



PLANNING DIVISION

**CITY OF SACRAMENTO
CALIFORNIA**

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ROOM 300
SACRAMENTO, CA
95814-2904

PLANNING
SERVICES
916-264-5381
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September 29, 2000

City Council
Sacramento, California

Honorable Members In Session:

**SUBJECT: PHOENIX SCHOOLS CHILDCARE - P00-051
ENTITLEMENTS TO ALLOW AN 11,448± SQ.FT. CHILD CARE CENTER
ON 1.4± UNDEVELOPED ACRES IN THE GENERAL COMMERCIAL (C-2)
ZONE OF THE GREENHAVEN EXECUTIVE PARK PLANNED UNIT
DEVELOPMENT**

LOCATION: Southwest corner of Corporate Way and Park City Drive (District 7)

RECOMMENDATION: Planning staff recommends that the City Council approve the following entitlements by adopting the attached resolution.

- A. Environmental Determination: Negative Declaration;
- B. Mitigation Monitoring Plan;
- C. PUD Schematic Plan Amendment to replace the existing approved land use and building footprint with a childcare center;

CONTACT PERSON: Brad Shirhall, Associate Planner, 264-7483
Barbara L. Wendt, Senior Planner, 264-5935

FOR CITY COUNCIL MEETING OF: October 24, 2000 (afternoon session)

SUMMARY: The applicant is seeking approval of the above listed entitlements to allow construction and operation of an 11,448± sq.ft. childcare facility. Staff supports the project because the proposed location and design is appropriate and compatible with the PUD.

BACKGROUND: On January 25, 1983, City Council approved the necessary entitlements (P82-039) to establish the Greenhaven Executive Park PUD. Total square footage approved for the PUD consisted of 839,360 square feet of development including commercial space, office space, a motor lodge, and conference center space. Since establishment of the PUD, numerous land use and zoning changes have been approved including the more recent approvals of the Merryhill School in 1996, the Parke Place Greenhaven senior housing complex in 1999, the Pocket Self Storage in 1999, and a stand-alone parking lot in 2000. None of these land uses were originally envisioned when the PUD was first established. Two other projects (the Riverlake Professional Building in 1992 and the Greenhaven Station retail center in 1994) were approved but never constructed.

VOTE OF PLANNING COMMISSION: On September 28, 2000 the City Planning Commission voted unanimously to recommend approval of the above-listed PUD Schematic Plan Amendment and approved the Special Permit to allow construction and operation of the childcare facility.

FINANCIAL CONSIDERATIONS:

None.

ENVIRONMENTAL CONSIDERATIONS: The Environmental Services Manager determined that the project, as proposed, will not have a significant effect on the environment. In compliance with Section 15070(B)1 of the California Environmental Quality Act Guidelines, the applicant has incorporated mandatory mitigation measures into the project plans to avoid identified impacts or to mitigate such impacts to a point where clearly no significant impacts will occur. These mitigation measures address air quality, burrowing owls, Swainsons Hawk, and noise issues. The mitigation measures are listed in the attached Mitigation Monitoring Plan (Exhibit 3A).

POLICY CONSIDERATIONS: The proposed project would be consistent with the policies of the General Plan and the Pocket Community Plan.

ESBD CONSIDERATIONS: None.

