REPORT TO COUNCIL
City of Sacramento

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915 I Street, Sacramento, CA 95814-2604
www.CityofSacramento.org

CONSENT
November 24, 2009

Honorable Mayor and
Members of the City Council

Title: Contract: Design-Build Services for the North Natomas Fire Station 43 Project (F13000700)

Location/Council District: 4201 El Centro Road, Council District 1

Recommendation: Adopt: 1) a **Resolution** authorizing the City Manager or the City Manager's designee to execute a design-build contract with Unger Construction, Inc. for design-build services for the North Natomas Fire Station 43 Project in an amount not to exceed $5,300,000; and 2) a **Resolution** adopting a mitigated negative declaration addendum and a mitigation monitoring plan for the North Natomas Fire Station 43 Project.

Contacts: Yadi Kavakebi, Facilities and Real Property Superintendent, 808-8432; Cynthia Kranc, Facilities Manager, 808-2258

Presenters: Not Applicable

Department: General Services

Division: Facilities and Real Property Management

Organization No: 13001541

Description/Analysis:

Issue: On June 23, 2009, City Council adopted Resolution No. 2009-421, authorizing the establishment of the Fire Station 43 (F13000700) Capital Improvement Project (CIP), appropriating funds in the amount of $9.6 million to the project CIP and approving the design-build delivery method to construct the North Natomas Fire Station 43. City Council also authorized the Department of General Services to solicit Requests for Qualifications (RFQ) and Request of Proposals (RFP) for related design-build services.

Per City Council approval, staff solicited Requests for Qualifications (RFQ) through an (RFQ) process on July 13, 2009. A selection committee was composed of representatives from the City Council office and various City Departments. Twelve firms submitted qualifications for the committee's review: Allen L. Bender Inc., Brown Construction Inc., Carter Kelly Inc., Heery International Inc., HMH Builders, JDS Builders Group Inc., Kuehne Construction, Otto Construction, Regent/Gonsalves & Stronck, Rudolph & Sletten, Unger Construction Inc., and ZCON Builders.

The committee short listed five firms to interview. On October 9, 2009 the committee selected Unger Construction, Inc. as the most qualified and responsive firm.

The design-build contract with Unger Construction, Inc. includes a guaranteed maximum price (GMP) of $5,300,000 to design and construct the North Natomas Fire Station 43.

Policy Considerations: This project is consistent with the City's Strategic Plan goal to achieve sustainability and enhance livability by improving and expanding services to the local community.

Environmental Considerations:

California Environmental Quality Act (CEQA): The Community Development Department has reviewed this project and has prepared an Addendum to the previously approved Natomas Central Mitigated Negative Declaration in accordance to the California Environmental Quality Act (CEQA) Section 15164. No substantial changes have occurred that would require the preparation of an Environmental Impact Report (EIR) and, therefore, this report recommends adopting a mitigated negative declaration addendum and mitigation monitoring plan for the North Natomas Fire Station 43 Project.

Sustainability Considerations: On September 21, 2004, City Council adopted Resolution No. 2004-751, authorizing the City of Sacramento to design facilities to achieve Leadership in Energy and Environmental Design (LEED) rating with a goal of LEED Silver. This project will achieve LEED Silver compliance.

Rationale for Recommendation: Use of the design-build process was necessary to complete design and construction of a new fire station by summer 2011. The fire station will provide offices and support services for 12 employees plus a three bay apparatus area to house a fire truck, engine and ambulance. The project budget includes all design services, administration, fees, permits (excluding the City building plan check and building permit), construction, furniture-fixtures and equipment necessary to provide a fully functional and operating facility. The design-build fee for all services is estimated not to exceed $5.3 million.

The design-build delivery approach provides the opportunity to maximize project scope within a limited budget and time. It is a faster delivery method than design-bid-build delivery approach and is consistent with the alternative delivery approaches mentioned in the Smith-Culp report presented to City Council in February 2003.

Financial Considerations: On June 23, 2009, City Council adopted Resolution No. 2009-421, authorizing the establishment of the Fire Station 43 (F13000700) Capital Improvement Project (CIP) and transference of $9.6 million from the North Natomas Community Improvement Fund (Fund 3201) to the North Natomas Fire Station 43 (F13000700) CIP for construction of the facility and related equipment. There are sufficient funds within the project CIP to award the design-build contract to Unger Construction, Inc.

Emerging Small Business Development (ESBD): Contractors submitting for this phase of a design-build project are typically unable to demonstrate meeting the City's ESBD goal because the construction phase of the project is not fully developed. The RFP required a commitment letter from responding contractors stating that the City's 20% ESBD goal will be met for the construction phase of the project. Unger Construction, Inc. has submitted the required commitment letter.

Respectfully Submitted by: _____
Cynthia Kranc
Facilities Manager

Approved by: _____
Reina J. Schwartz
Director, Department of General Services

Approved by: _____
Ray S. Jones
Fire Chief

Recommendation Approved:

for Ray Kerridge
City Manager

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BACKGROUND INFORMATION **Attachment 1**

On November 15, 2002, City Council recommended the use of Station 5 and Station 20 designs as a proto-type for future fire stations. The two-story Station 5 prototype was evaluated and determined that it did not meet the site-specific Federal Emergency Management Agency (FEMA) requirements. Staff incorporated elements of prototype concepts in the conceptual design for the proposed Station 43.

