

## **RESOLUTION NO. 2006-501**

Adopted by the Sacramento City Council

June 27, 2006

### **APPROVING THE MITIGATED NEGATIVE DECLARATION AND APPROVING THE MITIGATION MONITORING PLAN FOR THE SOMERSET PROJECT, LOCATED AT 5102 & 5104 EHRHARDT AVENUE, SACRAMENTO, CALIFORNIA (P04-256) (APN: 117-0132-001, -002 & -004)**

#### **BACKGROUND**

- A. The City Council of the City of Sacramento finds as follows:
1. The City of Sacramento's Environmental Planning Services conducted or caused to be conducted an Initial Study on Somerset Subdivision (P04-256) ("Project") to determine if the Project may have a significant effect on the environment.
  2. 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:
    - a. On October 19, 2005 a Notice of Availability/Intent to Approve the MND (NOI) dated October 19, 2005 was circulated for public comment for 30 days. The public comment period began on October 21, 2005 and ended on November 21, 2005. 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.
    - b. On October 21, 2005 the project site was posted with the NOI, the NOI was published in the Daily Recorder, a newspaper of general circulation, and the NOI was posted in the office of the Sacramento County Clerk.

- c. On October 21, 2005 a Notice of Completion and 15 copies of the NOI were filed with the Office of Planning and Research, State Clearinghouse, for circulation to state agencies.
  - d. No comments were received regarding the environmental document as circulated.
3. 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.
4. 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.
5. 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.
6. 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 Somerset Subdivision (P04-256).
- Section 2. The City Council approves the Mitigation Monitoring Plan for the Somerset Subdivision project (P04-256) 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.

**Table of Contents:**

Exhibit A: Mitigation Monitoring Plan – 13 Pages

Adopted by the City of Sacramento City Council on June 27, 2006 by the following vote:

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

Noes: None.

Abstain: None.

Absent: Tretheway.

Heather Fargo  
Mayor, Heather Fargo

Attest:

Shirley Concolino

Shirley Concolino, City Clerk

Exhibit A – Mitigation Monitoring Plan

SOMERSET SUBDIVISION PROJECT (P04-256)  
MITIGATION MONITORING PLAN

FOR  
KIMBALL-SOMERSET PROPERTY

TYPE OF ENVIRONMENTAL DOCUMENT:  
INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION

PREPARED FOR:  
CITY OF SACRAMENTO. DEVELOPMENT SERVICES DEPARTMENT

DATE:

ADOPTED BY:  
CITY OF SACRAMENTO  
PLANNING COMMISSION

DATE:

ATTEST:

**SOMERSET SUBDIVISION PROJECT (P04-256)  
MITIGATION MONITORING PLAN**

This Mitigation Monitoring Plan (MMP) has been required by and prepared for the City of Sacramento Development Services Department, Environmental Planning Services, 2101 Arena Blvd, Suite 200, Sacramento, CA 95834, pursuant to CEQA Guidelines Section 21081.6

**SECTION 1: PROJECT IDENTIFICATION**

**Project Name / File Number:** Somerset Subdivision Project (P04-256)  
**Owner/Developer- Name:** Bill Stanton/Kimball Hill Homes  
**Address:** 10535 E Stockton Blvd . Suite K  
Elk Grove. CA 95624

**Project Location / Legal Description of Property (if recorded):**  
The proposed project site is located south of Ehrhardt Avenue on APNs 117-0132-001.-002 and -004 in the South Sacramento Community Plan area

**Project Description:**

The proposed project consists of the entitlements to create 169 single-family lots and construct a home on each lot in the Agriculture (A) and Single-Family Alternative (R-1A) zones

**SECTION 2: GENERAL INFORMATION**

The Plan includes mitigation for Biological, Noise, and Cultural Resources. The intent of the Plan is to prescribe and enforce a means for properly and successfully implementing the mitigation measures as identified within the Initial Study for this project. Unless otherwise noted, the cost of implementing the mitigation measures as prescribed by this Plan shall be funded by the owner/developer identified above. This Mitigation Monitoring Plan (MMP) is designed to aid the City of Sacramento in its implementation and monitoring of mitigation measures adopted for the proposed project.

