

## **RESOLUTION NO. 2007-875**

Adopted by the Sacramento City Council

December 4, 2007

### **ADOPTING THE MITIGATED NEGATIVE DECLARATION ADDENDUM AND THE MITIGATION MONITORING PLAN FOR THE NATOMAS CROSSING PARCEL 71 PROJECT (P07-060)**

#### **BACKGROUND**

- A. On September 27, 2007, the City Planning Commission conducted a public hearing on, and forwarded to the City Council a recommendation to approve with conditions the Natomas Crossing Parcel 71 project.
- B. On December 4, 2007, the City Council conducted a public hearing, for which notice was given pursuant to Sacramento City Code Sections 17.208.020(C), 17.180.050(D), and 17.200.010(C)(2)(a) and (c) (publication and mail 500'), and received and considered evidence concerning the Natomas Crossing Parcel 71 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 June 25, 2002, 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 plan and approved the Natomas Crossing – Area # 3 (P01-028) Project (Project).
- B. The Natomas Crossing Parcel 71 Rezone Project (P07-060) (Project Modification) proposes to modify the previously approved Project as follows: Rezone one parcel totaling approximately 5.2 acres from Employment Center 30 Planned Unit Development (EC-30-PUD) zone to Single-Family Alternative Planned Unit Development (R-1A-PUD) zone; PUD Schematic Plan Amendment to re-designate an approximately 5.2 acres parcel from Employment Center to Medium Density Residential within the Natomas Crossing Planned Unit Development.
- C. The Initial Study on the Project Modification determined that the proposed changes to the original Project did not require the preparation of a subsequent Environmental Impact Report or Negative Declaration. An

addendum to the previously adopted MND was then prepared to address the modification to the Project.

Section 2. The City Council has reviewed and considered the information contained in the previously adopted MND for the Project, the addendum, and all oral and documentary evidence received during the hearing on the Project Modification. The City Council had determined that the previously adopted MND and the addendum constitute an adequate, accurate, objective, and complete review of the proposed Project Modification and finds that no additional environmental review is required based on the reasons set forth below:

1. No substantial changes are proposed by the Project Modification that will require major revisions of the previously adopted MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. No substantial changes have occurred with respect to the circumstances under which the Project Modification will be undertaken which will require major revisions to the previously adopted MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
3. No new information of substantial importance has been found that shows any of the following:
  - a. The Project Modification will have one or more significant effects not discussed in the previously adopted MND;
  - b. Significant effects previously examined will be substantially more severe than shown in the previously adopted MND.

Section 3. Based on its review of the previously adopted MND for the Project, the addendum, and all oral and documentary evidence received during the hearing on the Project Modification, the City Council finds that the MND and addendum reflect the City Council's independent judgment and analysis and adopts the MND and the addendum for the Project Modification and readopts the findings of fact in support of the MND.

Section 4. 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 5. 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.

Section 6. The City Council adopts the Mitigated Negative Declaration Addendum and the Mitigation Monitoring Plan for the Natomas Crossing Parcel 71 project, including the following mitigation measure identified in the Mitigated Negative Declaration:

1. Prior to issuance of a grading permit the developer shall (I) comply with all of the requirements of the 2003 NBHCP, including payment of fees and pre-construction surveys, 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 USGFWS and CDFG (as referenced in Mitigation Measures BR-1 & BR-2).
2. A detailed noise study shall be prepared at the time a special permit is filed for the multifamily residential parcel (as referenced in Mitigation Measure N-1).
3. During grading, excavation and construction activities, the following condition shall be included on all grading and construction plans. If subsurface archaeological, prehistorical or historical remains (including unusual amounts of bones, stones or shells) are discovered during excavation or 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. If human burials are discovered, work shall stop immediately, and the Sacramento County Coroner's Office shall be notified immediately. If the remains are determined to Native American in origin, the Native American Heritage Commission and any identified agencies must be notified and recommendations for treatment solicited (as referenced in Mitigation Measure CR-1 & CR-2).

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Exhibit A: Mitigation Monitoring Plan

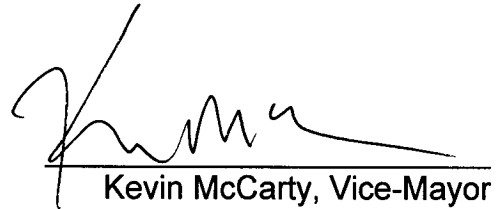
Adopted by the City of Sacramento City Council on December 4, 2007 by the following vote:

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

Noes: None.

Abstain: None.

Absent: Mayor Fargo.



