

RESOLUTION NO. 2006-533

Adopted by the Sacramento City Council

July 18, 2006

APPROVING THE MITIGATED NEGATIVE DECLARATION AND APPROVING THE MITIGATION MONITORING PLAN FOR THE SOTILLO PARK ESTATES, LOCATED AT 5221 64TH STREET , SACRAMENTO, CALIFORNIA (P05-104) (APN: 023-0163-019)

BACKGROUND

- A. The City Council of the City of Sacramento finds as follows:
- i. The City of Sacramento's Environmental Planning Services conducted or caused to be conducted an Initial Study on Sotillo Park Estates (P05-104) ("Project") to determine if the Project may have a significant effect on the environment.
 - ii. The Initial Study identified potentially significant effects of the Project. Revisions to the Project made by the Project applicant before the proposed Mitigated Negative Declaration and Initial Study were released for public review were determined by City's Environmental Planning Services 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 28, 2006 a Notice of Availability/Intent to Approve the MND (NOI) dated February 23, 2006 was circulated for public comment for 20 days. The public comment period began on February 28th and ended on March 20th. 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.
 2. On February 8, 2006 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.

3. 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, and the comments received during the public review process and the hearing on the Project. The City Council has determined that the MND constitutes an adequate, accurate, objective and complete review of the environmental effects of the proposed project.
- iii. 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.
- iv. Pursuant to CEQA Guidelines Section 15074, and in support of its approval of the Project, the City Council adopts a Mitigation Monitoring Program to require all reasonable feasible mitigation measures be implemented.
- v. The documents and other materials that constitute the record of proceedings upon which the City Council has based its decision are located in the City of Sacramento Development Services Department, Environmental Planning Services, 2101 Arena Boulevard, Suite 200, Sacramento, CA 95834. The custodian of these documents and other materials is the Development Services Department, Environmental Planning Services.
- vi. 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.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. The City Council ratifies the Mitigated Negative Declaration for Sotillo Park Estates (P05-104).
- Section 2. The City Council approves the Mitigation Monitoring Plan for the Sotillo Park Estates project (P05-104) based upon the following findings:
 1. One or more mitigation measures have been added to the

above-identified project;

2. 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 A;
3. The Mitigation Monitoring Plan meets the requirements of Public Resources Code Sec. 21081.6; and
4. The Mitigation Monitoring Plan is approved, and the mitigation measures shall be implemented and monitored as set forth in the plan.

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Exhibit A: Mitigation Monitoring Plan

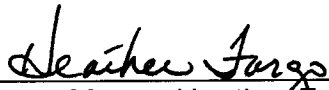
Adopted by the City of Sacramento City Council on July 18, 2006 by the following vote:

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

Noes: None.

Abstain: None.

Absent: None.



Mayor, Heather Fargo

Attest:



Shirley Concolino, City Clerk

MITIGATION MONITORING PLAN

FOR:
SOTILLO PARK ESTATES (P05-104)

PREPARED BY:
CITY OF SACRAMENTO
DEVELOPMENT SERVICES DEPARTMENT
ENVIRONMENTAL PLANNING SERVICES
MIKE PARKER
808-7483

TYPE OF ENVIRONMENTAL DOCUMENT:
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

DATE:
FEBRUARY 24, 2006

ADOPTED BY:
CITY OF SACRAMENTO
PLANNING COMMISSION

DATE:

ATTEST:

SOTILLO PARK ESTATES (P05-104) 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: Sotillo Park Estates (P05-104)

Owner/Developer: Bill Louie
Morton & Pitalo
1788 Tribute Road
Sacramento CA 95815
(916) 927-2400

City of Sacramento Contact: Mike Parker, Assistant Planner
Environmental Planning Services
Development Services Dept
2101 Arena Blvd., Ste. 200
Sacramento, CA 95834
(916) 808-7483

Project Location

The proposed project site is located on 64th Street in Sacramento, south of 21st Avenue and north of Fruitridge Road. The project site is a 1.5-acre parcel (APN 023-0163-019).

Project Components

The proposed project consists of entitlements to develop 10 single family detached units on approximately 1.5 gross acres in the proposed Single Family Alternative zone (R-1A). Specific Entitlements include:

- **Rezone** of approximately 1.5 acres from Standard Single Family Residential (R-1) to the Single Family Alternative (R-1A) zone;
- **Tentative Subdivision Map** to subdivide one parcel into 10 single-family lots on approximately 1.5 acres in the proposed Single Family Alternative (R-1A) zone; and
- **Special Permit** to construct 10 single family units on approximately 1.5 acres in the proposed Single Family Alternative (R-1A) zone.