~~The mitigation measures have been taken verbatim from the Initial Study and are assigned the same number they have in the document. The MMP describes the actions that must take place to implement each mitigation measure, the timing of those actions, and the entities responsible for implementing and monitoring the actions. The developer will be responsible for fully understanding and effectively implementing the mitigation measures contained with the MMP. The City of Sacramento will be responsible for ensuring compliance.~~

05/25/2006 08:48 9165663968

FROM : KIMBALL HILL HOMES LAND

CITY PERMIT CNTR

FAX NO : 9167143664

PAGE 01/01

Mar. 15 2006 05:43PM P2

## MITIGATION AGREEMENT

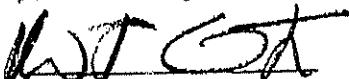
PROJECT NAME / FILE NUMBER: Somerset Subdivision (P04-258)

OWNER/DEVELOPER: Bill Stanton/Kimball Hill Homes

I, BILL STANTON (owner, authorized representative), agree to amend the project application P04-258 to incorporate the attached mitigation measures in the Somerset Subdivision Project Initial Study/Mitigated Negative Declaration dated September 26, 2005. 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 Reporting Plan will be prepared by the Development Services Department, pursuant to the California Environmental Quality Act Guidelines 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, P04-258, would be subject to this plan at the time the plan is adopted. This plan will establish responsibilities for the monitoring of my project by various City Departments and by other public agencies under the terms of the agreed upon mitigation measures. I understand that the mitigation measures adopted for my project may require the expenditure of owner/developer funds where necessary to comply with the provisions of said mitigation measures.



Signature (Owner/Developer/Applicant)

DIRECTOR

Title

3.15.06

Date

SOMERSET SUBDIVISION PROJECT (04-256)  
MITIGATION MONITORING PLAN

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	VERIFICATION OF COMPLIANCE	
			Compliance Standards	Timing of Verification of Compliance (Initials/Date)
<b>Biological:</b>  BR-4: Projects within one mile of an active nest tree shall provide: <ul style="list-style-type: none"> <li>• One acre of Habitat Management (HM) land (at least 10% of the HM land requirements shall be met by fee title acquisition or a conservation easement allowing for the active management of the habitat, with the remaining 90% of the HM lands protected by a conservation easement that is acceptable to the Department) on agricultural lands or other suitable habitats which provide foraging habitat for Swainson's hawk, for each acre of development authorized (1:1 ratio); or</li> <li>• One-half acre of HM land (all of the HM land requirements shall be met by fee title acquisition or a conservation easement that is acceptable to the Department) which allows for the active management of the habitat for prey production on the HM lands, for each acre of development authorized (0.5:1 ratio).</li> </ul> Projects within 5 miles of an active nest tree but greater than one mile from the nest tree: <ul style="list-style-type: none"> <li>• 0.75 acres of HM land for each acre of urban development authorized (0.75:1 ratio) shall be provided. All HM lands protected under this requirement may be protected through fee title acquisition or conservation easement (acceptable to the Department) on agricultural lands or other suitable</li> </ul>	City of Sacramento, Development Services Dept., CA Dept. of Fish and Game	Prior to the issuance of a grading permit.		

