RESOLUTION NO. 2007-221

Adopted by the Sacramento City Council

April 10, 2007

APPROVING THE MITIGATED NEGATIVE DECLARATION AND APPROVING THE MITIGATION MONITORING PLAN FOR THE 8151 SHELDON SUBDIVISION, LOCATED AT 8151 SHELDON ROAD, SACRAMENTO, CALIFORNIA (P05-044) (APN: 117-0220-002, 022, 023, 024, 025)

BACKGROUND

A. The City of Sacramento's Environmental Planning Services conducted or caused to be conducted an initial study on 8151 Sheldon Subdivision (P05-044) ("Project") to determine if the Project may have a significant effect on the environment.

B. The initial study identified potentially significant effects of the Project. Revisions to the Project made by or agreed to 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 would have a significant effect on the environment. A Mitigated Negative Declaration (MND) for the Project was then completed, noticed and circulated in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines and the Sacramento Local Environmental Procedures as follows:

1. On December 28, 2006 a Notice of Intent to Adopt the MND (NOI) dated December 28, 2006 was circulated for public comments for 30 days. 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. No comments were received.

2. On December 28, 2006 the project site was posted with the NOI, the NOI was published in the Daily Recorder, a newspaper of general circulation, and the NOI was posted in the office of the Sacramento County Clerk.

C. The City Council has reviewed and considered the information contained in the MND, including the initial study, the revisions and conditions incorporated into the Project, and the comments received during the public review process and the hearing on the Project. The City Council has determined that the MND constitutes an adequate, accurate, objective and complete review of the environmental effects of the proposed project.

D. The City Council has final approval authority over the following Project entitlements:

- Environmental Determination: Mitigated Negative Declaration;
- Mitigation Monitoring Plan;
- General Plan Amendment to amend the General plan designation from 15.6± acres of low density residential to 14.4± acres of medium density residential, and 1.2± acres of Open Space;
- Community Plan Amendment to amend the community plan designation of 15.6± acres from Residential 11-21 to 14.1± acres of Residential 11-21 and 1.2± acres of Parks/Open Space;
- Rezone of 15.6± acres from Rural Estates (RE - 1/4) to 14.1± acres of Multi-Family Residential (R-2B, and 1.2± acres of Agroculture/Open Space (AOS);
- Tentative Map to subdivide 18.7± acres into 175 lots for residential development:
- Special Permit to develop 167 single-family homes in the R-2B zone;
- Inclusionary housing plan;
- Subdivision Modification to construct a non-standard intersection at Splendid Way and B Street;
- Subdivision Modification to construct a non-Standard intersection at A Street and Praline Way;
- Subdivision Modification to construct a 41-foot wide Public Street at A Court;
- Subdivision Modification to allow a 47-foot wide public street on A Street bewteen B Street and Praline Way

E. 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.

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

Section 1. 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. The Project has potential for adverse effects on wildlife resources or the habitat upon which the wildlife depends; however, mitigation measures have been required to reduce these impacts to less than significant.

Section 2. With respect to the entitlements over which the City Council has final approval authority, the City Council adopts the MND for the Project.

Section 3. Pursuant to CEQA section 21081.6 and CEQA Guidelines section 15074, and in support of its approval of the Project, the City Council adopts a Mitigation Monitoring Program to require all reasonably feasible mitigation measures be implemented by means of Project conditions, agreements, or other measures, as set forth in the Mitigation Monitoring Program.

Section 4. Upon approval of the Project, the City's Environmental Planning Services shall file or cause to be filed a Notice of Determination with the Sacramento County Clerk and, if the project requires a discretionary approval from any state agency, with the State Office of Planning and Research, pursuant to section 21152(a) of the Public Resources Code and section 15075 of the State EIR Guidelines adopted pursuant

Table of Contents:

Exhibit A: Mitigation Monitoring Plan

Adopted by the City of Sacramento City Council on April 10, 2007 by the following vote:

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

Noes: None.

Abstain: None.

Absent: None.