Respectfully submitted,

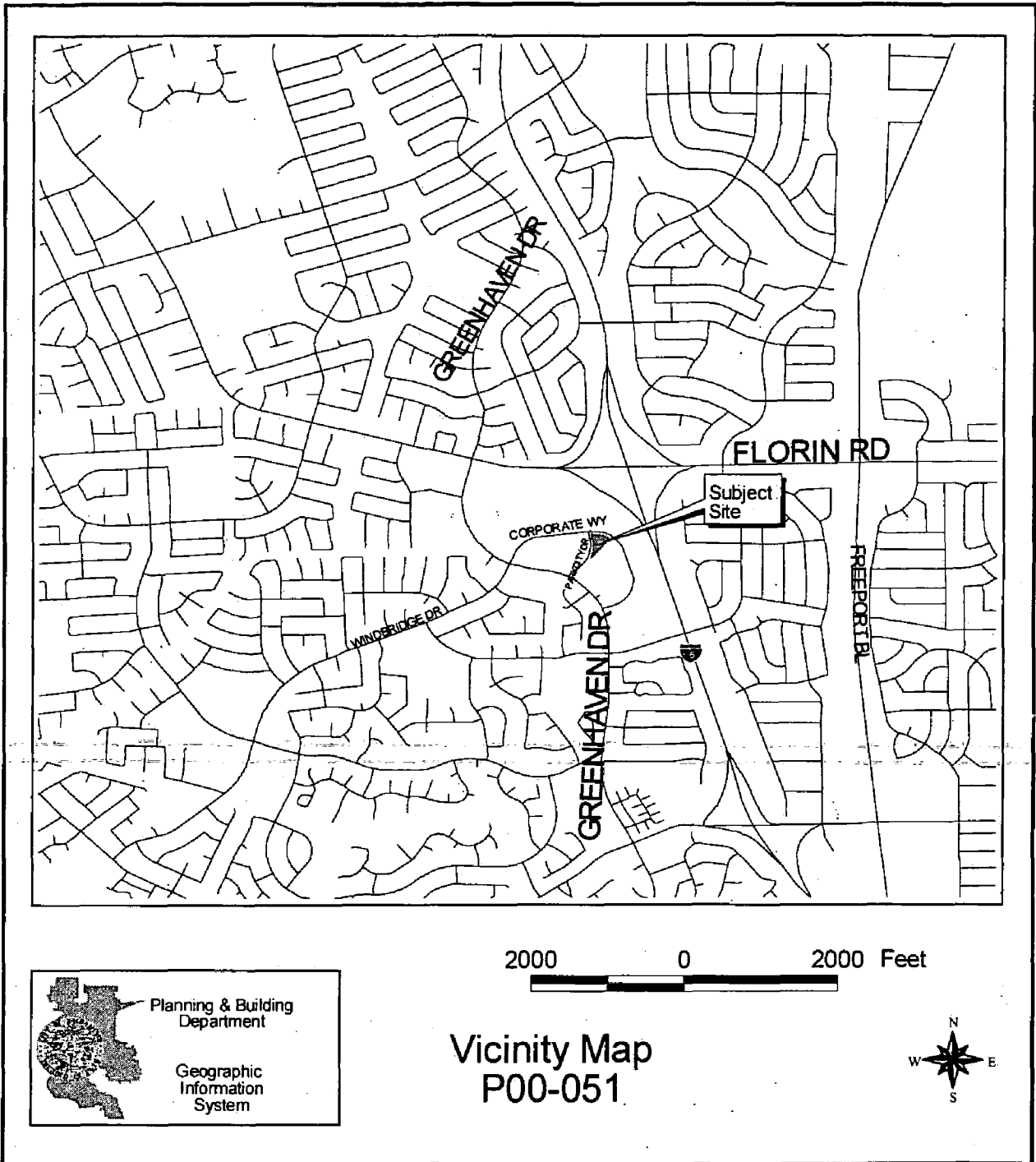
GARY L. STONEHOUSE
Planning Director

APPROVED:

TOM LEE
Deputy City Manager

FOR CITY COUNCIL INFORMATION:
ROBERT P. THOMAS
City Manager

Attachment 1	Vicinity Map
Attachment 2	Land Use & Zoning Map
Attachment 3	Resolution Adopting Mitigation Monitoring Plan
Exhibit 3A	Mitigation Monitoring Plan
Attachment 4	Resolution Adopting Schematic Plan Amendment
Exhibit 4A	Schematic Plan Amendment Exhibit
Attachment 5	Planning Commission Staff Report