On May 26, 2009, City Council adopted Resolution No. 2009-0341, approving the 2008 Update to the North Natomas Finance Plan which authorizes the use of development impact fees for the construction of a fire station on El Centro Road and the related equipment (one truck, one engine, and one ambulance). The land for the fire station has already been acquired through map dedication.

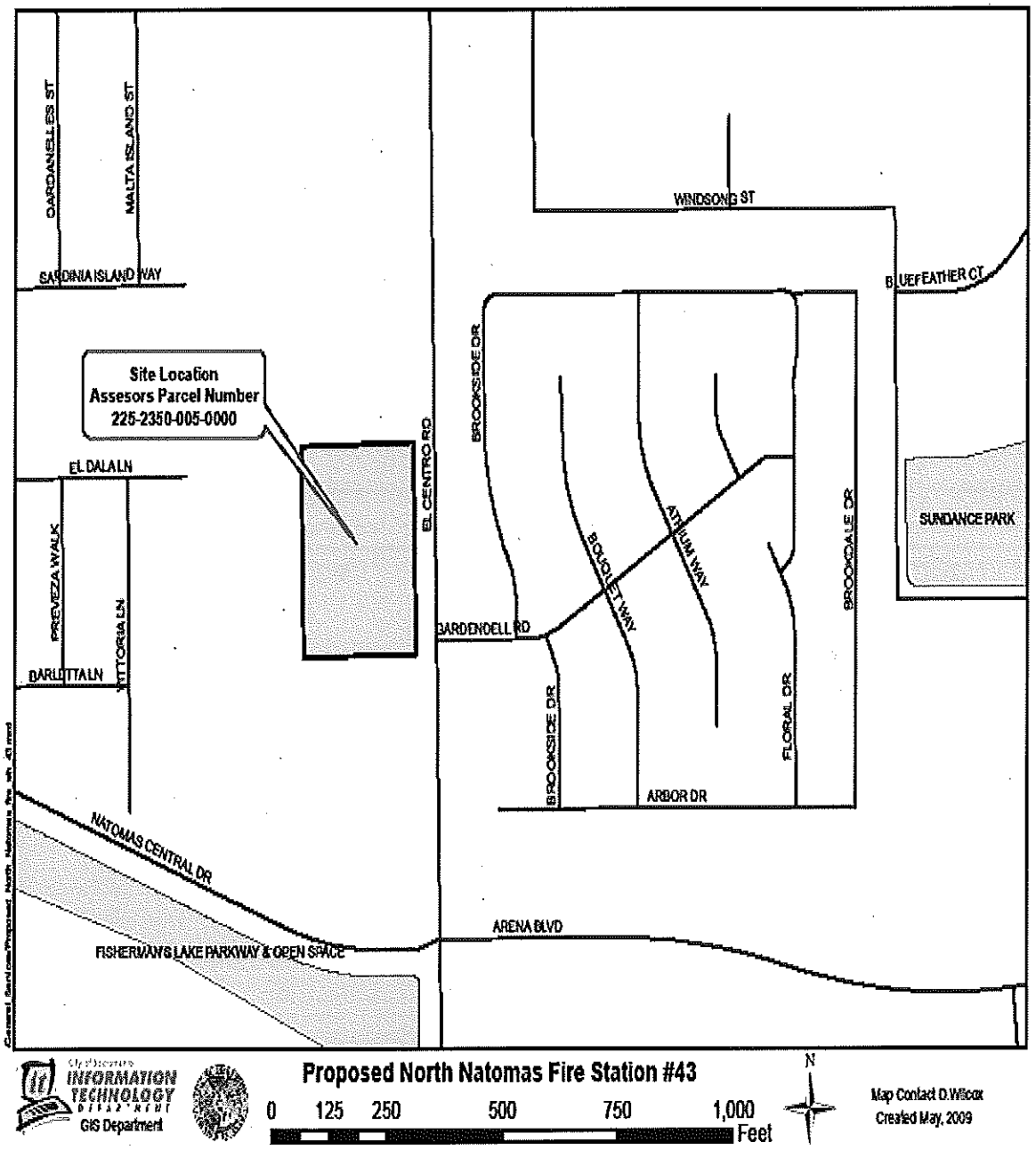
Suspending competitive bidding was recommended in the best interest of the City to allow the use of the design-build alternative project delivery method. This method provides the opportunity to maximize project scope within a limited budget and time, and is consistent with the alternative delivery approaches recommended in the Smith-Culp Report, and adopted by City Council on December 2, 2003 (Resolution No. 2003-853). Approving the design-build alternative project delivery method will assist in "fast-tracking" this public safety improvement, which is necessary to complete the project in the desired 24 month time frame in recognition of the need for additional fire protection on the west side of Interstate 5.

On June 23, 2009, City Council adopted Resolution No. 2009-421, authorizing funding for the design and construction of the North Natomas Fire Station 43 and authorizing the Department of General Services to proceed with the selection process.

Use of the design-build process was necessary to complete design and construction of a new fire station by summer 2011. The fire station will provide offices and support services for 12 employees plus a three bay apparatus area to house a fire truck, engine and ambulance. The project budget includes all design services, administration, fees, permits (excluding the City building plan check and building permit), construction, furniture-fixtures and equipment necessary to provide a fully functional and operating facility. The design-build fee for all services is estimated not to exceed $5.3 million.

