



REPORT TO COUNCIL

City of Sacramento

5

915 I Street, Sacramento, CA 95814-2671
www. CityofSacramento.org

PUBLIC HEARING
October 25, 2005

Honorable Mayor and
Members of the City Council

Subject: Call-up and Appeal of Natomas Central (P04-173)

Location/Council District: Southwest of the intersection of Del Paso Road and El Centro Road, Council District 1 (Attachment A-B)

Recommendation:

Staff recommends that the City Council take the following actions: 1) Approve the Resolution approving the Mitigated Negative Declaration and Mitigation Monitoring Plan, 2) Approve the Ordinance approving the Development Agreement, 3) Approve the Resolution adopting the Inclusionary Housing Plan, 4) Approve the Resolution amending the General Plan land use designation, 5) Approve the Resolution amending the North Natomas Community Plan land use designation, 6) Approve the Ordinance amending the districts established by the Zoning Ordinance (Sacramento City Code, Title 17), 7) Approve the Resolution establishing the Natomas Central Planned Unit Development (PUD), 8) Approve the Resolution for the Notice of Decision and Findings of Fact to approve the Tentative Master Parcel Map, Tentative Subdivision Map, and subdivision modifications, and to deny the Special Permit for a gated development,.

Contact: Stacia Cosgrove, Associate Planner, 808-7110; Greg Bitter, Senior Planner, 808-7816

Presenters: Stacia Cosgrove, Associate Planner, 808-7110; Greg Bitter, Senior Planner, 808-7816

Department: Development Services Department

Division: Planning Division

Organization No: 4875

Summary:

The applicant is requesting the necessary entitlements to allow the development of 397.9+/- vacant acres, comprised of 1,693+/- single family lots, four parcels for multi-family development, parks and open space, a school site, detention basin/lake, and a fire station site. The applicant proposes that a portion of the single family development be age-restricted and gated, and served by a private recreation center. A Development

Agreement is required for development in North Natomas and the General Plan and Community Plan amendments and rezone will allow the establishment of the desired land uses.

The project site is within a General Plan identified New Growth Area and is subject to the requirements of the Mixed Income Housing Ordinance. The applicant has coordinated with the Sacramento Housing and Redevelopment Agency (SHRA) to assemble an Inclusionary Housing Plan for the project. The applicant also proposes to designate the project site as the Natomas Central Planned Unit Development (PUD) and to establish a Schematic Plan and PUD Guidelines to govern development in the area.

Committee/Commission Action:

On October 13, 2005, the Planning Commission approved the project by a vote of 4 ayes and one abstention. The Planning Commission denied the request for a Special Permit to gate the active adult portion of the community. The environmental document, Mitigation Monitoring Plan, Master Parcel Map, Tentative Map, and Subdivision Modifications were approved. The Planning Commission voted to recommend approval of the Inclusionary Housing Plan and establishment of the Natomas Central PUD. Five affirmative votes were required in order to recommend approval of the Development Agreement, General Plan and Community Plan Amendments, and Rezone, therefore, these entitlements are being carried forward to City Council with no recommendation.

Because of the shortened timeframe between the Planning Commission hearing and the City Council hearing, this project is being advertised as both a "call-up" and an "appeal" to be prepared in case either scenario occurs. Should the project actually be appealed or called-up, staff will provide City Council with additional information in advance of the project hearing.

Background Information:

No entitlements have been sought for the subject parcels since 1987, with the exception of a request for a Special Permit to operate a natural gas facility at the northeast corner of Parcel 225-0080-008 (P96-031). The site is relatively flat and currently vacant. The proposed residential development would be adjacent to the existing Natomas Middle School, located at 3700 Del Paso Road. The Community Commercial site at the southwest corner of Del Paso Road and El Centro Road is not a part of this application.

Fisherman's Lake Buffer: The site is located directly adjacent to Fisherman's Lake, a natural slough and portion of the West Drain that is home to many animal species, including the Swainson's Hawk and the Giant Garter Snake. As a portion of the West Drain, Fisherman's Lake is owned by Reclamation District 1000 (RD 1000) and serves as a part of the flood protection/drainage/water delivery system in the Natomas Basin. It also serves as a part of the buffer between the urbanized part of North Natomas and the agricultural land and the Sacramento River to the west. Earlier this year, the City Council determined that the width of the buffer area between Fisherman's Lake and

future residential development is to be 300-feet along the western edge of the project area (oriented generally north-south) and 200-feet along the south edge of the site (oriented generally west-east). On August 9, 2005, City Council adopted a Resolution number 2005-598 that defines the required buffer width and the uses that may be contained therein. The proposed project is designed to comply with these requirements.

Uses Within the Buffer: As a result of Council's action on August 9, 2005, the following uses were deemed appropriate within the 300 foot wide section of the buffer: 1) a nature park, 2) detention basin, 3) pedestrian and bikeways subject to closure during critical nesting season, and 4) other non-urban open space uses. Within the 200 foot wide buffer area, south and east of the southernmost nesting tree, the following uses are allowed: 1) all those uses allowed in the nesting tree buffer area, 2) pedestrian and bikeways not subject to closure, 3) public and maintenance roadways.

House Plans: There are no house plans being processed with this application. The applicant will process the request to construct the various product types, elevations, and floor plans through the Planning Director Plan Review process. Staff will review all house plans to assure their conformance to the City's Single Family Design Guidelines and the Natomas Central PUD Guidelines.

Off-Street Bike Trail: The Bikeway Master Plan depicts an off-street bike trail within the buffer area and one will be constructed with the proposed project. The trail will begin at Arena Boulevard on the southeast corner of the project site and continue west and then north to Del Paso Road. Once reaching the portion of the buffer area where it is required to widen to 300 feet (this requirement coincides with the location of known Swainson's Hawk nesting sites), the off-street bike/pedestrian trail may have seasonal restrictions and be open between September 1st and March 30th. There will be fencing in place to close off the area. During the time that the off-street trail is closed, signs will be posted alerting cyclists that the path is closed and that an on-street diversion is available.

Elementary School: A public school site is proposed within the Natomas Central subdivision that would be a part of the Natomas Unified School District (NUSD). The site is proposed to be a minimum 11.2 net acres adjacent to a 5.0 net acre park site. The park and school will be joint use facilities. The school site was planned to be a K-5 school, however NUSD is now interested in making the school a K-8 facility and is in discussions with the applicant to see if additional acreage for a larger school site can be identified. The applicant is interested in building the school as a turn-key school.

Special Permit for Vehicular Gates: The applicant is proposing to construct gates to restrict public access to the Active Adult community, located at the northwest portion of the Natomas Central community. At the Planning Commission hearing on October 13, 2005, the Commission voted to deny the request for gates, citing the Commission's long-standing opposition to gated, market-rate, single-family communities as justification for the decision.

Financial Considerations:

This project has no fiscal considerations.

Environmental Considerations:

Environmental Planning Services has determined that the project, as proposed, will not have a significant impact to the environment; therefore, a Mitigated Negative Declaration has been prepared. In compliance with Section 15070(B)1 of the California Environmental Quality Act (CEQA) Guidelines, the Applicant has incorporated mandatory mitigation measures into the project plans to avoid identified impacts or to mitigate such impacts to a point where clearly no significant impacts will occur. These mitigation measures address air quality, transportation and circulation, biological resources, noise, utilities and services systems, and cultural resources impacts. The mitigation measures are listed in the attached Mitigation Monitoring Plan (Exhibit A, pg. 108).

The Mitigated Negative Declaration was available for public review during the period of Tuesday, September 13, 2005 through Thursday, October 13, 2005. The letters that were received during the public review period are attached to this staff report as Attachment C. A response to the comments by staff is included as Attachment D and a response by the applicant and environmental consultant is included as Attachment E.

Policy Considerations:

The project proposes to amend the General Plan and North Natomas Community Plan. The site would also be rezoned to accommodate the proposed development.

Smart Growth Principles- City Council adopted a set of Smart Growth Principles in December 2001 in order to encourage development patterns that are sustainable and balanced in terms of economic objectives, social goals, and use of environmental/natural resources. The proposed project is consistent with the Smart Growth Principles in that it creates a range of housing opportunities and choices, as well as fosters walkable, close-knit neighborhoods.

Strategic Plan Implementation- The recommended action conforms with the City of Sacramento Strategic Plan, specifically by advancing the goal to enhance and preserve neighborhoods by directing new development (and supportive infrastructure) to existing developed areas, allowing for efficient use of existing facilities, features and neighborhoods.

Emerging Small Business Development (ESBD):

City Council approval of these proceedings is not affected by City policy related to the ESBD Program. No goods or services are being purchased.