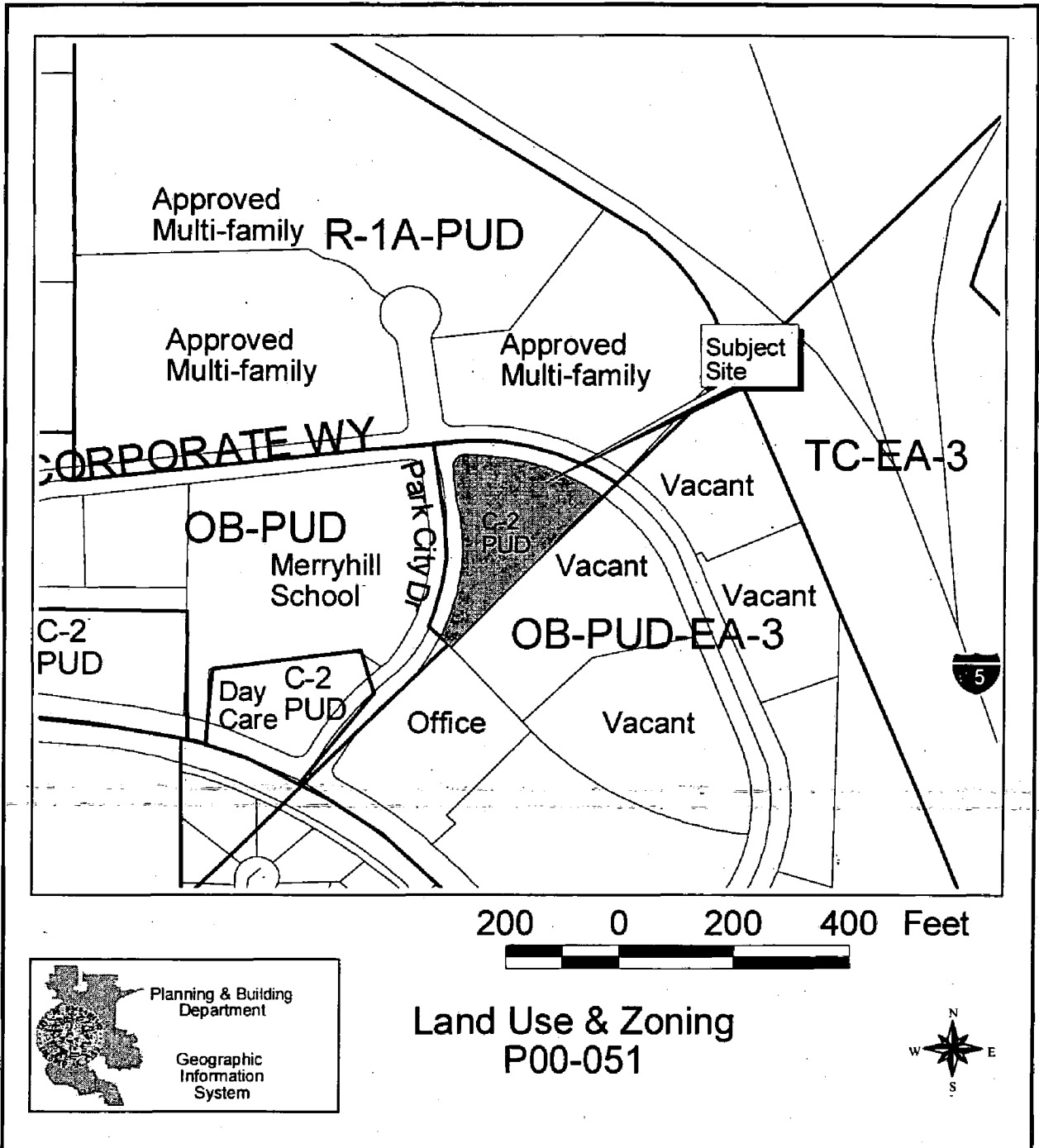
2000 0 2000 Feet

Planning & Building
Department

Geographic
Information
System

Vicinity Map
P00-051





RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

A RESOLUTION RATIFYING THE NEGATIVE DECLARATION AND ADOPTING THE MITIGATION MONITORING PLAN FOR PHOENIX SCHOOLS CHILDCARE LOCATED ON THE SOUTHWEST CORNER OF CORPORATE WAY AND PARKE CITY DRIVE, SACRAMENTO, CA. (P00-051) (APN: 031-0051-015)

WHEREAS, the Environmental Coordinator has prepared a Negative Declaration for the above-identified project pursuant to the requirements of CEQA;

WHEREAS, the proposed Negative Declaration finds that the proposed project will not have a significant effect on the environment provided that mitigation measures are added to the above identified project;

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:

1. The Negative Declaration for the Phoenix Schools Childcare (P00-051) is ratified;
2. The Mitigation Monitoring Plan for the Phoenix Schools Childcare (P00-051) project is approved and adopted as shown in the attached Mitigation Monitoring Plan dated August 15, 2000.