On July 13, 2009 the Department of General Services posted an RFQ for design-build services on the City's internet site at http://www.cityofsacramento.org/finance/bids. Twelve submittals were received and deemed responsive. The selection committee evaluated the statements of qualifications based on previous experience with design of fire stations, experience with the design-build approach on similar size projects and experience of the proposed team working together on previous design-build projects as well as the firms' commitment to completing the project within the time line and budget given. The committee then short listed the most qualified firms and asked them to interview. On October 9, 2009 the selection committee chose Unger Construction, Inc. as the most qualified design-build team to complete the work.

Project Map


DARDANELLES ST
MALTA ISLAND ST
SARDINIA ISLAND WAY
WINDSONG ST
BLUEFEATHER CT
Site Location
Assesors Parcel Number
225-2350-005-0000
EL DALA LN
PREVEZA WALK
VITTORIA LN
DARLITTA LN
EL CENTRO RD
BROOKSIDE DR
BOUQUET WAY
ATRIUM WAY
DARDENOELL RD
BROOKDALE DR
FLORAL DR
ARBOR DR
SUNDANCE PARK
NATOMAS CENTRAL DR
ARENA BLVD
FISHERMAN'S LAKE PARKWAY & OPEN SPACE
INFORMATION TECHNOLOGY DEPARTMENT
GIS Department
Proposed North Natomas Fire Station #43
0 125 250 500 750 1,000 Feet
N
Map Contact D.Wilcox
Created May, 2009

Attachment 2

ADDENDUM TO AN APPROVED MITIGATED NEGATIVE DECLARATION

This document is available for review on the City Clerk website.

http://www.cityofsacramento.org/clerk/

RESOLUTION NO. 2009-XXXX

Adopted by the Sacramento City Council

November 24, 2009

AUTHORIZING A DESIGN-BUILD CONTRACT WITH UNGER CONSTRUCTION, INC. FOR DESIGN AND CONSTRUCTION SERVICES FOR THE NORTH NATOMAS FIRE STATION 43 PROJECT (F13000700)

BACKGROUND

A. On June 23, 2009, City Council adopted Resolution No. 2009-421, authorizing the establishment of the Fire Station 43 (F13000700) Capital Improvement Project (CIP), appropriating funds in the amount of $9.6 million to the project CIP and approving the design-build delivery method to construct the North Natomas Fire Station 43. City Council also suspended competitive bidding as in the best interest of the City and authorized the Department of General Services to solicit Requests for Qualifications (RFQ) and Request of Proposals (RFP) for related design-build services.

B. On July 13, 2009 the Department of General Services posted an RFQ for design-build services for the North Natomas Fire Station 43 on the City's internet site at http://www.cityofsacramento.org/finance/bids. Twelve proposals were received and deemed responsive. The committee short listed five firms and requested they interview and submit detailed proposals.

C. On October 9, 2009 the committee selected Unger Construction, Inc. as the most qualified design-build team to complete the work.

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

Section 1. The City Manager or the City Manager's designee is authorized to execute a design-build contract with Unger Construction, Inc. for design-build services for the North Natomas Fire Station 43 Project in an amount not to exceed $5,300,000.

RESOLUTION NO. 2009-XXXX

Adopted by the Sacramento City Council

November 24, 2009

ADOPTING THE MITIGATED NEGATIVE DECLARATION ADDENDUM AND THE MITIGATION MONITORING PLAN FOR THE NORTH NATOMAS FIRE STATION 43 PROJECT (F13000700)

BACKGROUND

A. On October 13, 2005 the City Planning Commission conducted a public hearing on, and forwarded to the City Council a recommendation to approve with conditions the Natomas Central (P04-173) project;

B. On October 25, 2005 the City Council conducted a public hearing, and received and considered evidence concerning the Natomas Central 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 October 25, 2005 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 program and approved Natomas Central (P04-173) (Project).

B. The North Natomas Fire Station 43 Project (Station 43 Project) includes approval by the City Council of a contract to design and build a fire station within the Natomas Central project.

C. The City has determined that approval of the proposed contract for Station 43 does not require the preparation of a subsequent environmental impact report or negative declaration. An addendum to the previously adopted MND has been 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 Station 43 Project. The City Council had determined that the previously adopted

MND and the addendum constitute an adequate, accurate, objective, and complete review of the proposed Station 43 Project and finds that no additional environmental review is required based on the reasons set forth below:

A. No substantial changes are proposed by the Station 43 Project 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;

B. No substantial changes have occurred with respect to the circumstances under which the Station 43 Project 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;

C. No new information of substantial importance has been found that shows any of the following:

1. The Station 43 Project will have one or more significant effects not discussed in the previously adopted MND;

2. Significant effects previously examined will be substantially more severe than shown in the previously adopted MND;

3. Mitigation measures previously found to be infeasible would in fact be feasible and would substantially reduce one or more significant effects of the Project Modification; or

4. Mitigation measures which are considerably different from those analyzed in the previously adopted MND would substantially reduce one or more significant effects on the environment.

Section 3. Based on its review of the previously adopted MND for Natomas Central, the addendum, and all oral and documentary evidence received during the hearing on the Station 43 Project, 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 Station 43 Project and readopts the findings of fact in support of the MND.