SOMERSET SUBDIVISION PROJECT (P04-256)  
MITIGATION MONITORING PLAN

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	VERIFICATION OF COMPLIANCE	
				Timing	Verification of Compliance (Initials/Date)
habitats which provide foraging habitat for Swainson's hawk.  Projects within 10 miles of an active nest tree but greater than 5 miles from an active nest tree.					
<ul style="list-style-type: none"> <li>• 0.5 acres of HM land for each acre of urban development authorized (0.5:1 ratio) shall be provided. All HM lands protected under this requirement may be protected through fee title acquisition or conservation easement (acceptable to the Department) on agricultural lands or other suitable habitats which provide foraging habitat for Swainson's hawk.</li> </ul> <p>OR</p> <p>BR-2: The Applicant shall satisfy any other mitigation measures that the Department of Fish and Game develops and deems appropriate.</p> <p>BR-3: If construction is scheduled to begin outside of March 1 to August 31, then no mitigation is required. If construction is scheduled during March 1 to August 31, a raptor nest survey shall be conducted by a qualified biologist approximately ten days prior to the start of any construction activities, including grading, to determine the presence of nesting raptors. The survey shall be conducted during periods of high nest detectability (usually March 1 to April 30). If presence of the species is determined, the City shall consult with the Department of Fish and Game (DFG) and follow the procedures in the latest Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (<i>Buteo swainsoni</i>) in the Central Valley of California.</p>					

SOMERSET SUBDIVISION PROJECT (P04-256)  
MITIGATION MONITORING PLAN

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	VERIFICATION OF COMPLIANCE	
			Compliance Standards	Timing Verification of Compliance (Initials/Date)
BR -4 through BR - 6. Applicant has fulfilled mitigation measures and are no longer needed.				
BR-7. For tree #153, the developer is required to plant a 12'-14' 96" inch box tree. All mitigated tree species identified in Table 1 shall be verified by the city arborist prior to purchasing the trees. A species-planting list shall be forwarded to the City Arborist (Mike Butcher) with a description of normal street tree planting (or the development).				

BR-8. Mitigated trees will be planted within the development area and will be maintained by the developer through the use of a certified arborist for no less than 3 years. Within the first 3 years if tree mortality occurs the developer will be responsible for tree replacement of mitigated trees only. Mitigated trees are not included with the general tree planting requirements and will be considered above the normal tree planting quotas for the project.

TREE NUMBER	DBH	RECOMMENDATION
#146 Modesto Ash	21 inch	mitigate 1-24" box tree
#147 English Walnut	9 inch	save or remove
#148 Fruitless Mulberry	8 inch	save or remove
#149 Modesto Ash	21 inch	save or remove
#150 Modesto Ash	15 inch	mitigate 1-24" box tree
#151 Modesto Ash	17 inch	mitigate 1-24" box tree
#152 Modesto Ash	18 inch	mitigate 1-24" box tree
#153 Modesto Ash	35 inch	Heritage (mitigate 96" box)
#154 Liquidambar	11 inch	mitigate 1-24" box tree
#155 Modesto Ash	23 inch	mitigate 1-24" box tree
#156 Modesto Ash	27 inch	save or remove
#157 Peach Tree	6 inch	save or remove
#158 White Mulberry	11 inch	mitigate 1-48"-60" box
#159 Red Maple	8 inch	save or remove
#160 Monterey Pine	11 inch	save or remove