Respectfully Submitted by: 
Carol Shearly
Interim Planning Director
Planning Division

Recommendation Approved:

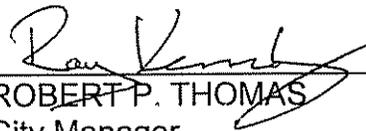
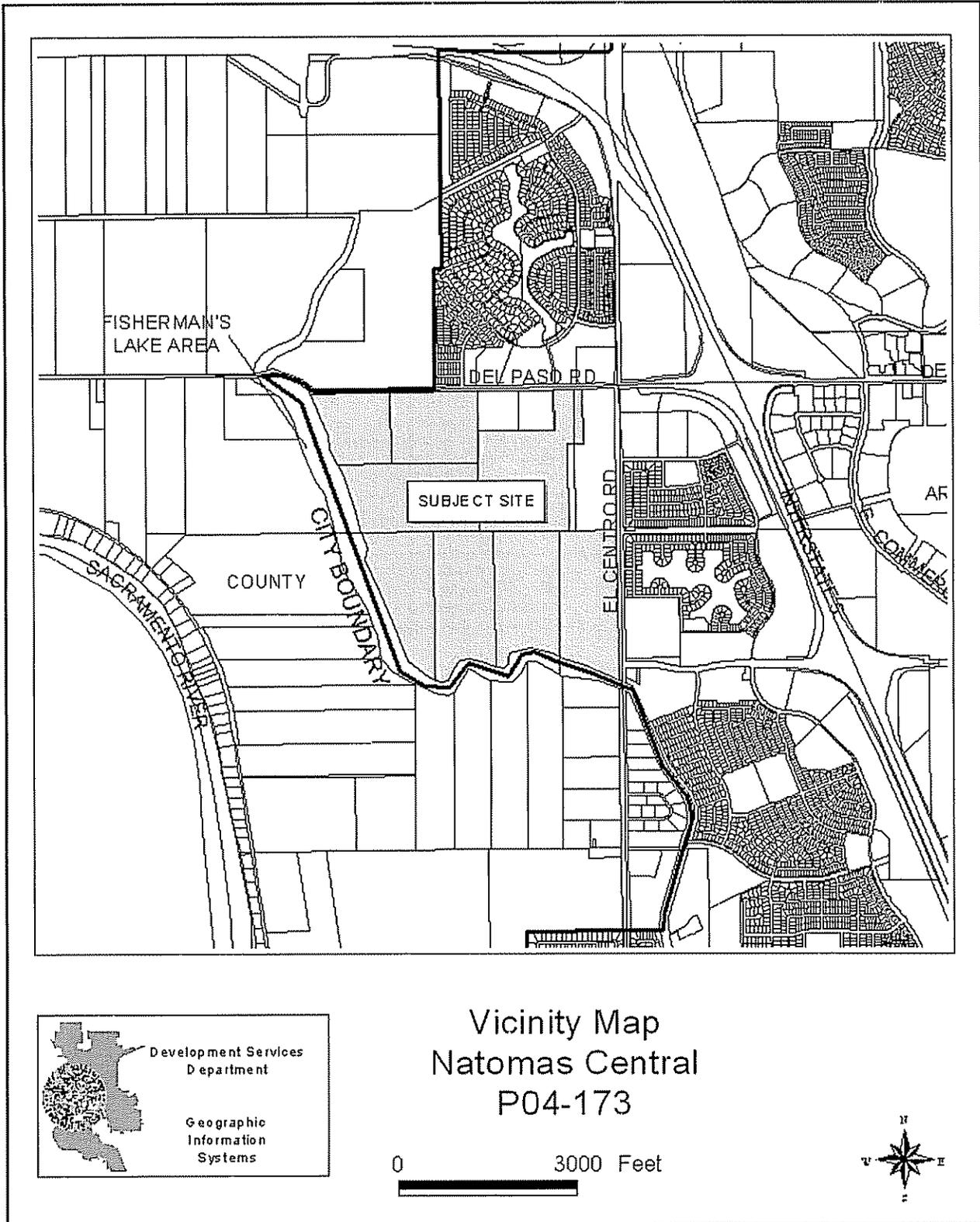
For 
ROBERT P. THOMAS
City Manager

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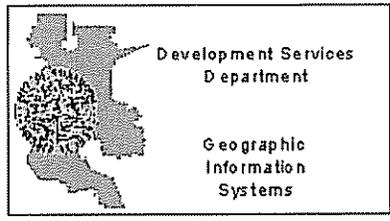
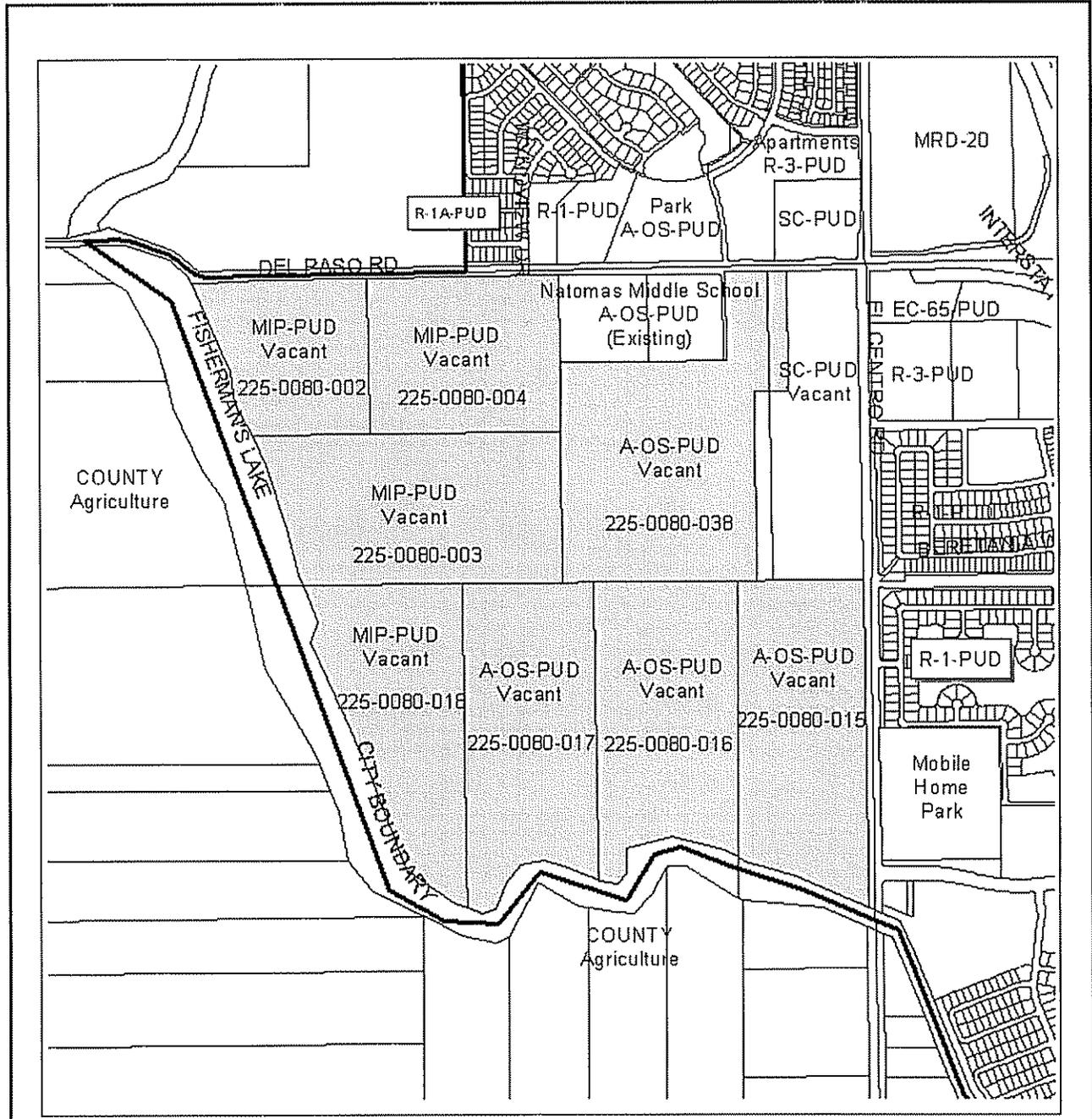
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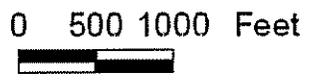
Attachment A- Vicinity Map



Attachment B - Land Use & Zoning Map



Land Use & Zoning
P04-173
Natomas Central



Attachment C – Comment Letters Received by October 10, 2005 on the Project Initial Study/Mitigated Negative Declaration (IS/MND)

SACRAMENTO METROPOLITAN



Larry Greene
AIR POLLUTION CONTROL OFFICER

August 24, 2005

Ms. Lezley Buford, Principal Planner
City of Sacramento, Environmental Planning
2101 Arena Blvd., Second Floor
Sacramento, CA 95814

SUBJECT: NATOMAS CENTRAL, P04-173, DRAFT IS AND NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

Dear Ms. Buford:

Thank you for providing the most recent documentation on this project to the Sacramento Metropolitan Air Quality Management District (District). Staff comments follow.