Section 4. The mitigation monitoring program for the Natomas Central Project is adopted for the Station 43 Project, and the mitigation measures shall be implemented and monitored as set forth in the program, based on the following findings of fact:

1. The mitigation monitoring program has been adopted and

implemented as part of the Project;

2. The addendum to the MND does not include any new mitigation measures, and has not eliminated or modified any of the mitigation measures included in the mitigation monitoring program;

3. The mitigation monitoring plan meets the requirements of CEQA section 21081.6 and CEQA Guidelines section 15074.

Section 5. Upon approval of the Station 43 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 6. 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.

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Exhibit A: Mitigation Monitoring Program

Exhibit A

Natomas Central
Mitigation Measures Table

	Background Information for Mitigation Measure	Timing for Implementation of Mitigation Measures	Parties Responsible for Enforcement of Mitigation Measures and Monitoring
Seismicity, Soils and Geology			
SSG-1	The developer will retain representatives from a certified engineering firm on-site during preparation and grading operations to observe and test the fill to ensure compliance with recommendations from the geotechnical investigation report.	During all phases of construction associated with grading, soil excavation and conditioning.	City of Sacramento and K. Hovnanian Forecast Homes
SSG-2	If development activities involving soil conditions are conducted during the wet season (October 15th through March 15th), the developer and contractors will implement specific wet-season construction measures provided by a certified engineering firm.	Prior to and during the period of October 15th through April 15th if construction activities associated with soils are necessary to occur within the anticipated rainy season.	City of Sacramento and K. Hovnanian Forecast Homes

	Background Information for Mitigation Measure	Timing for Implementation of Mitigation Measures	Parties Responsible for Enforcement of Mitigation Measures and Monitoring
SSG-3	Although the soils are capable of supporting the proposed structures a majority of the on-site soils have been disturbed through past agricultural uses. Soils that have been subject to historic agricultural uses will be properly conditioned by thorough recompaction of upper soils in compliance with the UBC and CUBC adopted by the City of Sacramento. Recommendations for constructing the type(s) of foundations used on the project site (post-tensioned concrete foundation/slab systems, or continuous and spread foundations) will be implemented as outlined in the Wallace-Kuhl Geotechnical Engineer Report (2004b), as well as the site preparation recommendations that address the potentially expansive clays located on the project site. This includes the reinforcement of continuous foundations with a minimum of four No. 4 reinforcing bars, placed two each on the top and bottom, to minimize the effects of the potentially expansive soils. To impede moisture migration beneath the structures, perimeter foundations will be continuous around the entire structure.	During all phases of construction.	City of Sacramento and K. Hovnanian Forecast Homes
SSG-4	Due to the expansive nature of the on-site soils, engineered fill will be used along with post-tensioned foundations or deepened and heavily reinforced conventional foundations.	During all phases of construction.	City of Sacramento and K. Hovnanian Forecast Homes

	Background Information for Mitigation Measure	Timing for Implementation of Mitigation Measures	Parties Responsible for Enforcement of Mitigation Measures and Monitoring
SSG-5	The dewatering system for the Natomas Central project will be designed, constructed, and developed by a dewatering contractor who has experience with performing such activities in the immediate vicinity of the project site. Excavation and dewatering activities should be scheduled during the early summer months to allow the subsurface soils maximum drying time once the system is operational, but late enough during the season so that groundwater elevations are low to minimize dewatering activities as described in Mitigation Measure W-2.	During all phases of construction requiring dewatering activities. Excavation and dewatering activities shall be scheduled as early as possible during the early summer months to allow the subsurface soils maximum drying time once the system is operational.	City of Sacramento and K. Hovnanian Forecast Homes
SSG-6	Continuous flow meters, or other similar devices, will be installed by the dewatering contractor to meter the dewatering, as required in Section 2.4.2 of the *North Natomas Drainage Design and Procedures Manual*. Records of this information, and all other dewatering information, will be kept on file by the dewatering contractor and made available to the City of Sacramento and all other project consultants upon request to ensure compliance with this mitigation measure is being met.	During all phases of construction requiring dewatering activities.	Contractor selected by K. Hovnanian Forecast Homes to conduct dewatering activities on the project site.

	Background Information for Mitigation Measure	Timing for Implementation of Mitigation Measures	Parties Responsible for Enforcement of Mitigation Measures and Monitoring
SSG-7	If water collected during dewatering activities will be discharged into any nearby water body it will be filtered to ensure that pollutant and sediment levels are at or below water quality standards established by the Regional Water Quality Control Board (RWQCB). If the effluent is to be taken off site, it will be properly treated and disposed of.	During all phases of construction requiring dewatering activities.	Contractor selected by K. Hovnanian Forecast Homes to conduct dewatering activities on the project site.

Water			
W-1	The City of Sacramento has obtained a NPDES permit. Compliance with this permit will ensure water quality will be maintained and erosion and sediment movement minimized during construction activities for the Natomas Central project. The SWPPP shall provide Best Management Practices (BMPs) that will be employed to prevent runoff, erosion, and release of contaminants into the City's storm drain system and area watershed, and to preserve water quality. The designated SWPP monitor will inspect the site and all installed BMPs after storm events, and periodically as is required by the NPDES permit and SWPP monitoring reports will be filed in the copy of the SWPPP kept on site, as well as with the project manager or erosion control specialist in charge of maintaining storm water control on the project site. Inspections shall serve to determine compliance with the NPDES permit, BMP effectiveness, and provide feedback on maintenance and/or additional measures necessary to ensure water quality is protected and sediments are not released from the project site.	As required by the Department of Utilities, a Storm Water Pollution Prevention Plan (SWPPP) shall be developed for all phases of the project. The SWPPP shall be in place prior to commencement of grading or earth moving activities. Appropriate BMPs must be installed and inspected during all phases of the project until all disturbed soil has been stabilized, and a Notice of Termination (NOT) has been filed and accepted by the RWQCB.	City of Sacramento, K. Hovnanian Forecast Homes, contractors and subcontractors, and RWQCB