**SOMERSET SUBDIVISION PROJECT (P04-256)**  
**MITIGATION MONITORING PLAN**

VERIFICATION OF COMPLIANCE					
Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials/Date)
#161 Red Maple  eBR-9: The Project Developer shall consult with ACOE prior to grading within the wetland area. If the wetlands are isolated and therefore not subject to Section 404 CWA jurisdiction, then the Project Developer will be allowed to grade the entire project site.  BR-10: If the wetlands are considered jurisdictional, then the following mitigation measures shall be compiled with prior to issuance of a grading permit: <ul style="list-style-type: none"> <li>• Prior to issuance of a grading permit, the project applicant will submit a wetland mitigation and monitoring plan to the City:               <ul style="list-style-type: none"> <li>○ The mitigation plan will be prepared in accordance with the requirements of the Corps of Engineer's Regulatory Guidance Letter (RGL 02-02) for compensatory wetland mitigation and the Mitigation and Monitoring Proposal Guidelines (Corps. 30 December 2004).</li> <li>○ The mitigation plan will describe how the jurisdictional wetlands in the grading plan area will be mitigated. Mitigation may include the purchase of wetland mitigation credits at a Corps approved mitigation bank.</li> <li>○ A copy of the bill of sale for the purchase of wetland mitigation credits will be submitted to the City.</li> </ul> </li> <li>• The Grading Permit shall be conditioned to not allow grading within 20 feet of any jurisdictional wetland until the project applicant provides the City of Sacramento</li> </ul>	Developer/ Contractor	City of Sacramento, DSD, Development Engineering Division, Environmental Planning Services (EPS), Ca. Dept. of Fish and Game,	Measures shall be included with construction specifications Construction specifications shall be included on the construction plans prior to the issuance of a grading permit.  Army Corps of Engineers	Prior to, during and after grading  Verification from ACOE provided to EPS.	

SOMERSET SUBDIVISION PROJECT (P04-256)  
MITIGATION MONITORING PLAN

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	VERIFICATION OF COMPLIANCE	
				Timing	Verification of Compliance (Initials/Date)
evidence that the discharge of fill into jurisdictional wetlands is authorized under Section 404 of the Clean Water Act.  • The Grading Permit shall be conditioned to require temporary fencing to be installed around the 20-foot buffer to exclude construction equipment until the project applicant provides the City of Sacramento evidence that the discharge of fill into jurisdictional wetlands is authorized under Section 404 of the Clean Water Act.					

SOMERSET SUBDIVISION PROJECT (P04-256)  
MITIGATION MONITORING PLAN

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	VERIFICATION OF COMPLIANCE	
				Timing	Verification of Compliance (Initials/Date)
<b>Noise:</b>  N-1: The sound wall adjacent to Lots 1 and 37 through 49 must have a minimum surface weight of 3.5 to 4.0 lbs/sq. ft. be continuous along its width and height with no gaps including at the ground, be a minimum total height of 6'-8" above pad height, wrap around the north end at Lot 1 and wrap around the south end at Lot 49.	Developer	City Development Services Department	Wall shall be shown on plans. Detailed sections of the wall shall be depicted on plans.	Measures shall be implemented prior to issuance of a building permit to construct.	
N-2: The wall around the south lot line of Lot 43 shall wrap around this lot line and shall be a minimum of 10 feet perpendicular to Franklin Boulevard.	Developer	City DSD Dept.	Wall shall be shown on plans. Detailed sections of the wall shall be depicted on plans.	Measures shall be implemented prior to issuance of a building permit to construct.	
N-3: The habitable rooms in the homes adjacent to Franklin Boulevard on Lots 1 and Lots 37 through 49 shall have the following: <ul style="list-style-type: none"><li>• All joints in the exterior walls shall be sealed airtight around windows and doors, at the wall perimeter and at major seams</li><li>• All above ground penetrations of exterior walls by electrical and plumbing components shall include a <math>\frac{1}{4}</math> to 3/8 inch airspace around the penetrator. This space shall be filled loosely with fiberglass insulation. The space shall then be sealed airtight on both sides of the wall with resilient, non-</li></ul>	Developer	City DSD Dept.	Plans shall indicate mitigation measures.	Measures shall be implemented prior to issuance of a building permit to construct.	

SOMERSET SUBDIVISION PROJECT (P04-256)  
MITIGATION MONITORING PLAN

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	VERIFICATION OF COMPLIANCE		
			Compliance Standards	Timing	Verification of Compliance (Initials/Date)
hardening caulking or mastic					

• Basic exterior wall construction shall include the following or equivalent: 2"x4" wood studs at 16 or 24 inches on center, minimum R-13 insulation in the stud cavities, 5/8" gypsum wallboard fastened to the interior face of the wood studs with the wall being fully taped and finished and also 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

• Ceilings shall be finished with a minimum of 5/8" gypsum board with a minimum R-19 insulation in the ceiling

• The roof shall be finished with a minimum 7/16" OSB board or plywood of equivalent weight, 15 lb. felt paper and concrete tiles or an equivalent or better

• Windows shall have a minimum STC rating of 29 with an air infiltration rate of less than or equal to 0.20 CFM/min. Ft. when tested with a 25-mile an hour wind per ASTM standards.