The project also includes one road, which is accessed at one point along 64th Street. The road is located along the northern property line and then turns 90-degrees to the south, terminating at a hammer-head at the southern property line. In addition, the project would be required to make frontage improvements to 64th Street and, as a condition of approval, would be required to pay in lieu fees for frontage improvements to 65th Street Expressway. The project would tie into water, sewer, and drainage currently fronting the proposed project site on 64th Street.

SECTION 2: GENERAL INFORMATION

The Mitigation Monitoring Plan (MMP) includes mitigation for Biological Resources, Cultural Resources, 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 MONITORING PLAN
SOTILLO PARK ESTATES PROJECT (P05-104)**

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
<p>BIOLOGICAL RESOURCES</p> <p><i>Burrowing Owl</i></p> <p>BR-1. Within 30 days prior to grading occurring on site, the property owner, developer, or successor-in-interest shall have a qualified biologist, approved for use by City staff, confirm that there are no burrowing owls on the site per State of California, Department of Fish and Game Guidelines. If no evidence of burrowing owl habitation is confirmed on the project site, no further burrowing owl mitigation is required.</p> <p>BR-2. If evidence of burrowing owls habitation is confirmed, the project applicant shall be required to comply with the Department of Fish and Game Burrowing Owl Mitigation Guidelines prior to commencing construction on the project site. Site specific mitigation measures, as defined by the Department of Fish and Game are identified below.</p> <p>a. Occupied burrows should not be disturbed during the nesting season, from February 1 through August 31, unless a qualified biologist verifies that the birds have not begun egg-</p>	<p>Applicant</p>	<p>City of Sacramento – Development Services Department; California Department of Fish and Game (DFG)</p>	<p>Mitigation Measures, shall be included on the Construction Specifications. Pre-construction biological surveys shall be completed as specified and submitted with grading/ building plans.</p>	<p>Prior to issuance of any grading, and/or construction permit, measures identified on plans shall be verified for compliance. The Development Services Dept. shall assure that measures are identified on construction plans and confirm compliance prior to issuance of any grading permit. Measures shall be implemented prior to and concurrent with construction activities.</p>	

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SOTILLO PARK ESTATES PROJECT (P05-104)**

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
<p>laying and incubation or that the juveniles from those burrows are foraging independently and capable of independent survival at an earlier date.</p> <p>b. Passive relocation of owls (encouraging owls to move from occupied burrows to alternate natural or artificial burrows that are beyond 50 m from the impact zone) for each pair of relocated owls shall be implemented during the non-breeding season. Owls should be excluded from burrows in the immediate impact zone and within a 50 m (approx. 160 ft.) buffer zone by installing one-way doors in burrow entrances. One-way doors should be left in place 48 hours to insure owls have left the burrow before excavation.</p>	Applicant	City of Sacramento – Development Services Department; DFG	Mitigation Measures, including construction-timing restrictions shall be included on the Construction	Prior to issuance of any grading or building permit, measures identified on plans shall be verified for compliance. The	
<p><i>Swainson's hawk</i></p> <p>BR-3 Prior to commencement of development activities, a pre-construction survey shall be completed by a qualified biologist to determine whether any Swainson's hawk nest trees will be removed on-site, or active Swainson's hawk nest sites</p>	Applicant	City of Sacramento – Development Services Department; DFG	Mitigation Measures, including construction-timing restrictions shall be included on the Construction	Prior to issuance of any grading or building permit, measures identified on plans shall be verified for compliance. The	

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<p>occur within 1/4 mile of the development site. These surveys shall be conducted according to the Swainson's Hawk Technical Advisory Committee's (May 31, 2000) methodology or updated methodologies, as approved by the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG), using experienced Swainson's hawk surveyors.</p> <p>BR-4</p> <p>If breeding Swainson's hawks (i.e. exhibiting nest building or nesting behavior) are identified, no new disturbances (e.g. heavy equipment operation associated with construction) shall occur within 1/4 mile of an active nest between March 15 and September 15, or until a qualified biologist, with concurrence by CDFG, has determined that young have fledged or that the nest is no longer occupied.</p> <p>BR-5</p> <p>If construction or other project related activities which may cause nest abandonment or forced fledging are proposed within the 1/4 mile buffer zone, intensive monitoring (funded by the project sponsor) by a Department of Fish and Game approved raptor biologist will be required. Exact implementation</p>			<p>Specifications. Pre-construction biological surveys shall be completed as specified and submitted with grading/ building plans.</p>	<p>Development Services Department 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.</p>	