District staff provided comments in earlier correspondence on this project to Stacia Cosgrove. Those comments focused on the need for environmental analysis to determine what level of mitigation would be required during the construction and operational phases of the project. During the past few weeks, staff has worked with Mr. Joe Looney, the environmental consultant for this project, by phone and email. He has conducted URBEMIS modeling to determine whether the CEQA thresholds are exceeded. The modeling results are included in Appendix B of the Draft IS and proposed Mitigated Negative Declaration. CEQA thresholds will be exceeded in both the construction and operational phases. On that basis, the District's standard construction mitigation should be followed and a mitigation fee is available to further reduce construction and operational impacts to less than significant. A mitigation fee is proposed based on the findings of the URBEMIS information provided to your office. District staff is in general agreement with those recommendations. However, your environmental staff should review and confirm the findings and recommendations, including the proposed construction mitigation fee.

The applicant has submitted a preliminary Air Quality Mitigation Plan to the District which covers the operational phase of the project. The plan needs to be submitted to the District and the City's Alternate Commutes Coordinator for final review. District staff has been contacted by the Hoyt Co. indicating that they will provide a mitigation plan for District staff review in the near future. We recommend the air quality mitigation plan be included as a condition of approval.

If you have questions regarding the information provided by District staff, please contact me at 874-4887 or asmith@airquality.org.

Sincerely,

Art Smith, Associate Air Quality Planner/Analyst

- cc Ron Maertz SMAQMD
- Mr. Joe Looney Foothill Associates
- Mr. Robert Howse K. Hovnanian Forecast Homes
- Mr. Bill Fairbairn North Natomas TMA

L/MSD/LANDUSE & TRANS/LANDUSE/SAC200400101C

SACRAMENTO METROPOLITAN



Larry Greene
AIR POLLUTION CONTROL OFFICER

August 24, 2005

Ms. Stacia Cosgrove, Associate Planner
City of Sacramento, Planning Division
1231 I Street, Room 300
Sacramento, CA 95814

SUBJECT: NATOMAS CENTRAL, P04-173, NEW TENTATIVE MAP

Dear Ms.  Cosgrove:

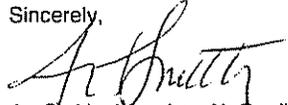
Thank you for providing the most recent documentation on this project to the Sacramento Metropolitan Air Quality Management District (District). Staff comments follow.

District staff provided comments in earlier correspondence on this project. Those comments focused on the need for environmental analysis to determine what level of mitigation would be required during the construction and operational phases of the project. During the past few weeks, staff has worked with Mr. Joe Looney, the environmental consultant for this project, by phone and email. He has conducted URBEMIS modeling to determine whether the CEQA thresholds are exceeded. Our understanding is that Mr. Looney has submitted the results to City staff that indicate CEQA thresholds will be exceeded in both the construction and operational phases. On that basis, the District's standard construction mitigation should be followed and a mitigation fee is available to further reduce construction and operational impacts to less than significant. A mitigation fee is proposed based on the findings of the URBEMIS information provided to your office. District staff is in general agreement with those recommendations. However, your environmental staff should review and confirm the findings and recommendations, including the proposed construction mitigation fee.

The applicant has submitted a preliminary Air Quality Mitigation Plan to the District which covers the operational phase of the project. The plan needs to be submitted to the District and the City's Alternate Commutes Coordinator for final review. We recommend the air quality mitigation plan be included as a condition of approval.

If you have questions regarding the information provided by District staff, please contact me at 874-4887 or asmith@airquality.org

Sincerely,



Art Smith, Associate Air Quality Planner/Analyst

- cc Ron Maertz SMAQMD
- Mr. Joe Looney Foothill Associates
- Mr. Gregory Thatch Law Offices of Gregory Thatch (Project Applicant)
- Mr. Bill Fairbairn North Natomas TMA

10/13/2005 13:59 NORTH NATOMAS + 98087185
CALLING LINE DIST BUS SAC T

NO. 459 0003
916 323 7659 P. 02/04

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION
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TTY (530) 741-4509



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October 12, 2005

05SAC0143
03-SAC-5 PM 29.022
Natomas Central (P04-173)
Mitigated Negative Declaration / Initial Study
SCH#2005092067

Ms. Leslie Buford
City of Sacramento
Planning Department
1231 I Street, Room 300
Sacramento, CA 95814

Dear Ms. Buford:

Thank you for the further opportunity to review and comment on the Natomas Central project proposal. Our comments on the above referenced document are as follows:

- This latest project document submittal for the Natomas Central project does not address the Caltrans issues raised in our previous letters (reference letter enclosed). Although it is claimed that this project has 9,216 less trips than the amount allocated for this area within the North Natomas Community Plan (NNCP), a Traffic Impact Study (TIS) may still be required to analyze the redistribution of trips and their impacts created by the project due to changed land uses and a less than optimum jobs-housing balance. Rather than neighborhood trips, more trips may depend on accessing the freeway for obtaining services. Nearby employment centers are few, if any, and schools appear to be lacking in the local development proposed.
- Focused trips center on three freeway access points at the Interstate 5 (I-5)/Del Paso Road Interchange, the I-5/Arena Boulevard Interchange, and the El Centro Road south connection to the I-80/West El Camino Boulevard Interchange. Project generated trips will exacerbate traffic operations and add to already deteriorating Level of Service (LOS). The I-80/West El Camino Interchange will already be impacted by planned cumulative development from the proposed Downtown Ford auto dealership and the River Oaks, Riverbend Villages and Regatta housing projects. The other two interchanges will have periodic special event traffic from the Arco Arena stadium in addition to growing cumulative background traffic. Triggers for traffic infrastructure improvements in the NNCP may occur sooner than previously anticipated. We hope the City is doing what is necessary to ensure traffic improvements are implemented when needed.

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10/13/2005 13:59
OCT 12 2005 10:02

NORTH NATOMAS + 98087185
CALTRANS DISTRICT OFFICE

NO. 459 0004
F 03/04

Ms. Leslie Buford
October 12, 2005
Page 2

- The mitigated negative declaration and initial study document should provide consistent text and mapping displaying whether Arena Boulevard will be extended west into this project's land area to clarify how the arterial to the I-5/Arena Boulevard Interchange freeway access will be used. Without internal and timely development of Arena Boulevard into the subdivision west of El Centro Road, traffic generation from this project will be more focused on the I-80/West El Camino Boulevard and I-5/Del Paso Interchanges with interim impacts. The "Environmental Setting" section of the document on Pages 3-42 and 3-43 does not indicate primary I-5/Arena Boulevard access use.
- The I-80/West El Camino Boulevard Interchange is being considered for reconstruction. The City is doing the Project Study Report (PSR). During construction we anticipate additional usage by increased project plus cumulative traffic and trucks in and around the nearby 49'er Truck Stop. The I-5/Del Paso Road Interchange could also be severely impacted by this project's traffic. Therefore, a comprehensive Traffic Management Plan should be provided to Caltrans regarding the scheduled build out of traffic circulation infrastructure coordinated with Caltrans' reconstruction project and the build out this and other aforementioned local land use projects by the City.
- As congestion increases, how can Caltrans have the opportunity to review relevant transportation mitigation without adequate updated traffic information at the aforementioned interchanges being provided? As a condition of project approval, Caltrans would like more precise and timely traffic information regarding these three interchanges that (1) reflects the latest changes in NNCP land use and circulation patterns, (2) identifies appropriate transportation mitigation for this project that addresses poor LOS conditions, and (3) conforms to needed and established monitoring triggers for timely mitigation improvements and treatment of traffic congestion as build out occurs, acknowledging the AB1807 legislation and cooperative agreement.

We look forward to working with your office on the traffic mitigation conditioning. Please provide any further action steps regarding this coordination. If you have any questions regarding these comments, please contact Ken Champion at (916) 274-0615.