MAYOR

ATTEST:

CITY CLERK

P00-051

FOR CITY CLERK USE ONLY

RESOLUTION NO. : _____

DATE ADOPTED: _____

Recording
Not
Required

-
-
-
-
-

MITIGATION MONITORING PLAN

FOR

Phoenix Schools Childcare / P00-051

Type of Environmental Document:
Tiered Negative Declaration

Prepared For:
City of Sacramento, Planning & Building Department

Date:
August 15, 2000

Adopted By:
City of Sacramento, City Council

Date:

Attest:

City Clerk

FOR CITY CLERK USE ONLY

RESOLUTION NO. : _____

DATE ADOPTED : _____

CITY OF SACRAMENTO
MITIGATION MONITORING PLAN

This Mitigation Monitoring Plan has been required and prepared for the Planning & 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: Phoenix Schools Childcare / P00-051
Applicant Name: Mark Lucas
Address: 83 Scripps Drive, Suite 320, Sacramento, CA 95825
Project Location / Legal description of Property (if recorded):

**Southwest corner of the intersection of Corporate Way and Park City Drive., Sacramento CA
APN: 0031-0051-015**

SECTION 2: GENERAL INFORMATION

The project as approved includes mitigation measures for biology, noise, drainage, and cultural resource impacts. The intent of the Monitoring 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.

1. Biological Resources

A. Impact

To ensure that construction activities do not result in a significant loss of Swainsons Hawk foraging habitat:

Mitigation Measures:

The applicant/developer shall purchase mitigation credits for the loss of 1.4± net acres of Swainsons Hawk foraging habitat at a mitigation bank approved by the Department of Fish and Game (DFG). The applicant shall show evidence of this purchase prior to issuance of grading permits.

Entity Responsible for Ensuring Compliance:

The property owner, developer or successor-in-interest is responsible for payment of such fair, equitable and appropriate fees or assessments or taxes as are imposed through the use of development fees, impact fees, fee districts, community facilities districts, assessment districts, or other similar fair, equitable and appropriate mechanisms designed to address Swainson's Hawk foraging habitat mitigation.

Monitoring Program:

Prior to issuance of grading permits, the Planning & Building Department shall ensure that credits at the approved mitigation bank have been purchased.

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RESOLUTION NO. : _____

DATE ADOPTED : _____

B. Impact

To ensure that construction activities do not result in a significant loss of burrowing owl nesting habitat or result in a taking of the any owls:

Mitigation Measures:

Within 30 days prior to grading occurring on-site, the property owner, developer or successor-in-interest shall have a Biologist, approved for use by Planning staff, confirm that there are no burrowing owls on the site or adjacent to the site as per State of California, Department of Fish and Game Guidelines.

If evidence of burrowing owl 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:

1. Occupied burrows shall not be disturbed during the nesting season (February 1 through April 31) unless a qualified biologist approved by the Department verifies through non-invasive methods that either: 1) the birds have not begun egg-laying and incubation 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.
2. To offset the loss of foraging habitat and burrow habitat on the project site, a minimum of 6.5 acres of foraging habitat (calculated on a 100m (approximately 300 feet) per pair or unpaired resident bird shall be acquired and permanently protected. The protected lands should be adjacent to occupied burrowing owl habitat and at a location acceptable to the Department.
3. When destruction of occupied burrows is unavoidable, existing unsuitable burrows shall be enhanced (enlarged or cleared of debris) or new burrows created (by installing artificial burrows) at a ratio of 2:1 on the protected lands site.
4. If owls must be moved away from the disturbance area, passive relocation techniques shall be used rather than trapping. At least one or more weeks will be necessary to accomplish this and allow the owls to acclimate to alternative burrows.
5. The project sponsor shall provide funding for long-term management and monitoring of the protected lands. The monitoring plan should include success criteria, remedial measures, and an annual report to the Department of Fish and Game.
6. If avoidance is the preferred method of dealing with potential project impacts, then no disturbance should occur within 50 meters (approximately 160 feet) of occupied burrows during the non-breeding season of September 1 through January 31 or within 75 meters (approximately 250 feet) during the breeding season of February 1 through August 31. Avoidance also requires that a minimum of 6.5 acres of foraging habitat be permanently preserved contiguous with occupied burrow sites for each pair of breeding burrowing owls (with or without dependent young) or single unpaired resident bird. The configuration of the potential habitat should be approved by the Department of Fish and Game.
7. Owls should be excluded from burrows in the immediate impact zone and within a 50 meter (approximately 160 feet) buffer zone by installing one-way doors to the burrow entrance. One way doors (e.g., modified dryer vents) should be left in place for 48 hours to insure owls