Heather Fargo

Mayor Heather Fargo

Attest:

Dawn Bullwinkel

Dawn Bullwinkel, Assistant City Clerk

MITIGATION MONITORING PLAN

FOR:
8151 SHELDON SUBDIVISION (P05-044)

PREPARED BY:
CITY OF SACRAMENTO
DEVELOPMENT SERVICES DEPARTMENT

TYPE OF ENVIRONMENTAL DOCUMENT:
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

DATE:

ADOPTED BY:
CITY OF SACRAMENTO, PLANNING COMMISSION

DATE:

ATTEST:

_____

8151 SHELDON SUBDIVISION (P05-044)
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 Boulevard, Second Floor, Sacramento, CA 95834, pursuant to CEQA Guidelines Section 21081.6.

SECTION 1: PROJECT IDENTIFICATION

Project Name/File Number: 8151 Sheldon Subdivision (P05-044)

Owner/Developer: Robert Nelson
Nouveau Homes
6620 Sierra College Boulevard, Suite 200
Rocklin, CA 95677

Project Location:

The proposed project is located north of Sheldon Road, west of State Highway 99, east of Bruceville Road, and north of the City/County line, within the Jacinto Creek Planning Area
(APNs #117-0220-002,022,023,024 & 025).

Project Description:

The project consists of entitlements to develop a 18.7± acre site in the Rural Estates-Four Residential Units per Acre (RE ¼) zone of the Jacinto Creek Planning Area (JCPA) within the South Sacramento Community Plan area. Specific entitlements include:

Environmental Determination: Mitigated Negative Declaration;
Mitigation Monitoring Plan;
General Plan Amendment to amend the General plan designation from 15.6± acres of low density residential to 14.4± acres of medium density residential, and 1.2± acres of Open Space;
Community Plan Amendment to amend the community plan designation of 15.6± acres from Residential 11-21 to 14.1± acres of Residential 11-21 and 1.2± acres of Parks/Open Space;
Rezone of 15.6± acres from Rural Estates (RE - 1/4) to 14.1± acres of Multi-Family Residential (R-2B, and 1.2± acres of Agroculture/Open Space (AOS);
Tentative Map to subdivide 18.7± acres into 175 lots for residential development:
Special Permit to develop 167 single-family homes in the R-2B zone;
Inclusionary housing plan;
Subdivision Modification to construct a non-standard intersection at Splendid Way and B Street;
Subdivision Modification to construct a non-Standard intersection at A Street and Praline Way;
Subdivision Modification to construct a 41-foot wide Public Street at A Court;
Subdivision Modification to construct a 40-foot outside radius Cul-De-Sac at A Court; and,
Subdivision Modification to create lots with less than 20 feet of public street frontage (Lots 53, 78, 79, and 92).

Lots A, B, and C, are properties to be subdivided by the applicant. However, they are proposed to be "remainder" parcels in that they will not be rezoned for development. The Lots are zoned Rural Estates, which allows for only residential development at 4 units per acre, and will remain that zone until rezoned at a later time with a different application.

SECTION 2: GENERAL INFORMATION

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

8151 SHELDON SUBDIVISION (P05-044)
MITIGATION MONITORING PLAN

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
Biological Resources: Mitigation Measures for nesting birds and foraging habitat: BR-1 The applicant/developer/construction contractor shall submit to the City of Sacramento, Department of Development Services verification from the California Department of Fish and Game (DFG) that the applicant has satisfied DFG requirements for mitigating loss of Swainson's hawk foraging habitat. The project applicant shall purchase compensatory Swainson's hawk foraging habitat at a ratio acceptable to DFG from an approved mitigation bank or develop other arrangements acceptable to the DFG prior to building/grading permits being issued. BR-2 If any construction or grading activity is going to occur during the nesting season of February to August, a qualified biologist shall prepare a pre-construction survey within thirty (30) days prior to any grading or construction activity to determine if any special status species or species of special concern are present (that is, nesting raptor species [including Swainson's hawk] and western burrowing owls). BR-3 If active raptor nests are found on the site, the applicant/developer/contractor shall work with the DFG to determine the	Project Applicant/ Developer	City of Sacramento – Development Services Department; Development Engineering and Finance Division, Environmental Planning Services Ca. Dept. of Fish and Game (DFG) US Fish and Wildlife Service (USFWS) Army Corps of Engineers (ACOE)	Measures shall be included with construction specifications	Construction specifications shall be included on the construction plans prior to the issuance of a grading permit. Measures shall be implemented prior to and during construction activities .	