Sincerely,



KATHERINE EASTHAM, Chief
Office of Transportation Planning – Southwest

Enclosure

c: Scott Morgan, State Clearinghouse

10/13/2005 13:59
OCT-12-2005 18:02

NORTH NATOMAS - 98087185
CALTRANS DIST 03 SAC T

NO. 459 0005
916 323 7669 P. 04/04

STATE OF CALIFORNIA - BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, GOVERNOR

DEPARTMENT OF TRANSPORTATION
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August 24, 2005

05SAC0129
03-SAC-5 PM 29.022
Natomas Central (P04-173)
Supplemental Revised Plans

Ms. Stacia Cosgrove
City of Sacramento
Planning Department
1231 I Street, Room 300
Sacramento, CA 95814

Dear Ms. Cosgrove:

Thank you for the further opportunity to review and comment on the Natomas Central project proposal. Our additional comments on this new updated tentative map are as follows:

- The latest map submittal consists of 34 fewer adult community lots and 101 fewer single-family residential lots. The trip generation will be less than it would have been since the last submittal. However, as noted in our prior letters of January 20, 2005, January 11, 2005, October 28, 2004, and March 23, 2004 (copies enclosed), our request for a Traffic Impact Study (TIS) to reflect the changes in land use, the identification of transportation mitigation, and timely treatment of Caltrans issues still apply to this project.

We look forward to working with your office to finalize the TIS. Please provide any further action regarding this project. If you have any questions regarding these comments, please contact Ken Champion at (916) 274-0615.

Sincerely,

Original Signed By

KATHERINE EASTHAM, Chief
Office of Transportation Planning - Southwest

Enclosures

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DEPARTMENT OF TRANSPORTATION
DIVISION OF AERONAUTICS – M S #40
1120 N STREET
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October 5, 2005

Lezley Buford
City of Sacramento Environmental Planning Services
2101 Arena Boulevard, Second Floor
Sacramento, CA 95814

Dear M. Buford:

Re: City of Sacramento's Negative Declaration for Natomas Central; SCH# 2005092067

The California Department of Transportation (Caltrans), Division of Aeronautics (Division), reviewed the above-referenced document with respect to airport-related noise and safety impacts and regional aviation land use planning issues pursuant to the California Environmental Quality Act (CEQA). The Division has technical expertise in the areas of airport operations safety, noise and airport land use compatibility. We are a funding agency for airport projects and we have permit authority for public and special use airports and heliports. The following comments are offered for your consideration

The proposal is for the development of a 2,089 unit residential subdivision, recreation center, elementary school, fire station, parks, open space and associated infrastructure on approximately 397.9 acres.

Page 3-75 of the Negative Declaration incorrectly states that the project site is located approximately three miles southeast of Sacramento International Airport. The project site is in fact located much closer, approximately 7,300 feet southeast of the airport boundary and approximately 10,500 feet from the end of the Runway 34R.

The project site appears to be located outside the 60 decibel (dB) Community Noise Equivalent Level (CNEL) contour for the airport as designated in the Comprehensive Land Use Plan for Sacramento International Airport. However, due to its close proximity to the airport, the project site will most likely be subject to aircraft overflights and subsequent aircraft-related noise impacts. It is likely that some future homeowners and tenants will be annoyed by aircraft noise in this area.

Section 11010 of the Business and Professions Code and Sections 1102.6, 1103.4, and 1353 of the Civil Code (<http://www.leginfo.ca.gov/calaw.html>) address buyer notification requirements for lands around airports. Any person who intends to offer land for sale or lease within an *airport influence area* is required to disclose that fact to the person buying the property. We recommend this be included as Noise Mitigation Measure N-5 on page 3-78

The proposal should be submitted to the Sacramento County Airport Land Use Commission (ALUC), which is represented by the Sacramento Area Council of Governments (SACOG) for consideration. The proposal should also be coordinated with airport staff to ensure that the proposal will be compatible with future as well as existing airport operations.

The proposal includes a 25.9-acre detention basin. Land use practices that attract or sustain hazardous wildlife populations on or near airports can significantly increase the potential for wildlife-aircraft collisions. The Federal Aviation Administration (FAA) Advisory Circular (AC) 150/5200-33A entitled "Hazardous Wildlife Attractants on or Near Airports" which can be accessed at http://www.faa.gov/arp/150acs.cfm#Airport_Safety recommends that certain uses with the potential to attract wildlife be restricted in the vicinity of an airport. FAA AC 150/5200-33A states:

1.1.INTRODUCTION. When considering proposed land uses, airport operators, local planners, and developers must take into account whether the proposed land uses, including

"Caltrans improves mobility across California"

Lezley Buford
October 5, 2005
Page 2

new development projects, will increase wildlife hazards. Land-use practices that attract or sustain hazardous wildlife populations on or near airports can significantly increase the potential for wildlife strikes.

The FAA recommends the minimum separation criteria outlined below for land-use practices that attract hazardous wildlife to the vicinity of airports. Please note that FAA criteria include land uses that cause movement of hazardous wildlife onto, into, or across the airport's approach or departure airspace or air operations area (AOA). (See the discussion of the synergistic effects of surrounding land uses in Section 2-8 of this AC.)

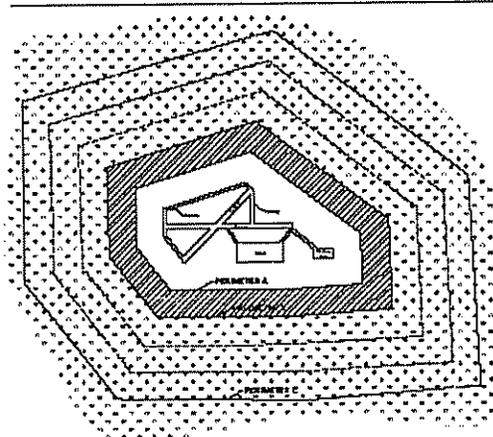
The basis for the separation criteria contained in this section can be found in existing FAA regulations. The separation distances are based on (1) flight patterns of piston-powered aircraft and turbine-powered aircraft, (2) the altitude at which most strikes happen (78 percent occur under 1,000 feet and 90 percent occur under 3,000 feet above ground level), and (3) National Transportation Safety Board (NTSB) recommendations.

AC 150/5300-33A Section 1-4 recommends "a distance of 5 statute miles between the farthest edge of the airport's AOA" (air operations area) and the "hazardous wildlife attractant if the attractant could cause hazardous wildlife movement into or across the approach or departure airspace." Figure 1 (shown below) depicts the recommended separation distances.

AC 150/5300-33A

7/27/2004

Figure 1. Separation distances within which hazardous wildlife attractants should be avoided, eliminated, or mitigated.



PERIMETER A:
For airports serving piston-powered aircraft, hazardous wildlife attractants must be 5,000 feet from the nearest air operations area.

PERIMETER B:
For airports serving turbine-powered aircraft, hazardous wildlife attractants must be 10,000 feet from the nearest air operations area.

PERIMETER C:
5-mile range to protect approach, departure and circling airspace.

"Caltrans improves mobility across California"

Lezley Buford
October 5, 2005
Page 3

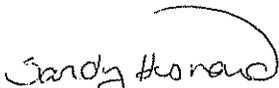
Aviation plays a significant role in California's transportation system. This role includes the movement of people and goods within and beyond our state's network of over 250 airports. Aviation contributes nearly 9 percent of both total state employment (1.7 million jobs) and total state output (\$110.7 billion) annually. These benefits were identified in a recent study, "Aviation in California: Benefits to Our Economy and Way of Life," prepared for the Division of Aeronautics which is available at <http://www.dot.ca.gov/hq/planning/aeronaut/>. Aviation improves mobility, generates tax revenue, saves lives through emergency response, medical and fire fighting services, annually transports air cargo valued at over \$170 billion and generates over \$14 billion in tourist dollars, which in turn improves our economy and quality-of-life.

The protection of airports from incompatible land use encroachment is vital to California's economic future. Sacramento International Airport is an economic asset that should be protected through effective airport land use compatibility planning and awareness. Although the need for compatible and safe land uses near airports in California is both a local and a State issue, airport staff, airport land use commissions and airport land use compatibility plans are key to protecting an airport and the people residing and working in the vicinity of an airport. Consideration given to the issue of compatible land uses in the vicinity of an airport should help to relieve future conflicts between airports and their neighbors.

These comments reflect the areas of concern to the Division of Aeronautics with respect to airport-related noise and safety impacts and regional airport land use planning issues. We advise you to contact our district office concerning surface transportation issues.

Thank you for the opportunity to review and comment on this proposal. If you have any questions, please call me at (916) 654-5314.

Sincerely,


SANDY HESNARD
Aviation Environmental Specialist

c: State Clearinghouse, Sacramento International Airport, SACOG/ALUC



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922

September 9, 2005

Regulatory Branch (200400580)

Stacia Cosgrove
City of Sacramento, Planning Division
1231 I Street, Room 300
Sacramento, California 95814

Dear Ms. Cosgrove:

This letter concerns your August 12, 2005, memorandum for the Natomas Central project, in the City of Sacramento file number P04-173. This project is located in the Natomas Basin, in Section 9, Township 9 North, Range 4 East, M.D.B &M., in Sacramento County, California.

