all grading and construction plans</p>	<p>Prior to issuance of Grading Permit</p>	
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<p>right-of-way would require further environmental review by the City of Sacramento Environmental Planning Services division prior to the issuance of grading or construction permits by the City of Sacramento.</p> <p>Hazards Hz-1 The 55-gallon "Chevron 15w-40 Oil" drum and its contents shall be removed from the project site and disposed of in accordance with local and state regulations. The oil drum and its contents shall be taken to a household hazardous waste collection facility or a licensed oil collection site. Such a facility and site may be found by contacting the CALEPA Hotline at 1-800-CLEANUP or online at www.1800cleanup.org. The applicant shall retain a receipt from the hazardous waste facility or oil collection site and present it to City of Sacramento Development Services Department.</p> <p>Hz-2 The general household material, including a waste oil filter, shall be removed from the project site, and its source shall be eliminated. These household materials shall be taken to a household hazardous waste collection facility, and may be found by contacting the CALEPA Hotline at 1-800-CLEANUP or online at</p>	<p>Applicant</p>	<p>City of Sacramento – Department of Development Services, California Department of Toxic Substance Control</p>	<p>Measures shall be included on all grading and construction plans</p>	<p>Prior to issuance of Grading Permit</p>	
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<p>www.1800cleanup.org. The applicant shall retain a receipt from the hazardous waste facility or oil collection site and present it to City of Sacramento Development Services Department.</p> <p>H-3 The pieces of asbestos-cement piping material and asbestos contaminated soil shall be collected and properly disposed of by a licensed asbestos abatement contractor prior to any disturbance and development of the project site. A licensed asbestos abatement contractor and may be found by contacting the CALEPA Hotline at 1-800-CLEANUP or online at www.1800cleanup.org. The applicant shall retain a receipt from the asbestos abatement contractor and present it to City of Sacramento Development Services Department.</p> <p>Hydrology H-1 The applicant shall submit an application for a Letter of Map Change (LOMC) to FEMA through the City of Sacramento. A Letter of Map Revision (LOMR) shall be sent to the City of Sacramento Department of Utilities for approval prior to the recordation of the final map and issuance of any construction permits. If the LOMR is not approved by the</p>	<p>Applicant</p>	<p>City of Sacramento -- Department of Utilities</p>	<p>Measure shall be included on all construction plans</p>	<p>Prior to the recordation of the final map and issuance of any grading or construction permits</p>	
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<p>City of Sacramento Department of Utilities, no construction permits shall be issued for development in the AE Flood Zone.</p> <p>Noise The following noise mitigation measures, N-1a, N-1b, N-1c, and N-1d are required to achieve the City of Sacramento 60 dB Ldn exterior noise level criterion.</p> <p>N-1a Prior to issuance of occupancy permits, a traffic noise barrier wall shall be constructed along the south property line. The wall shall be 11 feet in height, join the existing wall, continue to the property corner, and continue to the property corner, then continue along the entire westerly property boundary. The noise barrier shall step down linearly along the western property line, gradually decreasing in height to reach 6-feet at the north property line.</p> <p>N-1b Prior to issuance of occupancy permits, a traffic noise barrier wall shall be constructed along the westerly right-of-way of Taylor Street. The wall shall be 8 feet in height.</p> <p>N-1c All barrier heights are relative to the</p>	<p>Applicant</p>	<p>City of Sacramento – Department of Development Services</p>	<p>Construction plans shall incorporate the applicable noise attenuation measure and be approved by the Building Division.</p>	<p>Prior to issuance of any Final Building Permits, Certificate of Occupancy</p>	
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<p>building pad elevation.</p> <p>N-1d Noise Barriers shall be constructed of concrete or masonry block, precast concrete, earthen berm, or any combination.</p> <p>The following mitigation measures N-2a, N-2b are required to achieve the City of Sacramento noise level standard of 45 dB Ldn interior noise level criterion.</p> <p>N-2a All second floor facades, backing Interstate 80 with line of site to that roadway, shall be constructed of stucco siding and all second floor windows of those units from which Interstate 80 is visible shall have a minimum STC-32 rating. The STC-32 rating shall be inspected by a City of Sacramento Building Inspector prior to issuance of a framing permit.</p> <p>N-2b Air conditioning shall be included in all residences, to allow occupants to close doors and windows.</p>					
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