8151 SHELDON SUBDIVISION (P05-044)
MITIGATION MONITORING PLAN

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appropriate mitigation actions needed prior to proceeding. A copy of the pre-construction study and DFG concurrence with proposed actions shall be submitted to the Department of Development Services prior to issuance of grading or construction permits. BR-4 If an adults-only active burrowing owl burrow(s) nest is discovered during the pre-construction survey the monitoring biologist shall install a one-way door on the burrow(s) and monitor and inspect per Department of Fish and Game Guidelines. If an active nest with chicks is encountered one-way doors shall not be used unless authorized by DFG in writing. No construction shall occur near the nest until the monitoring biologist has consulted with the DFG on the allowing construction to proceed. The monitoring biologist shall through consultations with DFG determine an appropriate buffer between the nest and any construction activity allowed to proceed on the project site prior to the fledging of the chicks. No construction or grading activities shall begin until the monitoring biologist has submitted a written clearance to the Department of Development Services that the burrowing owl(s) have vacated or been safely relocated by the monitoring biologist.					

8151 SHELDON SUBDIVISION (P05-044)
MITIGATION MONITORING PLAN

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BR-5 After active burrows are vacated, the burrow must be destroyed completely by the monitoring biologist prior to grading or construction activity. **Mitigation Measures for Invertebrates:** BR-6 Prior to the issuance of a grading permit, the Applicant shall provide to the City of Sacramento Development Services Department evidence of compliance with Federal Endangered Species Act (FESA). The following measures shall be implemented and documented for compliance with FESA: a. The Applicant will provide compensatory mitigation as required by USFWS for VPFS and VPTS. b. Under the consultation process, the Applicant will be required to prepare a mitigation plan for submittal to USFWS. The mitigation plan will include the following components for direct and indirect impacts: o Avoidance Component. Demonstrate how the project has been designed to minimize impacts to federal-listed vernal pool crustaceans and their habitat (e.g. ESA, biological monitor, and special-status species training for construction personnel). o Preservation					

8151 SHELDON SUBDIVISION (P05-044)
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Component. For every acre of habitat directly or indirectly affected, at least two (2) vernal pool credits will be dedicated within a USFWS-approved ecosystem preservation bank (2:1 ratio). o Conservation Component. For every acre of habitat directly affected, at least one (1) vernal pool creation credit will be dedicated within a USFWS-approved habitat mitigation bank. o In the event that preservation or conservation credits are not available for purchase at the time of mitigation implementation, the deposit of funds, the amount of money to be deposited determined by USFWS, into a USFWS Species Fund in lieu fee program shall be acceptable to satisfy both the preservation and conservation components of the mitigation plan. c. The USFWS will review the mitigation plan and issue a Biological Opinion. The Biological Opinion will include an incidental take statement and approval of the mitigation plan. d. The Applicant will notify the City of Sacramento Development Services Department that VPFS and VPTS mitigation is complete by submitting a copy of the Biological Opinion and bill of sale for the mitigation credits to the City of Sacramento.					

8151 SHELDON SUBDIVISION (P05-044)
MITIGATION MONITORING PLAN

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
BR-7 Prior to the issuance of a grading permit the Owner shall provide to the City of Sacramento Development Services Department evidence of compliance with FESA. The following measures will be implemented to document for the City the Owner's compliance with FESA: BR-8 The Owner will provide compensatory mitigation as required by USFWS for VPFS and VPTS. BR-9 Under the consultation process, the Owner will be required to prepare a mitigation plan for submittal to USFWS. The mitigation plan will include the following components for direct and indirect impacts: a. Avoidance Component. Demonstrate how the project has been designed to minimize impacts to federal-listed vernal pool crustaceans and their habitat (e.g. ESA, biological monitor, and special-status species training for construction personnel). b. Preservation Component. For every acre of habitat directly or indirectly affected, at least two (2) vernal pool credits will be dedicated within a USFWS-approved ecosystem preservation bank (2:1 ratio). c. Conservation Component. For every acre of habitat directly affected, at least one (1) vernal pool creation credit					