The Corps' jurisdiction is under the authority of Section 404 of the Clean Water Act (CWA) for the discharge of dredged or fill material into waters of the United States, including wetlands, (waters). Waters of the United States may also include, but are not limited to, rivers, perennial or intermittent streams, lakes, ponds, wetlands, riparian wetlands, vernal pools, marshes, wet meadows, seeps, and farmed wetlands. Project features that result in the discharge of dredged or fill material into waters require Department of the Army authorization prior to starting work.

Based on the available information, waters are likely to exist within the project area. We recommend a wetland delineation be conducted, in accordance with our minimum standards, and submitted to this office for verification.

Please refer to identification number 200400580 in any correspondence concerning this project. If you have any questions, please contact me at our Sacramento Office, 1325 J Street, Room 1480, Sacramento, California 95814-2922, email William.W.Ness@usace.army.mil, or telephone 916-557-5268. You may also use our website: www.spk.usace.army.mil/regulatory.html.

Sincerely,

A handwritten signature in black ink, appearing to read "Will Ness".

Will Ness
Chief, Sacramento Office

Copies Furnished:

Angelo G. Tsakopoulos, 7423 Fair Oaks Blvd., Suite 10, Carmichael, California 95608
Gregory D. Thatch, Law Offices of Gregory D. Thatch, 1730 J. Street, Suite 220,
Sacramento, California 95814-3017

From: "Jenny Marr" <JMarr@dfg.ca.gov>
To: <CSHEARLY@cityofsacramento.org>
Date: 9/30/05 4:33PM
Subject: Natomas Central IS/MND comments

TO:
Carol Shearly, Manager
New Growth Division
Development Services Department
915 I Street
New City Hall-3rd Floor
Sacramento, CA 95814

Subject: Department of Fish and Game comments on Draft CEQA Initial Study and Notice of Intent (IA/NOI) to adopt a Mitigated Negative Declaration(MND) for the Natomas Central Project (approved development under the NBHCP)

Dear Carol,

Thank you for providing the Department with a copy of the Natomas Central IA/MND Draft. The Department has concerns with the August 19, 2005 version of the document and potential inconsistency with how the proposed project may be inconsistent with the City of Sacramento's 2081 permit and the Natomas Basin HCP. Additionally, there are a number of confusing technicalities in the document which should be corrected and clarified.

The draft document contains many inconsistencies pertaining to the number of acres that will constitute the Fisherman's lake buffer, and how various sections of the buffer will be used. The inconsistencies between the adopted figures from the August 9, 2005 City Council resolution No. 2005-598 and several different calculations within the IS/MND need to be clarified. Additionally, there are discrepancies in the terminology used in the resolution and the document in describing various portions of the buffer which make it difficult to discern which areas the document is referring to and what areas will serve particular functions. In particular the document needs further definition of use for terms including, "parkway", "nature park", and "open space", and the number of acres defining each of these areas.

The document does not include any analysis of the City of Sacramento's Arena Blvd. extension, which is proposed to extend from the current western edge of Arena Blvd into the Natomas Central development. There is no mention of this extension, which you mentioned has always been included in the City's planning process, and which would extend an undisclosed amount into the southern most portion of the Fisherman's lake buffer. The document should disclose the impacts associated with this infrastructure as it is directly a portion of the proposed project and will affect the project analysis of the Fisherman's lake buffer description and values. The Department assumes that residential vehicular traffic within 250 feet of the waters edge, or within the buffer as described, may constitute an impact to Giant garter snake that has not been analyzed.

The document describes the buffer as including a bike and pedestrian pathway within the 300 foot section on the north end of the buffer, yet does not define where it would be located. The Department advises that the bikeway and benches be placed a minimum of 250 feet from the waters edge, and immediately adjacent to the western edge of the development to reduce human impacts in the buffer and to prevent impacts to the HCP Covered Species.

The document should address the effects of lighting from the development and advises that light fixtures be precluded from the buffer to reduce human impacts to this area.

The document states that "restricted use" will protect nesting Swainson's hawks. The Department advises that the language and intent be amended to exclude public access entirely during breeding, nesting and brooding period for Swainson's hawk. The document should reflect a no-access plan for the buffer during

this period, as well as the means and measures by which this would be achieved.

The City has indicated that the property will be disc'd to the edge of Fisherman's lake prior to October 1, 2005, and that the City proposes to issue a grading permit to the project applicant that would allow them to grade the parcel to within 200 feet of the Fisherman's Lake prior to May 1. The applicants need to either grade prior to October 1 2005 or after May 1 2006. The Department does not believe discing constitutes site preparation or initial grading when working in GGS habitat. If the applicant disc's the parcel and does not grade within 200 feet of the snakes habitat prior to Oct 1, 2005, in order to be in compliance with the NBHCP the applicant will need to wait until May 1, 2006.

Lastly, the Department questions whether the Del Paso Road extension is within the City's limits. Please provide clarification of the limits of this extension also. If the extension is outside the City's permit area as defined in the NBHCP then the City does not have incidental take coverage for these activities.

Please contact me if you have any questions.

Sincerely
Jenny

cc: Kent Smith, Habitat Conservation Supervisor
Department of Fish and Game
Sacramento Valley Central Sierra Region

John Mattox, Staff Counsel
Office of the General Counsel
Department of Fish and Game

Craig Aubrey, USFWS
Lori Rinek, USFWS

Jenny C. Marr
Staff Environmental Scientist
California Department of Fish and Game
Habitat Conservation Division
Sacramento Valley Central Sierra Region
1100 Fortress Avenue, Suite 2
Chico, CA 95973
530 895 4267 Phone
530 895 4236 FAX

CC: "John Mattox" <JMattox@dfg.ca.gov>, "Kent Smith" <KSMITH@dfg.ca.gov>, "Sandra Morey" <SMorey@dfg.ca.gov>, <Craig_Aubrey@fws.gov>, <Lori_Rinek@fws.gov>

From: "Jenny Marr" <JMarr@dfg.ca.gov>
To: <CSHEARLY@cityofsacramento.org>
Date: 9/30/05 4:03PM
Subject: DRAFT Natomas Central IS/NMD comments

TO:
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New Growth Division
Development Services Department
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New City Hall-3rd Floor
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cc: Kent Smith, Habitat Conservation Supervisor
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Jenny C. Marr
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California Department of Fish and Game
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CC: "Kent Smith" <KSMITH@dfg.ca.gov>, <Craig_Aubrey@fws.gov>, <Lori_Rinek@fws.gov>

OCT-11-2005 16:36

STATE CLEARINGHOUSE

P.001



California Regional Water Quality Control Board

Central Valley Region

Robert Schneider, Chair

Alan C. Lloyd, Ph.D.
Agency Secretary

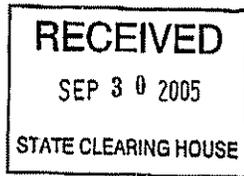
Sacramento Main Office
11020 Sun Center Drive #200, Rancho Cordova, California 95670-6114
Phone (916) 464-3291 • FAX (916) 464-4645
<http://www.waterboards.ca.gov/centralvalley>



Arnold
Schwarzenegger
Governor

26 September 2005

LE Buford
City of Sacramento
1231 I Street, Room 300
Sacramento, CA 95814



For: LINDA
(2 PAGES)

**PROPOSED PROJECT REVIEW, CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA),
NEGATIVE DECLARATION FOR NATOMAS CENTRAL, STATE CLEARINGHOUSE
#2005092067, SACRAMENTO, SACRAMENTO COUNTY**

As a Responsible Agency, as defined by CEQA, we have reviewed the Negative Declaration for Natomas Central. Based on our review, we have the following comments regarding the proposed project

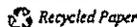
Construction Storm Water

A NPDES General Permit for Storm Water Discharges Associated with Construction Activities, NPDES No. CAS000002, Order No. 99-08-DWQ is required when a site involves clearing, grading, disturbances to the ground, such as stockpiling, or excavation that results in soil disturbances of one acre or more of total land area. Construction activity that involves soil disturbances on construction sites of less than one acres and is part of a larger common plan of development or sale, also requires permit coverage. Coverage under the General Permit must be obtained prior to construction. More information may be found at <http://www.swrcb.ca.gov/stormwtr/construction.html>

Post-Construction Storm Water Management

Manage storm water to retain the natural flow regime and water quality, including not altering baseline flows in receiving waters, not allowing untreated discharges to occur into existing aquatic resources, not using aquatic resources for detention or transport of flows above current hydrology, duration, and frequency. All storm water flows generated on-site during and after construction and entering surface waters should be pre-treated to reduce oil, sediment, and other contaminants. The local municipality where the proposed project is located may now require post construction storm water Best Management Practices (BMPs) pursuant to the Phase II, SWRCB, Water Quality Order No. 2003 – 0005 – DWQ, NPDES General Permit No. CAS000004, WDRS for Storm Water Discharges from Small Municipal Separate Storm Sewers Systems (MS4). The local municipality may require long-term post-construction BMPs to be incorporated into development and significant redevelopment projects to protect water quality and control runoff flow.