W-1 Continued	BMPs implemented, as part of the SWPPP should include the following procedures: (1) restricting grading to the dry season (2) utilizing erosion control blankets, hydroseeding, or similar practices to protect finished graded slopes from erosion (3) protecting downstream storm drainage inlets from sedimentation through the use of sediment barriers and protection of stormdrain inlets through the use of drop inlet sediment sacks and sand bags (4) use of silt fencing and straw wattles to retain sediment on the project site (5) use of temporary water conveyance and water diversion structures to eliminate runoff to the fill slopes (6) any other suitable measures outlined in an approved Erosion Control Manual, which will provide technical guidance for temporary and permanent erosion prevention and sediment control to be used by site designers, developers, contractors and local government agencies during the construction process, before, during and after clearing, grubbing, grading and excavation.		
W-2	Conduct any required dewatering activities necessary for construction of Natomas Central Lake during the summer months to reduce the amount of ground water pumping necessary to lower ground water elevations. However due to the conditioning required of the exposed soils to allow adequate drying time before application of the proposed clay liner within the basin, the timing of these construction activities will not extend into late summer.	Early summer months when construction activities anticipate the need for dewatering associated with construction of Natomas Central Lake.	City of Sacramento, K. Hovnanian Forecast Homes, contractors and subcontractors, and RWQCB
W-3	The project proponent will incorporate low-impact-development measures such as pervious pavement and sidewalks, and grassy swales where appropriate and feasible	Low impact development measures will be considered for inclusion in the project design during all phases of construction and implemented where appropriate.	K. Hovnanian Forecast Homes

Air Quality			
AQ-1	Prior to groundbreaking the project proponent will submit a Construction Emission/Dust Control Plan to the City of Sacramento, SMAQMD, and CARB, which will include at a minimum the Mitigation Measures AQ-2 through AQ-9 below.	Prior to groundbreaking.	K. Hovnanian Forecast Homes
AQ-2	The construction contractor will provide the City of Sacramento, SMAQMD, and the CARB with a plan for approval demonstrating that heavy-duty (>50 horsepower) off-road vehicles to be used will achieve a project wide fleet average of 20 percent NOx reduction and 45 percent PM reduction compared to the most recent CARB fleet average at the time of construction. Off-road vehicles include owned, leased, and subcontractor vehicles. The project contractor will submit to the City of Sacramento, SMAQMD, and CARB, a comprehensive inventory of all off-road construction equipment (> 50 horsepower) that will be used for a total of 40 hours or more during any portion of the project. The inventory will include the horsepower rating, engine production year, and projected hours of use or fuel requirements for each piece of equipment. The inventory will be updated and submitted monthly throughout the duration of the project, except for any 30-day period in which no construction activities occur. At least 48-hours prior to the use of subject heavy-duty off-road equipment, the project representative shall provide SMAQMD with the anticipated construction timeline including start date, name and phone number of the project manager, and on-site foreman.	Prior to groundbreaking the construction contractor will submit an inventory of off-road construction equipment to be used for a total of 40 hours or more for the project to City of Sacramento, SMAQMD, and CARB. The inventory will be updated and submitted monthly throughout the duration of the project, except for any 30-day period in which no construction activities occur. At least 48-hours prior to the use of subject heavy-duty off-road equipment, the project representative shall provide SMAQMD with the anticipated construction timeline including start date, name and phone number of the project manager, and on-site foreman.	Construction contractor for the project and K. Hovnanian Forecast Homes
AQ-3	The project contractor shall ensure that emissions from off-road diesel powered equipment used on site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed the 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately, and the City of Sacramento, SMAQMD, and CARB shall be notified within 48-hours of identification of non-compliant equipment. A visual survey of all in-operation equipment shall be made at least weekly, and a monthly summary of the visual survey results shall be submitted throughout the duration of the project (except for 30-day periods of inactivity). The monthly summary shall include the quantity and type of vehicles surveyed, and the date of each survey.	During all phases of construction. Visual inspections of equipment conducted weekly, and a monthly summary of this survey shall be submitted to City of Sacramento, SMAQMD, and CARB throughout the duration of the project (except for 30-day periods of inactivity).	Construction contractor for the project, K. Hovnanian Forecast Homes and SMAQMD

