

## **RESOLUTION NO. 2007-399**

Adopted by the Sacramento City Council

June 12, 2007

### **APPROVING THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PLAN FOR THE COGLIZER TENTATIVE MAP LOCATED AT 4920 MARYSVILLE BOULEVARD IN THE NORTH SACRAMENTO COMMUNITY PLAN AREA, SACRAMENTO, CALIFORNIA. (P06-043) (APN: 226-0220-007)**

#### **BACKGROUND**

- A. The City of Sacramento's Environmental Planning Services conducted or caused to be conducted an Initial Study on the Coglizer Tentative Map, P06-043 ("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 March 12, 2007 a Notice of Intent (NOI) to adopt the MND was circulated for public comments for thirty 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 thirty-day review period.
  - 2. On March 12, 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 State Department of Water Resources; 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. 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. 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.

**Table of Contents:**

Exhibit A: Mitigation Monitoring Plan – 9 pages

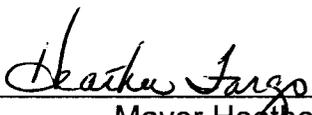
Adopted by the City of Sacramento City Council on June 12, 2007 by the following vote:

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

Noes: None.

Abstain: None.

Absent: None.

  
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Mayor Heather Fargo

Attest:

  
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Shirley Concolino, City Clerk

ATTACHMENT E  
MITIGATION MONITORING PLAN

**MITIGATION MONITORING PLAN**

**FOR:**  
Coglizer Tentative Map (P06-043)

**PREPARED BY:**  
CITY OF SACRAMENTO  
DEVELOPMENT SERVICES DEPARTMENT  
ENVIRONMENTAL PLANNING SERVICES  
KRISTIN FORD  
808-8419

**TYPE OF ENVIRONMENTAL DOCUMENT:**  
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

**DATE:**  
March 12, 2007

**ADOPTED BY:**  
CITY OF SACRAMENTO  
PLANNING COMMISSION

**DATE:**  
March 13, 2007

**ATTEST:**

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**Coglizer Tentative Map (P06-043)  
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 Public Resources Code of California, Statute, 21081.6.

**SECTION 1: PROJECT IDENTIFICATION**

**Project Name/File Number:** Coglizer Tentative Map (P06-043)

**Owner/Developer/Applicant:** Steve Santa Croce  
Sigma Engineering Consultants, Inc.  
770 Dead Cat Alley, Suite 306  
Woodland, California 95695  
Phone: (530) 662-2373

**City of Sacramento Contact:** Kristin Ford, Assistant Planner  
Environmental Planning Services  
Development Services Dept  
2101 Arena Blvd., Ste. 200  
Sacramento, CA 95834  
Phone: (916) 808-8419

**Project Location**

The proposed project site consists of approximately 4.48 acres and is located on the north side of Main Avenue; west of Rio Linda Boulevard in Sacramento, California. Magpie Creek crosses the proposed site in a northeast to southwest direction. North, east and west of the site are fallow lands and existing single-family residences; south of the site is Liberty Ministries Church. The project site is located on Assessor's Parcel Number (APN 226-0220-007).

**Project Components**

The proposed project requests to subdivide an approximately 4.48-acre parcel into 17 lots, including 9 detached single-family lots, 6 half-plex lots, and two open space lots, in the Standard Single-Family (R-1) zone. Specific entitlements include:

- A. Inclusionary Housing Plan;**
- B. Tentative Map** to subdivide approximately 4.48 acre parcel into 17 lots in the Standard Single-Family (R-1) Zone;
- C. Subdivision Modification** to construction of an alley in a single-family subdivision; and
- D. Subdivision Modification** to create non-standard in the R-1 Zone.

**SECTION 2: GENERAL INFORMATION**

The Mitigation Monitoring Plan (MMP) includes mitigation for Biology, 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/Mitigated Negative Declaration 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/applicant 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/Mitigated Negative Declaration 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, along with other applicable local, state or federal agencies, will be responsible for ensuring compliance.