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Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
<p>of this measure will be based on specific site conditions.</p> <p>NOISE</p> <p>N-1 Prior to issuance of occupancy permits, an 11'-4" high solid noise barrier (height referenced from building pad elevation) shall be constructed extending from the north property line of Lot 1 to the south property line of Lot 5 and shall wrap around the north end of Lot 1 and wrap around the south end of Lot 5 a minimum of 40-feet perpendicular to 65" Street Expressway. The sound barrier wall must have a minimum surface weight of 3.5 to 4.0 lbs./sq. ft. The wall shall be continuous along its width and height with no gaps, including at the ground.</p> <p>N-2 Prior to issuance of Building Permits, the Building Division shall verify that the building plans for all units contain the following measures included in the Noise Impact Study:</p> <ul style="list-style-type: none"> • All joints in exterior walls shall be sealed airtight around windows and doors at the wall perimeter and at major seams. • All above-ground penetrations of exterior walls by electrical and plumbing components shall include a ¼ to ½ inch airspace around the perimeter. This space shall be filled loosely with 	Applicant	City of Sacramento – Development Services Department	Construction of wall	Prior to issuance of occupancy permits	
	Applicant	City of Sacramento – Development Services Department	Inclusion of measures on building plans	Prior to approval of building plans	

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Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
<p>fiberglass insulation. The space shall then be sealed airtight on both sides of the wall with a resilient, non-hardening caulking or mastic.</p> <ul style="list-style-type: none"> • Basic exterior wall construction shall be comprised of the following material of equal surface weight and Sound Transmission Class, STC rating: <ul style="list-style-type: none"> ○ 2 x 6 inch wood studs at 16 or 24 inches on center. ○ Minimum R-19 insulation in the stud cavities. ○ ½ inch gypsum wallboard fastened to the interior face of the wood studs. The wall shall be fully taped, finished, and sealed around the perimeter with a combination of backer rod and resilient, non-hardening caulking. ○ The exterior surface shall be finished with a minimum one-coat, dense stucco over wire mesh and foam insulation (or with another product with equal or greater surface weight). • Ceilings shall be finished with a minimum ½" gypsum board with minimum R-19 insulation in the 					

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Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
<p>ceiling</p> <ul style="list-style-type: none"> Windows shall have a minimum STC rating of 29 or better. Windows shall have an air infiltration rate of less than or equal to 0.20 CFM per linear foot when tested with a 25 mile per hour wind per ASTM standards. Exterior doors facing or providing a view of 65" Street Expressway shall have a minimum STC rating of 29. Ventilation shall be provided consistent with UBC requirements, which ensure that exterior openings do not need to be opened to provide adequate ventilation. 	Applicant	City of Sacramento -- Development Services Department	Inclusion of measures on building plans	Prior to approval of building plans	
<p>N-3</p> <p>Prior to issuance of a Building Permit for Lot 5, the Building Division shall ensure that the building plans of the residence to be located on Lot 5 includes windows in the Master Bedroom and Bedroom 2 that have a minimum STC 37 rating. These windows shall also have an air infiltration rate of less than or equal to 0.14 CFM/lin. ft. when tested with a 25 mile per hour wind per ASTM standards.</p>	Applicant	City of Sacramento -- Development Services Department	Inclusion of measures on building plans	Prior to approval of building plans	
<p>CULTURAL RESOURCES</p> <p>CR-1a In the event that any prehistoric subsurface archeological features or deposits, including locally</p>	Applicant	City of Sacramento Development	Measures shall be included on all grading plans	Measures shall be implemented during	

SOTILLO PARK ESTATES PROJECT (P05-104)

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
<p>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 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>	Applicant	City of Sacramento Development Services Department Native American Heritage Commission	Measures shall be included on all grading plans	Measures shall be implemented during construction activities, as specified.	
<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</p>					

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Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
<p>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>					