• Exterior doors facing or providing a view of Franklin Boulevard shall have a minimum STC rating of 29.

N-4: The lots and owner's suites in the homes adjacent to Franklin Boulevard (Lots 1 and Lots 37 through 49) shall have the following:

SOMERSET SUBDIVISION PROJECT (P04-256)  
MITIGATION MONITORING PLAN

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Verification of Compliance	
			Compliance Standards	Timing
<ul style="list-style-type: none"> <li>• Windows shall have a minimum STC rating of 34 and have an air infiltration rate of less than or equal to 0.15 CFM/lin. ft. when tested with a 25 mile an hour wind per ASTM standards.</li> <li>• The base exterior wall assembly will require an upgrade for at least these rooms. The following are options for improving the wall assembly:</li> </ul> <p>Option 1 – Stucco Finish</p> <ol style="list-style-type: none"> <li>Proposed one-coat stucco system shall be increased to a three-coat (minimum <math>\frac{3}{4}</math>) stucco</li> </ol> <p>Option 2 – Additional layer of gypsum board on inside face</p> <ol style="list-style-type: none"> <li>Attach an additional layer of <math>\frac{5}{8}</math>" gypsum wallboard over the proposed single layer of <math>\frac{5}{8}</math>" gypsum board. The wall shall be fully taped and finished and also sealed around the perimeter with a combination of backer rod and resilient, non-hardening caulking. Stagger seams between the two layers of gypsum board.</li> </ol> <p>Option 3 – Resilient Channel</p> <ol style="list-style-type: none"> <li>Before installing the first layer of gypsum board, install resilient channels, RC-1, or approved equal, perpendicular to the face of the studs at 24 inches on center             <ol style="list-style-type: none"> <li>Flange that attaches to the stud with screws shall face down toward the floor</li> <li>Channel closest to the floor may be reversed</li> </ol> </li> </ol>				

SOMERSET SUBDIVISION PROJECT (P04-256)  
MITIGATION MONITORING PLAN

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	VERIFICATION OF COMPLIANCE	
				Timing	Verification of Compliance (Initials/Date)
to make it easier to install the screws. b. Screw 5/8" gypsum board to resilient channel (1) Ensure that screws are per manufacturer's instructions and that they are not too long, increasing the possibility that they will contact the stud. Typically, screws cannot exceed 1-1/8" in length (2) Tape and finish gypsum layer as described previously					

**SCOMERSET SUBDIVISION PROJECT (P04-256)**  
**MITIGATION MONITORING PLAN**

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	VERIFICATION OF COMPLIANCE		
			Compliance Standards	Timing	Verification of Compliance (Initials/Date)
<b>Cultural Resources:</b>  CR-1: If subsurface archaeological or historical remains are discovered during construction, work in the area shall stop immediately and a qualified archaeologist and a representative of the Native American Heritage Commission shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less-than-significant level before construction continues.  CR-2: If human burials are encountered, all work in the area shall stop immediately and the Sacramento County Coroner's office shall be notified immediately. If the remains are determined to be Native American in origin, both the Native American Heritage Commission and any identified descendants must be notified and recommendations for treatment solicited. (CEQA Section 15064.5); Health and Safety Code Section 7050.5; Public Resources Code Section 5097.94 and 5097.98.	Developer	City Development Services Department	Note shall be included on the Map and within the Standard Construction Specifications	Measures shall be implemented in field during grading and construction activities.	