Kevin McCarty, Vice-Mayor

Attest:

*for Dawn Bellumbe*  
Shirley Concolino, City Clerk

**Exhibit A: Mitigation Monitoring Plan**

**NATOMAS CROSSING PARCEL 71 (P07-060)  
MITIGATION MONITORING PLAN**

**TYPE OF ENVIRONMENTAL DOCUMENT:  
ADDENDUM TO MITIGATED NEGATIVE DECLARATION**

**PREPARED FOR:  
CITY OF SACRAMENTO, DEVELOPMENT SERVICES DEPARTMENT**

**DATE:  
AUGUST 1, 2007**

**ADOPTED BY:  
CITY OF SACRAMENTO  
CITY COUNCIL**

DATE:  
  
\_\_\_\_\_

ATTEST:  
  
\_\_\_\_\_

**NATOMAS CROSSING PARCEL 17 REZONE  
(P07-060)  
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., Suite 200, Sacramento, CA 95834, pursuant to CEQA Guidelines Section 21081.6.

**SECTION 1: PROJECT IDENTIFICATION**

**Project Name / File Number:** Natomas Crossing Parcel 17 Rezone (P07-060)  
**Owner/Developer- Name:** Alleghany Properties c/o Greg Guardino  
**Address:** 2150 River Plaza Drive, Suite 155  
Sacramento, CA 95833  
Phone: (916) 648-7111

**Project Location / Legal Description of Property (if recorded):**

The subject project is located at the southeast corner of East Commerce Way & Tanzanite Road in the North Natomas Community Plan area of the City of Sacramento, Sacramento County (APN: 225-0180-039).

**Project Description:**

The proposed project consists of the entitlements to allow residential development on approximately 5.2 acres in the Natomas Crossing – Area #3 PUD:

**Rezone** one parcel totaling 5.2 acres from Employment Center Planned Unit Development (EC-30-PUD) to Single-Family Alternative (R-1A-PUD);

**PUD Schematic Plan Amendment:** to the Natomas Crossing PUD Area #3 to allow Medium Density Residential Development.

**SECTION 2: GENERAL INFORMATION**

The Plan includes mitigation for Biological Resources, 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 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.

NATOMAS CROSSING PARCEL 17 REZONE (P07-060)  
 MITIGATION MONITORING PROGRAM CHECKLIST

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	VERIFICATION OF COMPLIANCE	
			Compliance Standards	Timing Verification of Compliance (Initials/Date)
<p><b>Biological:</b></p> <p>BR-1. The project applicant/developer shall: (i) comply with all requirements of the NBHCP including pre-construction surveys; (ii) comply with any additional mitigation measures identified in the NBHCP EIR/EIS; and together with any additional requirements specified in the Natomas Community Plan EIR (iii) comply with all conditions in the ITP's issued by the USFWS and CDFG. 2003 NBHCP, together with any additional requirements specified in the North Natomas Community Plan EIR;</p> <p>BR-2. The project applicant/developer shall further: (i) comply with all the 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.</p>	Applicant / Developer	City of Sacramento – Development Services Department; California Department of Fish and Game (CDFG), and the U.S. Fish and Wildlife Service (USFWS)	Measures shall be included within the improvement plans and construction specifications indicating the need for pre-construction surveys and report to CDFG and USFWS. Measures shall be implemented in the field prior to, during, and after construction activities, as appropriate.	Prior to the issuance of a Notice to Proceed by Development Services and prior to the issuance of any building permit by the Building Division Implementation of measures: in field prior to, during, and after construction activities.

NATOMAS CROSSING PARCEL 17 REZONE (P07-060)  
MITIGATION MONITORING PROGRAM CHECKLIST

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	VERIFICATION OF COMPLIANCE		
			Compliance Standards	Timing	Verification of Compliance (Initials/Date)
<p><b>Noise:</b></p> <p>N-1. A detailed noise study shall be prepared at the time a special permit is filed for the multi-family residential parcel.</p>	Applicant/ Developer	City of Sacramento – Development Services Department; California	Measures shall be implemented in the field prior to, during, and after construction activities, as appropriate.	Prior to the issuance of a Notice to Proceed by Development Services and prior to the issuance of any building permit by the Building Division	
<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 human burials are encountered, all work in the area 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); Health and Safety Code Section 7050.5; Public Resources Code Section 5097.94 and 5097.98.</p>	Applicant / Developer	City Development Services Department	Note shall be included on the Map and within the Standard Construction Specifications  Site inspections by the Development Services Department shall inspect for any potential archeological resources during site visits.	Measures shall be implemented in field during grading and construction activities.	