## MITIGATION AGREEMENT

PROJECT NAME / FILE NUMBER: Coglizer Tentative Map (P06-043)

OWNER/DEVELOPER/APPLICANT: Steve Santa Croce  
Sigma Engineering Consultants, Inc.  
770 Dead Cat Alley, Suite 306  
Woodland, California 95695  
Phone: (530) 662-2373

I, STEVE SANTA CROCE (owner/developer applicant), agree to amend the project application P06-043 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, P06-043, 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.

Steve R. Santa Croce  
Signature (Owner/Developer Applicant)

PRINCIPAL, SIGMA ENGINEERING CONSULTANTS, INC.  
Title

March 20, 2007  
Date

			VERIFICATION OF COMPLIANCE		
MITIGATION MEASURE	IMPLEMENTING RESPONSIBILITY	MONITORING RESPONSIBILITY	COMPLIANCE STANDARDS	TIMING	VERIFICATION OF COMPLIANCE (INITIALS/DATE)
<p><b>Biology</b></p> <p>B-1 A City permit must be obtained From the Urban Forest Services Division prior to the removal or trimming of Heritage trees concurrently with the issuance of grading and foundation permits. Grade elevation changes greater than 6" shall not encroach into the 35' protection radius of the 36.5" DBH Elm south of Magpie Creek on Lot C</p>	Applicant	<p>City of Sacramento – Development Services Department</p> <p>City of Sacramento – Urban Forest Services Division</p>	Add mitigation to construction plans and monitoring by Urban Forest Services during construction.	The Development Services Department and Urban Forest Services shall assure that measures are identified on construction plans and confirm compliance prior to issuance of any grading or building permit and during construction	
<p>B-2 If the outfall into Magpie Creek is not installed above the ordinary high water mark, as established by the Army</p>	Applicant	<p>City of Sacramento-Development Services Department</p> <p>Army Corps of Engineers</p>	Show location of outfall pipe in grading plans, if below high water mark provide verification of compliance with	Prior to approval of grading plans	

<p>Corps of Engineers, a Section 404 Permit, a Section 7 and a Section 1602 Lake and Streambed Alteration Agreement are required. The applicant is responsible for obtaining and complying with the necessary permits to install an outfall into Magpie Creek.</p>		<p>Department of Fish and Game</p>	<p>Nationwide 7 Permit, Section 404 and Section 1602 Agreement from Department of Fish and Game</p>		
<p>B-3</p> <p>If Nationwide Permit 39 is revised prior to the start of project grading, the project applicant shall provide written verification from the Army Corps of Engineers of compliance with conditions of the revised permit.</p>	<p>Applicant</p>	<p>City of Sacramento-Development Services Department</p> <p>Army Corps of Engineers</p> <p>Department of Fish and Game</p>	<p>Letter from Department of Fish and Game</p>	<p>Prior to approval of grading plans</p>	

<p><b>Noise</b></p> <p>N-1 Prior to issuance of occupancy permits, a traffic noise barrier built with solid construction, such as masonry or stucco, with no gaps or holes that would compromise its noise insulation performance shall be constructed starting at the northeast corner of the lot at the intersection of Street A and Marysville, then along the rear property line to the intersection with the extension of the side setback, then parallel to the Marysville Boulevard to the intersection with the rear setback. The noise barrier height shall be six (6) feet above pad elevation. It is expected that this barrier would provide</p>	<p>Applicant</p>	<p>City of Sacramento – Development Services Department</p>	<p>Inclusion of measure on construction plan</p>	<p>Prior to approval of construction plans</p>	
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<p>the additional acoustical shielding required for compliance with the City of Sacramento 60dB Ldn criterion.</p> <p><b>Cultural Resources:</b></p> <p>CR-1 If subsurface archaeological or historical remains are discovered during construction, work in the area 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> <p>CR-2 If a human bone or bone of unknown origin is found</p>	<p>Applicant</p>	<p>City of Sacramento— Development Services Department</p> <p>Native American Heritage Commission</p>	<p>Measure shall be included on all grading plans</p>	<p>Measures shall be implemented during construction activities, as specified</p>	
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<p>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 the 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 take place.</p>					
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