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have left the burrows before excavation. Two natural or artificial burrows should be provided for each burrow in the area that will be rendered biologically unsuitable. The project area should be monitored daily for one week to confirm owl use of burrows before excavating burrows in the immediate impact zone. Whenever possible, burrows should be excavated using hand tools and refilled to previous reoccupation. Sections of flexible plastic pipe should be inserted into the tunnels during excavation to maintain an escape route for any animals inside the burrows.

8. Two natural or artificial burrows shall be provided for each burrow in the project area that will be rendered biologically unsuitable. The project area should be monitored daily until the owls have relocated to the new burrows. The formally occupied burrows may then be excavated. Whenever possible, burrows should be excavated using hand tools and refilled to prevent reoccupation. Sections of flexible plastic pipe should be inserted into the tunnels during excavation to maintain an escape route for any animals inside the burrows.

Entity Responsible for Ensuring Compliance:

The property owner, developer or successor-in-interest is responsible for compliance with any mitigation required by the Department of Fish and Game to reduce the impact to burrowing owls to a less-than significant level.

Monitoring Program:

Prior to issuance of any grading permit, Planning & Building Department shall ensure compliance with the mitigation measure by reviewing the biologist's report.

2 Cultural Resources

A. Impact

To ensure that construction activities do not result in a significant loss of cultural resources:

Mitigation Measures:

If subsurface archaeological or historical remains (including unusual amounts of bones, stones, or shells) are discovered during excavation or construction of the site, work in the affected 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.

Entity Responsible for Ensuring Compliance:

The property owner, developer or successor-in-interest is responsible for instructing all grading and construction contractors regarding the mitigation. In the event cultural materials are discovered, the developer or successor-in-interest is responsible for stopping grading or construction activity in the area and for hiring a qualified archaeologist and contacting the Native American Heritage Commission to review the find. The developer or successor-in-interest is responsible for compliance with any mitigation developed to reduce the impact to cultural resources to a less-than-significant level.

Monitoring Program:

Prior to issuance of a grading permit, the Planning & Building Department shall review the written contractor's or developer's specifications to ensure that they contain the above measures.

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DATE ADOPTED: _____

3. Drainage / Runoff

A. Impact

To ensure that stormwater runoff quality is not substantially degraded:

Mitigation Measures:

The applicant will be required to comply with the following conditions provided by the City's Department of Utilities:

- An on-site surface drainage system is required and shall be connected to the street drainage system by means of a storm drain service tap. All on-site systems shall be designed to the standard for private storm drainage systems (per Section 11.12 of the Design and Procedures Manual).
- A grading plan showing existing and proposed elevations is required. Adjacent off-site topography shall also be shown to the extent necessary to determine impacts to existing surface drainage paths. No grading shall occur until the grading plan has been reviewed and approved by the Department of Utilities.
- Post construction, stormwater quality control measures shall be incorporated into the development to minimize the increase of urban runoff pollution caused by development of the area. Only source control measures are required. This will not affect site design. Refer to the draft "Manual of Standards for Design of New Development On-site Storm water Quality Control Measures," dated January 23, 1995, for appropriate source control measures.
- The applicant must comply with the City of Sacramento's Grading, Erosion and Sediment Control Ordinance. This ordinance requires the applicant to prepare erosion and sediment control plans for both during and after construction of the proposed project, prepare preliminary and final grading plans, and prepare plans to control urban runoff pollution from the project site during construction.

Entity Responsible for Ensuring Compliance:

The owner, developer or successor-in-interest shall be solely responsible for the design and construction of the specified improvements.