California Environmental Protection Agency



OCT-11-2005 16:36

STATE CLEARINGHOUSE

P.002

LE Buford

- 2 -

26 September 2005

Dewatering Permit

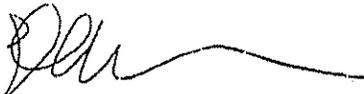
The proponent may be required to file a Dewatering Permit covered under Waste Discharge Requirements General Order for Dewatering and Other Low Threat Discharges to Surface Waters Permit, Order No. 5-00-175 (NPDES CAG995001) provided they do not contain significant quantities of pollutants and are either (1) four months or less in duration, or (2) the average dry weather discharge does not exceed 0.25 mgd:

- a. Well development water
- b. Construction dewatering
- c. Pump/well testing
- d. Pipeline/tank pressure testing
- e. Pipeline/tank flushing or dewatering
- f. Condensate discharges
- g. Water Supply system discharges
- h. Miscellaneous dewatering/low threat discharges

Industrial

A NPDES General Permit for Storm Water Discharges Associated with Industrial Activities, NPDES No. CAS000001, Order No. 97-03-DWQ regulates 10 broad categories of industrial activities. The General Industrial Permit requires the implementation of management measures that will achieve the performance standard of best available technology economically achievable (BAT) and best conventional pollutant control technology (BCT). The General Industrial Permit also requires the development of a Storm Water Pollution Prevention Plan (SWPPP) and a monitoring plan. The General Industrial Permit requires that an annual report be submitted each July 1. More information may be found at <http://www.swrcb.ca.gov/stormwtr/industrial.html>

For more information, please visit the Regional Boards website at <http://www.waterboards.ca.gov/centralvalley/> or contact me at 916.464.4663 or by e-mail at palisoc@waterboards.ca.gov.



CHRISTINE PALISOC
Environmental Scientist
Storm Water Unit
916.464.4663

cc: State Clearinghouse, Sacramento

James P. Pahl
Attorney at Law
817 – 14th Street, Suite 100
Sacramento, California, 95814
Tel: (916)446-3978
Fax: (916)447-8689

October 11, 2005

Theresa Taylor-Carroll, Chair, and Members
City of Sacramento Planning Commission

Stacia Cosgrove, Project Planner
Lezley Buford, Principal Planner
City of Sacramento

**Comments on Natomas Central project, Initial Study and Mitigated Negative Declaration
Planning Commission Meeting, October 13, 2005**

Dear Chair Taylor-Carroll and Members,

I am submitting these comments on behalf of Sierra Club, Environmental Council of Sacramento, and Friends of the Swainson's Hawk. My clients must oppose the project in its present form. A mitigated negative declaration is an appropriate environmental document only when all potentially significant effects will be mitigated to less than significant.

An EIR is required for this project because (1) there is substantial evidence in the record supporting a fair argument that the project may have one or more significant non-mitigated effects on the environment; and (2) substantial evidence does not support the proposed finding that the project will not have one or more unmitigated significant effects on the environment (CEQA Guideline §15064(f)(2)); (3) the Initial Study contains significant errors and omissions, and cannot be relied to provide credible information to the decision-makers

An additional comment letter may be submitted by ECOS addressing project design issues

1. The Four-Lane Widening Of Del Paso Road To Center Of Fisherman Lake (City Limit), Its Significant Environmental Effects, And Cumulative Impacts Are Not Addressed In The Initial Study And Negative Declaration; And Significant Environmental Effects Are Not Mitigated

Project Condition of Approval J21, (p 45 of staff report) requires Forecast to acquire sufficient land, either north or south of present Del Paso Blvd, to widen Del Paso Blvd to four lanes to the City limit, which is the center of Fisherman's Lake, and to widen the road to four lanes. Implementation would involve placing fill in Fisherman Lake, and eliminating a portion of

the riparian forest south of Del Paso Rd, on RD 1000 property, if it is widened on City's side. This is a significant environmental impact. There is no project description.

The widening of Del Paso Rd to four lanes at Fisherman's Lake or elsewhere is not disclosed or discussed in the Initial Study and Negative Declaration and has significant unmitigated impacts that are not addressed in Initial Study. Widening Del Paso Rd to four-lane road to Fisherman Lake would induce more westbound traffic, which would significantly impact the NBC preserves immediately west of Fisherman Lake, on both sides of Del Paso Rd, and would also induce pressures for new growth to the west. The City limit runs along the center of Del Paso Rd and the northern portion of Del Paso Road is outside of the City limits and therefore not covered by the Incidental Take Permit issued under the NBHCP. As far as can be determined, the proposal for a four-lane road to the center of Fisherman Lake (City limit) limit was not addressed in any prior EIR.

City Staff has proposed substitute wording (e-mail October 10, 2005) to the effect that Forecast will coordinate with Development Engineering and Finance to ensure as much of Del Paso road as possible is constructed without violating the buffer area. "As much as possible" is no assurance that the riparian forest will be protected. The land along the north side of Del Paso Road is owned by Phoenix LLC (AKT Development), which has applied for approval of annexation and development, and consequently is very likely to insist on development prices for road right of way. It is likely to be much more economical for Forecast to dedicate its own land to widen Del Paso Rd on the south side, which would require removal of a part of the RD 1000 riparian forest to widen to the center of Fisherman Lake.

There is no reason to widen Del Paso Road beyond the westernmost point of access to the Forecast project, which substantially east of Fisherman Lake. The entire area west of Fisherman's Lake is within the Swainson's Hawk Zone, where the City is prohibited from developing by the Natomas Basin HCP, and entirely agricultural or NBC preserve, except for a few homes along Garden Highway. There is no reason for westbound automobile access from Natomas Central. Widening to four lane to the City limit would be a waste of money.

The SWH Zone also encompasses approx. 1/3 of proposed West Lakeside, including most of the north side of Del Paso Rd on that property. Natomas Central is an exception included in the NBHCP. Thus, widening to the north would also require a re-evaluation of the NBHCP and Permits from DFG and FWS, which may not be granted. Widening Del Paso Road to the City limit would also generate safety issues where the road narrows from four-lane to existing rural two-lane. This would create pressure on the County to widen Del Paso Road beyond the City limit to Powerline Road, creating further cumulative impacts on the NBC preserve west of the project, and its wildlife. Four-lane roads also induce expansion of urban growth.

We strongly urge that Del Paso not be widened beyond the westernmost point of access to the Forecast project, which would resolve this concern. Building the four lanes only to the westernmost entrance to Natomas Central is consistent with the City's development plans and the road does not need to be widened beyond that point.

2. Del Paso Road Should Be Closed To Non-Emergency Traffic West of the Project

We urge that the City close Del Paso Road to non-emergency traffic west of Del Paso Road. The project will generate significant increased traffic, including traffic westward if Del Paso Road remain open. This will adversely impact the Natomas Basin Conservancy preserves which are on both sides of Del Paso Road, and will increase pressure to extend development west of Fisherman's Lake. Closing Del Paso Road will prevent these impacts and afford safe bicycle and pedestrian access, an amenity for the residents of Natomas Central and Westlake, and the entire Natomas community. Alternative access for vehicles to Garden Highway is available via San Juan and Bayou Roads.

3. Significant Effects Of Activities Allowed Within The Fisherman Lake Buffer, Including Public Roadways, Are Not Mitigated Or Addressed By The Initial Study Or Mitigated Negative Declaration

A. Public Roadways

The NBHCP requires a 250 foot land buffer alongside Fisherman Lake to protect wildlife using Fisherman Lake and its shoreline from impacts of urban development. Such a buffer is provided, but contains public roadways within the buffer, in the southeast portion of the project, which are not compatible with a habitat buffer and poses danger to Giant Garter Snakes. Roadways within the 250 foot NBHCP buffer are a violation of the NBHCP. There is no evidence that U.S. Fish and Wildlife Service or California Department of Fish and Game have agreed to authorize placement of any roadway within the 250 foot NBHCP buffer, which is a 250 foot-wide land area measured from the edge of Fisherman's Lake.

Upland within 200 feet from the edge of aquatic GGS habitat (shoreline of Fisherman's Lake) is also GGS habitat. USFWS guidelines require protection of 200 feet inland from the edge of channel banks. (See EXHIBIT A, report of Padre Associates¹ to City, January 2005, p. 5, 6). The proposed roadways are within 200 feet of Fisherman's Lake and create the risk of GGS being run over by automobiles. There may be other impacts that are concern to the wildlife agencies.