AQ-4	Construction equipment will utilize the Best Available Technology (BAT) so as to minimize vehicle emissions to the extent possible. This may include the use of diesel particulate filters and cooled exhaust gas recirculation or equivalent measures on all off-road and on-road diesel equipment in the construction phase of the project. The project proponent will review amendments to CARB and SMAQMD regulations and City of Sacramento ordinances during construction, and comply immediately with newly adopted regulations, including those for equipment idling, which would reduce the cumulative release of pollutants.	During all phases of the project. The project proponent will review amendments to CARB and SMAQMD regulations every six months during construction, and comply with newly adopted regulations, including those for equipment idling, which would reduce the cumulative release of pollutants.	Construction contractor for the project, K. Hovnanian Forecast Homes
AQ-5	Coordinate with the SMAQMD for payment of fees into the Heavy-Duty Low-Emission Vehicle Program designed to reduce construction related emissions within the region. Fees shall be paid based upon the SMAQMD District Fee of $13,600/ton of NOx emissions generated. This fee shall be paid prior to issuance of building permits. Based upon the Urbemis emissions data and the SMAQMD's mitigation fee calculator, the expected payment for remaining construction related NOx emissions over the significance threshold will be $1,135,655. If the projected construction equipment or phases change, the applicant shall coordinate with the SMAQMD to determine if the mitigation fee needs to be re-calculated.	Fees will be paid prior to the issuance of a building permit.	Construction contractor for the project, K. Hovnanian Forecast Homes and SMAQMD
AQ-6	During clearing, grading, earth-moving, or excavation operations, fugitive dust emissions shall be controlled by watering exposed surfaces 2 times per day, watering haul roads 3 times per day or paving of construction roads, or other dust-preventive measures.	Watering of exposed surfaces will occur twice a day during all phases involving clearing, grading, earth-moving, or excavation operations. Watering of hauling roads will occur three times a day during all phases of paving of construction roads, and may include other dust-preventive measures.	Construction contractor for the project, K. Hovnanian Forecast Homes
AQ-7	All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 20 mph averaged over 1 hour.	During periods where winds exceed 20 mph averaged over 1 hour.	Construction contractor for the project, K. Hovnanian Forecast Homes
AQ-8	Any portions of the construction site that remains inactive longer than a period of 3 months shall be reestablished with ground cover through seeding and watering. Alternatively, non-toxic soil stabilizers shall be applied to all inactive construction areas in accordance with manufacture's specifications.	During all phases of construction.	Construction contractor for the project, K. Hovnanian Forecast Homes

AQ-9	All vehicles hauling dirt, sand, soil or other loose material shall be covered or should maintain at least two feet of freeboard in accordance with the requirements of California Vehicle Code Section 23114.	During all phases of construction	Construction contractor for the project, K. Hovnanian Forecast Homes
AQ-10	Prior to groundbreaking, the project proponent will coordinate with the SMAQMD and the City of Sacramento and develop a project Air Quality Mitigation Plan designed to reduce area source and operational NOx emissions by 15%. Some examples of project specific operational mitigation include bicycle/pedestrian transit features that promote alternative transportation use, mixed land uses including parks and schools within ¼ mile of residential uses, and promotion of electric landscaping equipment.	During construction of homes and facilities.	Construction contractor for the project, K. Hovnanian Forecast Homes and City of Sacramento
AQ-11	Coordinate with the SMAQMD for payment of fees into the Heavy-Duty Low-Emission Vehicle Program designed to reduce emissions within the region. SMAQMD calculates the mitigation fee for these remaining operational emissions by multiplying the NOx lbs/day over the threshold by 365 days (one year of emissions), determining the total project NOx over the threshold in tons, and multiplying that overage by the Carl Moyer Program standard of $13,600 per ton. Based upon the Urbemis emissions data and the SMAQMD's mitigation fee calculator, the expected payment for remaining operational NOx emissions over the significance threshold will be $230,384. If the projected operational emissions change, the applicant shall coordinate with the SMAQMD to determine if the mitigation fee needs to be re-calculated.	This fee shall be paid prior to issuance of building permits.	Construction contractor for the project, K. Hovnanian Forecast Homes and SMAQMD
Biological Resources			
BR-1	The project applicant/developer shall complete pre-construction surveys for potential special-status species not less than 30 days or more than 6 months prior to construction activities in accordance with the 2003 NBHCP. The pre-construction survey shall be conducted by a qualified biologist, botanical, or related expert. The site will be surveyed for giant garter snake, Swainson's hawk, loggerhead shrike and burrowing owl.	The developer shall complete the pre-construction surveys for potential special-status species not less than 30 days or more than 6 months prior to construction activities in accordance with the 2003 NBHCP.	K. Hovnanian Forecast Homes

BR-2	The project applicant/developer shall further: (i) comply with all requirements of the 2003 NBHCP, together with any additional requirements specified in the NNCP EIR; (ii) comply with any additional mitigation measures identified in the NBHCP EIR/EIS; and (iii) comply with all conditions in the ITPs issued by the USFWS and CDFG.	Timing and implementation of these measures are variable. Consult the 2003 Natomas Basin Habitat Conservation Plan for specific details.	K. Hovnanian Forecast Homes
BR-3	For sites that contain GGS habitat, the project area will be surveyed for the presence of GGS no more than 24 hours prior to the start of construction activities (site preparation grading). If construction activities stop for a period of two weeks or more a new GGS survey will be completed no more than 24 hours prior to resuming these activities. Clearing will be confined to the minimal area necessary to facilitate construction activities. GGS habitat within and adjacent to the project site will be designated with flags as an "Environmentally Sensitive Area" to ensure avoidance by construction personnel. The project developer will ensure all construction personnel associated with the project are alerted to the location of the protected habitat.	Sites containing GGS habitat will be surveyed for the presence of GGS no more than 24 hours prior to the start of construction activities (site preparation or grading). If construction activities stop for a period of two weeks or more a new GGS survey will be completed no more than 24 hours prior to resuming these activities.	K. Hovnanian Forecast Homes
BR-4	Construction personnel conducting site preparation and grading operations will receive environmental awareness training that is approved by the USFWS. This training will provide workers with instructions for identifying GGS and their habitat, and the procedures to follow if GGS is encountered on site during construction activities. At this time an on-site biological monitor will be selected in accordance with the U.S. Fish and Wildlife Service requirements.	Prior to construction activities in the vicinity of giant garter snake habitat.	K. Hovnanian Forecast Homes
BR-5	If a live GGS is found during construction activities, the USFWS and the assigned biological monitor will immediately be notified. Escape routes for GGS should be determined in advance of construction, and flagged for easy identification. The biological monitor or his/her assignee shall do the following: Stop construction in the vicinity of the snake. Monitor the snake and allow it to leave the area on its own. The monitor should remain in the area for the remainder of the work day to ensure the snake is not harmed, or if it does leave the site, that it does not return. Escape routes for the snake should be determined in advance of construction and snakes shall be allowed to leave on their own. If the snake does not leave within one working day, further consultation with USFWS is required.	Contact the USFWS immediately if a giant garter snake is identified on the site during any phase of construction. USFWS will provide additional recommendations as necessary.	K. Hovnanian Forecast Homes