Monitoring Program:

Prior to issuance of any grading permit, the Department of Utilities and Public Works Department shall ensure (through an agreement with the owner, developer or successor-in-interest) that the site is properly graded and the specified improvements are in place and properly constructed.

4. Noise

A. Impact:

To ensure that occupants/patrons are not exposed to excessive exterior noise levels:

Mitigation Measures:

The following mitigation measures will ensure that the exterior noise level does not exceed the City's requirements:

FOR CITY CLERK USE ONLY

RESOLUTION NO. : _____

DATE ADOPTED : _____

1. The developer shall construct a six foot tall, solid masonry wall along the north and east property lines, adjacent to the rear yard play areas.

Entity Responsible for Ensuring Compliance:

The property owner, developer, or successor-in-interest is responsible for compliance with any mitigation required to reduce the noise impact to a less-than significant level.

Monitoring Program:

Prior to issuance of any temporary or final Certificate of Occupancy, the Planning & Building Department shall ensure that the required wall is constructed.

B. Impact:

To ensure that occupants/patrons are not exposed to excessive interior noise levels:

Mitigation Measures:

The following mitigation measures will ensure that the interior noise level does not exceed the City's requirements:

1. The developer shall provide adequate evidence to the Planning and Building Department, that proposed building materials and construction techniques will achieve a maximum 45 dB Ldn interior noise standard.

Entity Responsible for Ensuring Compliance:

The property owner, developer, or successor-in-interest is responsible for compliance with any mitigation required to reduce the noise impact to a less-than significant level.

Monitoring Program:

Prior to issuance of any building permits, the Planning & Building Department shall ensure that the developer has provided adequate evidence to prove that the proposed building materials and construction techniques will achieve a maximum 45 dB Ldn interior noise standard.

FOR CITY CLERK USE ONLY

RESOLUTION NO. : _____

DATE ADOPTED : _____

MITIGATION AGREEMENT

PROJECT NAME / FILE NUMBER: **Phoenix Schools Childcare / P00-051**

OWNER/DEVELOPER **Mark Lucas**
ADDRESS: **83 Scripps Drive, Suite 320**
Sacramento, CA 95825

I, MARK LUCAS (owner, authorized representative), agree to amend the project application P00-051 to incorporate the attached mitigation measures dated August 15, 2000. 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 Negative Declaration of environmental impact for the above referenced project.

I also understand that the City of Sacramento will adopt a Mitigation Monitoring Plan for this project. This plan will be prepared by the Planning & Building Department pursuant to the California Environmental Quality Act Section 21081 and pursuant to Article III of the City's Local Administrative Procedures for the Preparation of Environmental Documents.

I acknowledge that this project, P00-051, would be subject to this Mitigation Monitoring 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)

Developer/Applicant
Title

9/11/00
Date

FOR CITY CLERK USE ONLY

RESOLUTION NO. : _____

DATE ADOPTED: _____

RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

RESOLUTION TO AMEND THE SCHEMATIC PLAN OF THE GREENHAVEN EXECUTIVE PARK PUD TO REDESIGNATE 1.4± ACRES FROM 8,000± SQUARE FEET OF COMMERCIAL BUILDING TO 11,448± CHILDCARE BUILDING IN THE GENERAL COMMERCIAL (C-2) ZONE. (P00-051) (APN: 031-0051-015)

WHEREAS, the City Council conducted a public hearing on _____ concerning the above plan amendment to the Greenhaven Executive Park PUD Schematic Plan and based on documentary and oral evidence at the public hearing, the Council hereby finds:

- a. The proposed plan amendment to the Greenhaven Executive Park PUD Schematic Plan is compatible with the surrounding uses;
- b. The subject site is suitable for a commercial childcare development; and
- c. The proposal is consistent with the policies of the City's General Plan and Pocket Community Plan.

NOW THEREFORE BE IT RESOLVED by the City Council of Sacramento that:

The Greenhaven Executive Park PUD Schematic Plan is amended to redesignate 1.4± acres from 8,000± square feet of commercial building to 11,448± square feet of childcare building as shown in the attached Exhibit 4A.