8151 SHELDON SUBDIVISION (P05-044)
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8151 SHELDON SUBDIVISION (P05-044)
MITIGATION MONITORING PLAN

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mitigation and monitoring plan to the City: a. The mitigation plan will be prepared in accordance with the requirements of the Army 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). b. 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. c. A copy of the bill of sale for the purchase of wetland mitigation credits will be submitted to the City. BR-14 The Grading Permit shall be conditioned to not allow grading within 250 feet of any jurisdictional wetland until the Developer provides the City of Sacramento evidence that the discharge of fill into jurisdictional wetlands is authorized under Section 404 of the Clean Water Act. **Mitigation Measures for Isolated wetlands subject to Porter-Cologne Act:** BR-15 Prior to issuance of a grading permit, the Developer shall provide					

8151 SHELDON SUBDIVISION (P05-044)
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Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
verification of status of the wetlands from the Corps. BR-16 Prior to issuance of a grading permit, the Developer will submit a wetland mitigation and monitoring plan to the City: a. The mitigation plan will be prepared in accordance with the requirements of the RWQCB's Water Quality Order No. 2004-0004-DWQ wetland mitigation. b. The mitigation plan will describe how the isolated wetlands will be mitigated. Mitigation may include the purchase of wetland mitigation credits at a mitigation bank. c. A copy of the bill of sale verifying the purchase will be included in the mitigation plan. BR-17 The Grading Permit shall be conditioned to not allow grading within 250-feet of the isolated wetlands until the Developer provides the City of Sacramento evidence that the discharge of fill into the isolated wetlands is authorized under the Porter-Cologne Act. BR-18 The Grading Permit shall be conditioned to require temporary fencing to be installed around the isolated wetlands and the buffer to exclude construction equipment until the Developer provides the City of Sacramento evidence that the discharge of fill into the					

8151 SHELDON SUBDIVISION (P05-044)
MITIGATION MONITORING PLAN

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isolated wetlands is authorized under the Porter-Cologne Act.					
Noise: To reduce exterior sound levels in the backyards of the lots adjacent to Sheldon Road to 60 dB Ldn or less, the normally acceptable level, at a minimum the following mitigation measures shall be incorporated into the project: N-1. For lots adjacent to Sheldon Road (lots 35-36), a sound wall shall be constructed as follows: a. Along the south property line of Lots 35-36. b. On the east property line of Lot 36 (unless a wall is constructed first by future development west of the site). c. To a position even with the back corner of the home on the west property line of Lot 36. N-2. The sound walls must be constructed as follows: a. Continuous along their widths and heights with no gaps, including at the ground. b. A minimum height of seven (7) feet shall be required. c. Suitable materials for the sound wall include earthen berms, masonry block, pre-cast concrete panels, or combinations thereof, provided that it meets all of the other requirements listed above.	Project Applicant/ Developer	City of Sacramento – Development Services Department; Development Engineering Division	Measures shall be included with construction specifications	Construction specifications shall be included on the construction plans prior to the issuance of a grading permit. Measures shall be implemented during construction activities	

8151 SHELDON SUBDIVISION (P05-044)
MITIGATION MONITORING PLAN

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To ensure that interior noise levels do not exceed the threshold of 45 dB L_{dn}, the following measures shall be incorporated into the development project: N-3. At a minimum, air conditioning shall be included for all lots where the 45 dB Ldn interior threshold would potentially be exceeded (lots 35-36) to allow the occupants to close doors and windows as desired to achieve acoustical isolation.					
Cultural Resources: 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. 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	Project Applicant/ Developer	City of Sacramento Development Services Department	Incorporate the protocol and procedures into grading and construction contracts. If any cultural resources are discovered: a) Cease all work in the immediate area. b) Retain a qualified archaeologist or cultural resources consultant to perform a site investigation and take appropriate action.	During grading and construction contract agreements During construction activities	

8151 SHELDON SUBDIVISION (P05-044)
MITIGATION MONITORING PLAN

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
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.					