BR-6	GGS may use fill or construction debris as an over-wintering site. Upon completion of construction activities all excess fill and/or construction debris will be removed from the site. If the material is located near undisturbed GGS habitat, it will be removed between October 1 and April 30, and inspected by a qualified biologist to ensure that GGS are not using the material for hibernation. Material that could entangle snakes (i.e. plastic, monofilament, jute, or similar erosion control matting) will not be placed within 200 feet of snake aquatic or rice habitat. Substitutions for these materials include coconut coir matting, tactified hydroseeding compounds or other materials approved by the USFWS.	Upon completion of construction activities during all phases of construction all temporary fill and/or construction debris will be removed from the site. If unused material is located near undisturbed GGS habitat, it will be removed between October 1 and April 30, and inspected by a qualified biologist to ensure that GGS are not using the material for hibernation. During all phases of construction material that could entangle snakes will not be placed within 200 feet of snake aquatic or rice habitat.	K. Hovnanian Forecast Homes
BR-7	If an active loggerhead shrike nest is identified on site that will be impacted by the project, brightly colored construction fencing will be installed to provide a 100-foot buffer from the nest. No disturbance associated with development of the project shall occur within the 100-foot buffer zone during the nesting season of March 1 through July 31. A qualified biologist, with concurrence with USFWS, will determine when the young have fledged or that the nest is no longer occupied prior to disturbance of the nest site.	For active loggerhead shrike nests identified during the pre-construction survey, no disturbance associated with development will occur within the 100-foot buffer from March 1 through July 31 or until a qualified biologist, in concurrence with USFWS has determined that the young have fledged or that the nest is no longer occupied prior to disturbance of the nest site.	K. Hovnanian Forecast Homes
BR-8	If burrowing owls are found to be using the site for foraging or nesting, a program for removal will be agreed upon by the City of Sacramento and the developer prior to initiation of any physical disturbance on the site. USFWS and CDFG shall be contacted regarding suitable mitigation, which may include a 300-foot buffer from the nest site during the breeding season (February 1 – August 31), or a relocation effort for the owls if: 1) the birds have not begun egg-laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. If relocation of the owls is approved for the site by USFWS or CDFG, a qualified biologist will prepare a plan for relocating the owls to a suitable site. If on-site avoidance is required, the location of the buffer zone will be determined by a qualified biologist. The buffer zone shall be marked with yellow caution tape, stakes, or temporary fencing, and maintained throughout the construction period.	Prior to initiation of any physical disturbance on the site. Occupied burrows shall not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by the CDFG verifies through non-invasive measures that either: 1) the birds have not begun egg-laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. USFWS and CDFG will be consulted and they will provide suitable mitigation if nests occur on-site during the breeding season (February 1 – August 31). If on-site buffer zones or avoidance areas are established, these will be maintained and avoided throughout the entire construction period of the site or until disturbance of these areas has been approved by USFWS or CDFG. Timing of relocation measures will be provided by USFWS or CDFG if necessary.	K. Hovnanian Forecast Homes and City of Sacramento

