

RESOLUTION NO. 2004-222

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF MAR 30 2004

A RESOLUTION ADOPTING THE NEGATIVE DECLARATION AND ADOPTING THE MITIGATION MONITORING PLAN FOR MARKET WEST SHOPPING CENTER, LOCATED IN NORTH NATOMAS, WEST OF DUCKHORN DRIVE, EAST OF STEMMLER DRIVE AND SOUTH OF ARENA BOULEVARD, SACRAMENTO, CA.

(P01-104) (APNs: 225-1180-006; 225-0140-036; 225-1380-014, 015, 016, 017, 018, 019 & 020)

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;

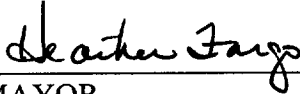
NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO THAT:

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1. The Negative Declaration for Market West Shopping Center (P01-104) shall be adopted.
2. The Mitigation Monitoring Plan is approved for the proposed Market West Shopping Center 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

P01-104

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EXHIBIT 1 – Mitigation Monitoring Plan

**CITY OF SACRAMENTO
MITIGATION MONITORING PLAN**

This Mitigation Monitoring Plan has been required by and prepared for the Planning and Building Department, 1231 I Street, Suite 300, Sacramento, CA 95814, (916) 264-5381, pursuant to CEQA Guidelines Section 21081.

SECTION 1: PROJECT IDENTIFICATION

Project Name and/or File Number: Market West / P01-104

Applicant - Name: Natomas Gateway LLC/ Mr. Bill Chizmar – contact

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

Market West is located on APN 225-0140-36, 225-1180-006, and 225-1380-014 through 225-1380-020. The project is located in the City of Sacramento, Sacramento County, California. Market West is located south of Arena Boulevard and west of Duckhorn Drive.

SECTION 2: GENERAL INFORMATION

The project as proposed includes mitigation measures for potential impacts to air quality, biological resources, noise, and cultural resources. The intent of the Mitigation Monitoring Plan (MMP) is to prescribe and enforce a means for properly and successfully implementing the mitigation measures as identified in the Initial Study for this project. Unless otherwise noted, the cost of implementing the mitigation measures as prescribed by this MMP shall be funded by the owner/developer. The number system of the mitigation measures matches the numbering system of the Initial Study.

AIR QUALITY

- MM 5-1** Prior to the issuance of a grading permit, all grading plans will show that the construction contractor shall maintain grading equipment in optimum running condition.
- MM 5-2** Prior to the issuance of a grading permit, all grading plans will show that the construction contractor shall enclose, cover, or water twice daily all soil piles.
- MM 5-3** Prior to the issuance of a grading permit, all grading plans will show that the construction contractor shall water all exposed soil with adequate frequency to keep soil moist at all times.

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- MM 5-4** Prior to the issuance of a grading permit, all grading plans will show that the construction contractor shall water all haul roads twice daily.
- MM 5-5** Prior to the issuance of a grading permit, all grading plans will show that the construction contractor shall cover the loads of all haul/dump trucks securely.
- MM 5-6** Prior to approval, all grading plans will show that the construction contractor shall maintain stationary and mobile equipment in optimum running condition, per manufacturer specifications.
- MM 5-7** The construction contractor shall encourage employees to utilize carpool or other alternative modes of transportation in order to reduce vehicle trips. The construction contractor can contact the North Natomas Transportation Management Association at 916/808-7735 or 2101 Arena Blvd., Suite 200 Sacramento, CA 95834 for more information regarding carpool and alternate transportation programs.

Entities Responsible for Ensuring Compliance:

The City of Sacramento, Planning and Building Department
The City of Sacramento, Public Works, Building Inspection
The City of Sacramento, Public Works, Construction Inspection (if in City right-of-way)

Monitoring Program:

Prior to issuance of any Grading Permits and/or Improvement Plans, the Building Department and/or the Public Works Department shall verify that the project developer has included Mitigation Measures 5-1 through 5-7 on all plans. Periodic inspections by the Public Works Construction Inspector or Building Inspector will ensure compliance.

BIOLOGICAL RESOURCES

- MM 7-1** The project applicant/developer shall complete and comply with all required pre-construction biological surveys as prescribed in the 2003 Natomas Basin Habitat Conservation Plan. A pre-construction survey shall be conducted by a qualified biological, botanical, or related expert. The pre-construction survey shall determine what habitats, if any, are present on the site and if more intensive survey activities should be conducted to accurately determine the status of the covered species on the site and comply with any applicable mitigation measures. The pre-construction survey shall be submitted to the City prior to the issuance of building permits.

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MM7-2 The project applicant/developer shall further: (i) comply with all requirements of the 2003 NBHCP, together with any additional requirements specified in the North Natomas Community Plan EIR; (ii) comply with any additional mitigation measures identified in the NBHCP EIR/EIS; and (iii) comply with all conditions in the ITP's issued by the USFWS and CDFG.

Entities Responsible for Ensuring Compliance:

The City of Sacramento, Planning and Building Department

Monitoring Program:

Prior to the issuance of a building permit, the City shall verify that the pre-construction survey has been completed and the relevant requirements of the 2003 NBHCP are included in the project.

NOISE

MM 10-1 The project applicant shall provide for the design and construction of a continuous eight-foot-high concrete block wall. The sound wall shall extend along the south perimeter of the project site from Duckhorn Drive right-of-way to the southeast corner and the Stemmler Drive right-of-way at the southwest corner.

Entities Responsible for Ensuring Compliance:

The City of Sacramento, Planning and Building Department

Monitoring Program:

The eight-foot-high continuous concrete block wall is shown on the current project designs.

CULTURAL RESOURCES

MM 14-1 If subsurface archaeological or historical remains (including, but not limited to, unusual amounts of bones, stones, or shells) are discovered during excavation or construction of the site, work within 100 feet of the discovery shall stop immediately and a qualified archaeologist and a representative of the Native American Heritage Commission shall be consulted to determine the significance of the find. The archaeologist and a representative of the Native American Heritage Commission will develop a plan with specific measures to protect the find in a manner commensurate with the significance of the find. The applicant shall implement the plan before

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construction continues within 100 feet of the discovery.

MM 14-2 If human burials are encountered, work within 100 feet of the discovery 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 American Heritage Commission and any identified descendants must be notified and recommendations for treatment solicited (CEQA Section 15064.5). The Applicant shall implement the recommendations for treatment before construction continues within 100 feet of discovery.

Entities Responsible for Ensuring Compliance:

The City of Sacramento, Planning & Building Department
The City of Sacramento, Public Works, Development Services
The City of Sacramento, Utilities Department

Monitoring Program:

Prior to issuance of Grading Permits the Planning and Building Department will verify that this mitigation measure is included on all construction plans.

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