This is also a significant change from the design of the NNCP, which shows the roadways as being 200 feet from the edge of the RD 1000 property line at the southeastern portion of the project.

This impact may be avoided by relocating all proposed public roadways outside of the Fisherman's Lake buffer.

b. Clarify Location of Bicycle-Pedestrian Path

The project also provides for a 16-foot wide bicycle pedestrian path within the buffer. Project Condition J109 (staff report p. 57) states that it shall run along the east edge, but the Design Guidelines, August 26, 2005, page 10, shows the "peripheral trail" as alongside the RD 1000 property, at the western edge of the buffer, which would cause significant disturbance to wildlife using the Fisherman Lake riparian zone.

¹ Note: This letter references the Padre report several times. Cited pages are attached as EXHIBIT A. The entire Padre report is on file with the City.

The Planning Commission should clarify by directing that Project Condition J109 shall govern, placing the bicycle path at the eastern edge of the buffer, at least 200 feet from the edge of Fisherman Lake. If it is closer, there would be significant environmental impacts on GGS and other species which would require an EIR.

4. The Natomas Basin Conservancy Has Not Agreed To Manage The Fisherman Lake Buffer, And No Evidence Supports Initial Study's Incorrect Assertion That The Conservancy Will Manage It.

The Initial Study, p. 3-51, incorrectly states that the Natomas Basin Conservancy shall manage the buffer. Project Condition J109 (Staff Report p. 58) states that the Conservancy shall approve the plans for the bicycle trail.

Although there have been very informal discussions between City staff and the NBC, the NBC has not agreed to manage the buffer, the City has submitted no proposal to the NBC Board for management of the buffer, the City has not asked for NBC's input for developing a management plan for the buffer, and the NBC reportedly has reservations about whether to manage the buffer because certain of the apparent proposed uses appear inconsistent with the NBC's mission and expertise. There is no basis for the assertion of the Initial Study and Staff Report that the NBC will manage the buffer, and therefore no substantial evidence supporting the assumption that the buffer will mitigate impacts on Fisherman's Lake wildlife to less than significant.

This project should not be approved until the City meets with the NBC, and there is clarification as to whether the NBC, or another identified and qualified entity, will undertake responsibility for management of the Fisherman Lake buffer.

5. The Initial Assessment Of Biological Resources Has Substantial Errors And Omissions. Substantial Evidence Does Not Support The Finding Of The Initial Study And Mitigated Negative Declaration That Impacts To Biological Resources Have Been Mitigated To Less Than Significant (Initial Study P. 3-66)

To the extent that such finding relies upon the Fisherman Lake buffer to protect biological values from edge effects of urban development, such as intense human presence and vehicles, such a finding is not supported by substantial evidence, for the reasons stated above.

The Initial Study contains repeated errors and failures to disclose the presence of wildlife and biological resources of Fisherman's Lake. For example:

The Initial Study fails to address the value of riparian and marsh habitat of Fisherman's Lake, and does not mention that much of the east and north shoreline (City side) of Fisherman Lake is productive marshland, which is obvious to anyone who walks alongside the Lake. The Padre report, *supra*, points out that "riparian/wetland areas are high value habitat due to the presence of water and the sensitive wildlife dependent upon these habitat types." (EXHIBIT A, Padre report p. 4.) The Draft Supplement to the North Natomas Community Plan, 1993, p. 4.5-2 and 4.5-3, points out the high biological value of Fisherman's Lake (EXHIBIT B, p. 4.5-2 and 4.5-3). It is difficult to understand why the Initial Study failed to disclose that information.

The Initial Study p. 3-53, mistakenly states that no active SWH nests were identified during surveys conducted in July 2004. In fact, surveys conducted by Natomas Basin Conservancy found active nests on and near Fisherman's Lake in 2004 and 2005. See letter of James Estep, biologist and member of NBC Technical Advisory Committee, **EXHIBIT C**.

The Initial Study, p. 3-58, states that there is one CNDBB (Calif Natural Diversity Database) record of Giant Garter Snake in the northeast corner of the project site. This is seriously misleading. The Initial Study fails to disclose that the CNDBB map (reproduced at Initial Study, Appendix C) actually shows three locations of GGS records at Fisherman's Lake (a "record" is the location of one or more individual sightings). The Padre Report, **EXHIBIT A**, p. 23, states that nine GGS were captured at Fisherman's Lake during a USGS BRD (Wylie) studies in 1998 and 1999. The NBC informed me that GGS have also been found on the NBC preserve immediately west of Fisherman Lake.

The Initial Study, by Foothill Associates, pp. 3-58, 59, incorrectly states that "Recent population estimate for the GGS within the Natomas Basin is 277" (citing US Fish and Wildlife Service and DFG, 2003), which is a very serious misrepresentation by the author of the Initial Study which casts doubt on the credibility of the rest of the Initial Study. The source is the 2003 NBHCP, which states only that "A BRD study conducted from 1998 to 1999 recorded 277 individual Giant Garter Snakes in Natomas Basin." (**EXHIBIT D**) The BRD study only sampled a very small area of the Basin at various locations, and counted only those snakes which were seen or captured. There are no documents by USFWS or DFG, or anyone else credible, that claims that the Basin's entire GGS population is 277 individual snakes.

The Initial Study, p. 3-59-61 limits its discussion of black-crown night heron, great blue "egret" (correct name is great blue heron), snowy egret, and white-tailed kite to a few CNDBB records which are miles from the project site. The CNDBB is notoriously outdated and incomplete. I have personally been to Fisherman's Lake on a number of occasions during the past several years, usually in the late afternoon or early evening, and have observed all of these species roosting or otherwise using Fisherman's Lake in significant numbers and frequency. I am an experienced amateur birdwatcher with sufficient experience, (and a bird identification book) to identify these species. The Padre Report, § 4.4.1 p. 32, 33, (**EXHIBIT A**) notes that over 100 species have been observed at or near Fisherman's Lake, which is many more than the Initial Assessment disclosed.

It appears that Foothill Associates limited the Initial Study to outdated CNDBB information, ignored the Padre report and other readily available data, and failed to visually look for the presence of species which are obvious to anyone who walks alongside Fisherman Lake (best view is from west side) during the appropriate time and season.

6. An EIR Is Required To Address Cumulative Impacts And Growth Inducement

An EIR or Supplemental EIR to the NNCP EIR is required to address growth-inducing impacts of the project, particularly as the project may induce growth at (1) the site of proposed "West Lakeside" and northward to I-5, and (2) south of Fisherman Lake, particularly the former Witter property (next to Fisherman Lake) which is now owned by the Gidaro Group. Steve Gidaro, in 2004, told Judith Lamare and myself that he intended to seek entitlement to develop that property.

An EIR is needed to address the cumulative impacts of the Natomas Central Project in combination with the effects of reasonably foreseeable new development under City's Joint Vision for Natomas. An NOP was issued for "Joint Vision" in October 2003. City and Sacramento LAFCO will shortly issue a revised NOP for "Joint Vision", per LAFCO resolution of August 3, 2005. "Joint Vision" did not exist at the time of the 1994 NNCP EIR Update, nor did the West Lakeside or Gidaro proposals or the numerous proposals for urban development south of I-5 and west of the City limit.

7. Substantial Evidence Does Not Support The Finding That Exposure Of People To Flooding Would Be Less Than Significant.

The Initial Study states that Natomas Basin is protected against the 100-year flood, per FEMA certification. However, the FEMA certification is out of date and cannot be relied upon.

The Sacramento Bee, September 8, 2005, (**EXHIBIT E**), reported that a panel of experts at the Floodplain Management Association Annual Conference concluded that "Our risk of deadly floods is probably much higher than we think", because data on which is the basis of the FEMA 100-year certification standard relies on information from the 1960's which is seriously outdated.

Unfortunately, the Corps of Engineers and SAFCA have already found serious deficiencies in the Sacramento River levee which protects Natomas after the 1994 NNCP EIR Update, and after the FEMA certification of the levees of the Sacramento River. See "Commonly Asked Questions ..." by the Corps and SAFCA, which was distributed at public meetings in July 2002. (**EXHIBIT F**). According to that Corps/SAFCA document, engineering studies have revealed that foundation soils underlying the levees do not meet engineering criteria for underseepage, and that there is potential for underseepage to cause "boils" that could cause levee breach.

"If not reinforced, the levee could breach and cause major flooding within Natomas Basin." (Id) The Corps/SAFCA documents speaks of the need for major reinforcement of the Sacramento River levee protecting Natomas, for which money has not been authorized or appropriated. The New Orleans flood tragedy demonstrated that a flood basin, such as North Natomas, fills very rapidly once the levee is breached. Flooding of North Natomas during high water conditions could be 30 feet deep in some locations.