MAYOR

ATTEST:

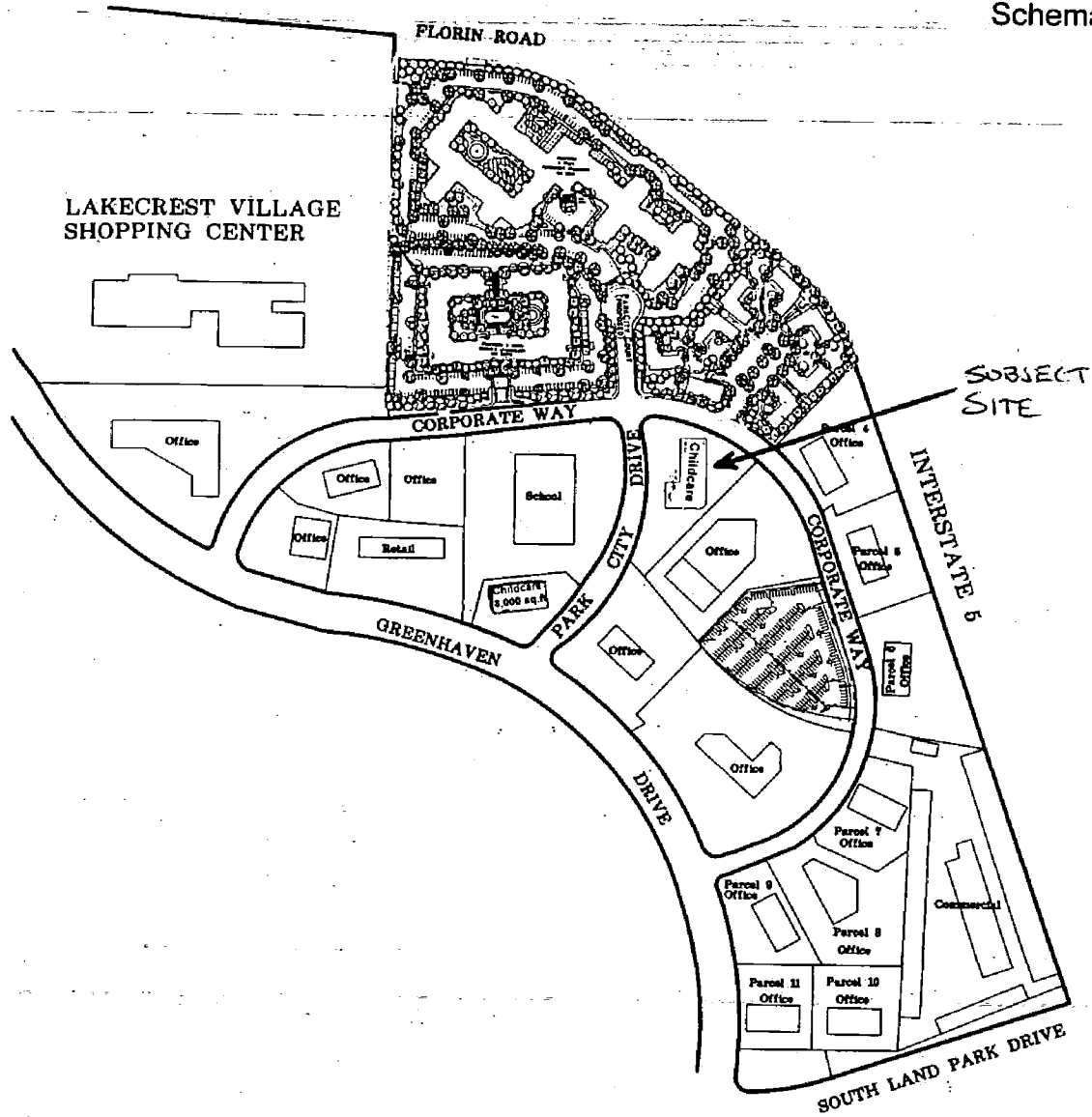
CITY CLERK

P00-051

FOR CITY CLERK USE ONLY

RESOLUTION NO. : _____

DATE ADOPTED : _____



Schematic Master Plan
**GREENHAVEN
EXECUTIVE PARK**
City of Sacramento, California



Not to Scale North

FOR CITY CLERK USE ONLY

RESOLUTION NO. : _____

DATE ADOPTED: _____

ATTACHMENT 5
Planning Commission Report