BR-9	If active nests are found on the site during pre-construction surveys, then CDFG should be consulted for mitigation measures that may be required. Typically CDFG will recommend that no construction activities occur within 500 feet of the nests, until the young have fledged or until the biologist determines that the nest is no longer active. If no active nests are identified during the pre-construction survey, no further mitigation is necessary. If construction activities are proposed to occur during non-breeding season (September-January), a pre-construction survey is not required and no further studies are necessary.	As a condition of grading permit issuance a pre-construction survey will be conducted for construction activities expected to occur during the nesting season (February-August), to determine if active nests are present on or within 500 feet of the site. The survey shall be conducted by a qualified biologist no more than 30 days prior to the onset of construction. If no active nests are identified during the pre-construction survey, no further mitigation is necessary.	CDFG and K. Hovnanian Forecast Homes
BR-10	Passive recreation use of the parkway and open space parcels located along Fisherman's Lake will be authorized between the months of September 1st to March 30th. To minimize disturbance to Swainson's hawks during breeding and nesting activities, use of the open space and park buffers located along Fisherman's Lake will be restricted from passive recreational use during the Swainson's hawk nesting season. Gates will be installed along pedestrian and bicycle paths and other areas of recreation along Fisherman's Lake between April 1st and August 31st to restrict access to these areas where potential trees along Fisherman's Lake could be utilized by Swainson's hawks.	Access to the parkway and open space areas located along Fisherman's Lake will be restricted during the Swainson's hawk breeding and nesting period from April 1st through August 31st.	K. Hovnanian Forecast Homes and City of Sacramento
Noise			
N-1	Construction contractors will utilize best available noise control techniques, i.e. manufacturer installed or improved mufflers, equipment redesign, intake silencers, ducts, engine enclosures and noise attenuating shields or shrouds on all heavy equipment and all stationary noise generating construction equipment (i.e. diesel generators).	During all phases of construction.	Construction contractor and K. Hovnanian Forecast Homes.
N-2	Equipment warm up areas, water tanks, and equipment storage, staging, and maintenance areas will be located as far away from existing residential areas as is feasible.	During all phases of construction.	Construction contractor and K. Hovnanian Forecast Homes
N-3	Prior to project grading, conduct a noise analysis to determine if traffic noise within the development is expected to exceed the City of Sacramento noise ordinance. As approved by the City, incorporate any recommendations from the noise study into the project design.	Prior to grading.	Construction contractor and K. Hovnanian Forecast Homes and City of Sacramento

N-4	All second story floors for lots with adjacent to Del Paso and El Centro roads will have all exterior windows and doors that have a laboratory-tested sound transmission class (STC) ratings of 31 or greater. All exterior doors will have appropriate perimeter weather stripping and threshold seals.	During all phases of home construction.	Home building contractors and K. Hovnanian Forecast Homes
Aesthetics, Lighting and Glare			
ALG-1	Reflective materials, including reflective windows, shall be limited to areas of facilities and building surfaces such that glare from the reflective materials does not unduly impact adjacent residences.	During building construction phases for the project associated with reflective materials, such as windows.	Construction contractor and K. Hovnanian Forecast Homes
ALG-2	All outdoor lighting fixtures, including those used to illuminate sports fields, courts, and parking areas, shall be shielded or constructed so that light emitted by the fixture is focused on the surface to be illuminated.	During the construction phases associated with the installation of outdoor lighting and sources of glare, including parking areas and outdoor ball fields and courts.	Construction contractor and K. Hovnanian Forecast Homes
ALG-3	Lighting on the project site shall not indirectly illuminate adjacent residences at a level greater than one foot-candle in intensity when measured from the portion of the residence facing the illuminated area. If indirect illumination at a residence is greater than one foot-candle, the developer shall ascertain the cause of the indirect illumination, and if necessary, implement appropriate measures to reduce such illumination.	After the installation of outdoor lighting has been completed, the lighting intensity indirectly affecting adjacent residences will be determined. If indirect lighting on adjacent residences exceeds one candle-foot additional mitigation measures to reduce indirect lighting to adjacent residences will be implemented at this time if necessary.	Construction contractor and K. Hovnanian Forecast Homes
Cultural Resources			
CR-1	A comprehensive field reconnaissance shall be completed for the project site prior to initiating grading on the project site. This survey should be at least as comprehensive as the investigations completed for the EIR. A copy of the survey, along with conclusions and recommendations will be included in the application for land use entitlement submitted to the City. In addition to the field reconnaissance survey, a subsurface archaeological testing program will be initiated. This will include excavating auger holes and small shovel units (approximately 1 x 1 meter). The subsurface testing will focus on defining the vertical and horizontal extent and cultural complexity and significance of the resources. All testing activities will be accomplished within the context of an acceptable archaeological research design and in full consultation with the Native American community and the State Historic Preservation Office. Upon completion of the testing procedure, the archaeological data will be compared to the detailed development plans for the project and used to identify specific impact and mitigation measures to be implemented. If archaeological resources are identified on the project site, the preferred method of mitigation is in place preservation of archaeological sites, and would require redesign of the development plan to incorporate the archaeological site into an open space preserve area. Alternative measures may be adopted if on site preservation cannot be accomplished.	Prior to groundbreaking.	K. Hovnanian Forecast Homes

CR-2	If subsurface archaeological, historical or paleontological remains are discovered during construction, work in the area shall stop immediately and a qualified archaeologist shall be consulted. If additional mitigation measures are recommended by the archaeologist, these will be implemented to reduce any archaeological impacts to a less than significant level before construction continues.	During all stages of earthmoving activities. Contact a qualified archeologist immediately if any archeological resources are uncovered during construction.	Construction contractor and K. Hovnanian Forecast Homes
CR-3	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.	During all stages of earthmoving activities. Contact the Sacramento County Coroner's office (and the Native American Heritage Commission if applicable) immediately if any human remains are uncovered during construction.	Construction contractor and K. Hovnanian Forecast Homes
CR-4	The developer will consult with the Native American Heritage Commission requesting comment on the location of potential religious sites in the project area as would be located in the Sacred Land Files, prior to initiating grading activities on the project site.	Prior to groundbreaking.	K. Hovnanian Forecast Homes
Recreation			
R-1	The project developer will ensure that parks have been provided for project residents when a minimum of 50 percent of the residential land within the project boundaries has been completed.	Prior to 50 percent of project completion.	City of Sacramento, Construction Contractor, and K. Hovnanian Forecast Homes