Common sense and prudence dictate that no further development be approved in North Natomas pending reassessment and improvement of the actual level of flood protection for Natomas Basin. At minimum, there should be an EIR for this project, or a generic EIR for all future Natomas projects, that thoroughly addresses this issue in light of new information.

8. The Project Would Expose Residents To Long-Term Severe Noise Levels From Low-Flying Jet Aircraft Which Are Not Mitigated To Less Than Significant.

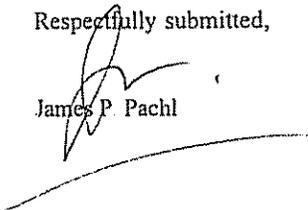
The project site is beneath the southeast departure path of the Sacramento International Airport. Low-flying jet aircraft frequently fly over the site. In a letter to City, August 6, 2004, (**EXHIBIT G**), the Airport advised that development of Natomas Central would result "in potentially significant effects on human health and well-being" (Id, p. 2.) "Any potential vesting of development rights ... may be premature until an analysis is conducted of the potential

impacts of the increase in aircraft operations in future years as use of the Airport System steadily increases " (Id. 2).

The Airport then states that if development is contemplated at this time, "It is essential that the city require, as a condition of the DA [development agreement] an aviation easement(s) for aircraft movement and noise " (Id. 2).

The Initial Study (p. 3-75) Mitigated Negative Declaration and project conditions fail to address or mitigate for this significant impact, and fail to require the aviation easement urged by the Airport. The Initial Study's statement, p. 3-75, that " the project site is not expected to be affected by over flight noise associated with air traffic from Sacramento International Airport..." is strongly contradicted by the Airport's letter of August 6, 2004, which is ignored by the Initial Study

Respectfully submitted,


James P. Pachl

Attachment 4

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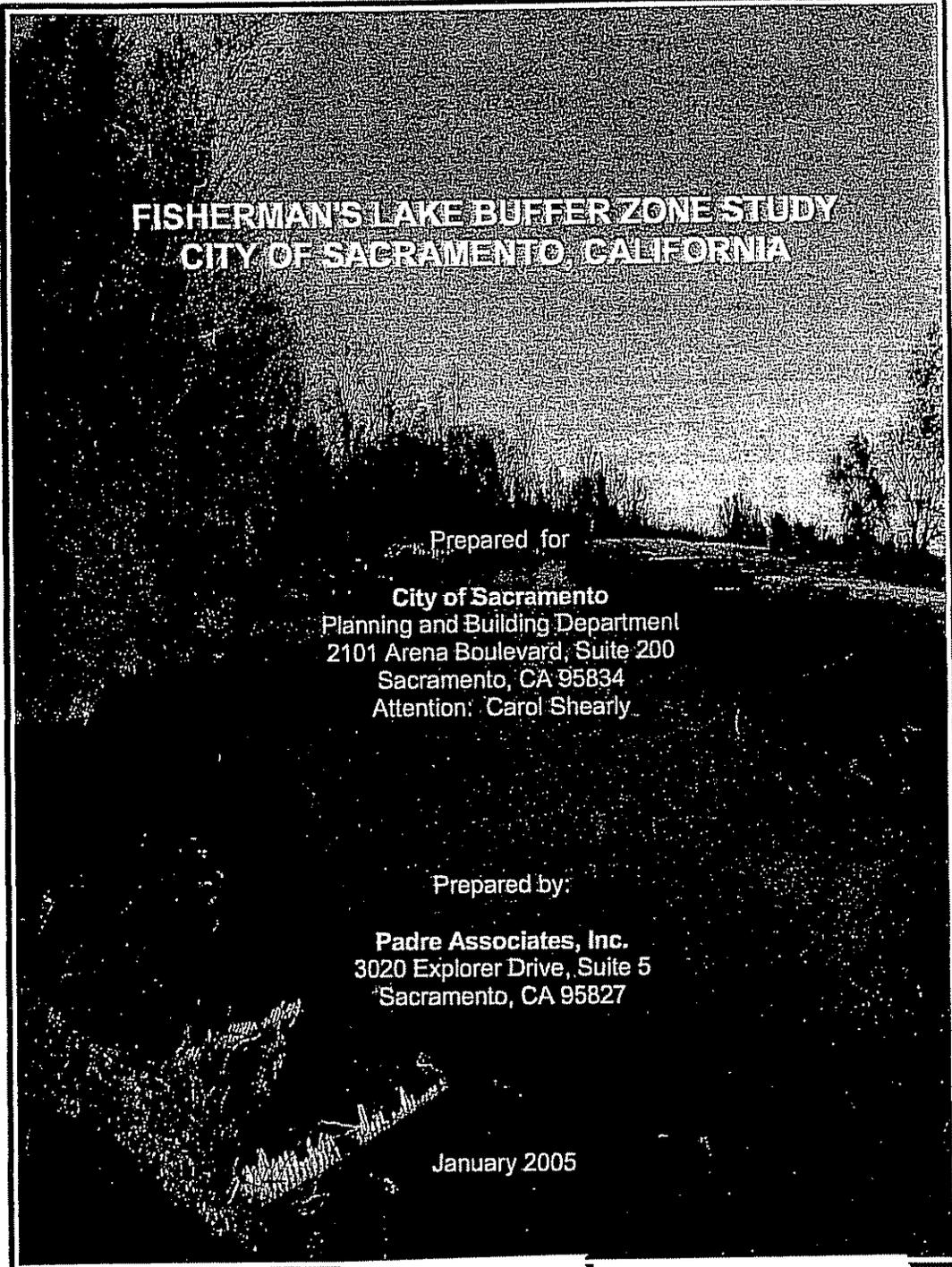


EXHIBIT A - selected pages -

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Forest is categorized as a Palustrine Forested Wetland (PFO) under the USFWS wetland classification system (Cowardin et al., 1979), and Fremont Cottonwood Series under the California Native Plant Society (CNPS) system (Sawyer and Keeler-Wolf, 1995).

2.2.2 Perennial Freshwater Emergent Wetland are areas that are permanently to semi-permanently flooded or containing saturated soils, and are dominated by a herbaceous stratum composed principally of tule bulrush (*Scirpus californicus*), broad-leaved cattail (*Typha latifolia*), and other hydrophytic species (City of Sacramento, 1985; USFWS, 1991). This community is transitional between the open water of Fisherman's Lake and the riparian community. This cover type is categorized as a Palustrine Emergent Wetland (PEM) under the USFWS wetland classification system (Cowardin et al., 1979), and Sedge Series or Bulrush Series under the CNPS system (Sawyer and Keeler-Wolf, 1995).

2.3 Wildlife Habitat Associations. The vegetative cover types along Fisherman's Lake provide habitat for resident and migratory wildlife species. The composition, density, distribution, and physical characteristics of these vegetative cover types determine the diversity and abundance of wildlife species residing in and around Fisherman's Lake. The interspersions of upland habitat (grasslands, agricultural fields, and woodlands) with wetlands provides habitat elements including permanent water, forage, roost, and escape cover for wildlife. The following is a brief description of the wildlife value of the vegetative cover types.

2.3.1 Great Valley Cottonwood Riparian Forest. Riparian woodland and associated areas support the greatest diversity of wildlife of terrestrial habitats in California (Laymon, 1984). This is due to floristic and structural diversity, microclimatic conditions, abundance of edge, availability of food and water, migration and dispersal corridors, and escape, nesting, and thermal cover (Sander et al., 1985; Grenfell, 1988). Laymon (1984) reported 147 bird species as nesters or winter visitants to Central Valley foothill riparian communities. Johnson (1982) recorded over 220 species of birds along the American River Parkway, and over 60 of these commonly nest in Central Valley riparian habitats (Gaines, 1974). Trapp et al. (1984) reported 55 species of mammals inhabiting the Central Valley riparian communities, and over 30 species of mammals have been reported along the lower American River (USFWS, 1991). Brode and Bury (1984) reported at least 50 species of amphibians and reptiles using riparian corridors.

2.3.2 Wetlands. Freshwater emergent wetland areas are also productive wildlife habitats in California, providing food, cover, and water for over 160 species of birds, and numerous mammals, amphibians, and reptiles (Kramer, 1988). Riparian/wetland areas are high value habitats due to the presence of water and the sensitive wildlife dependent upon these habitat types.

Wildlife observed during project surveys and reported from earlier studies are detailed in Section 4.4.

EXHIBIT A

3.0 REVIEW OF PERTINENT LITERATURE

3.1 Review of Regulatory Set-Backs

A review of the literature was conducted to document statutes or regulations pertaining to buffer zones and setbacks, if any, for either Swainson's hawk or giant garter snake (GGS) in the Natomas area.

3.1.1 Giant Garter Snake. According to the *Mitigation Recommendations for Restoration and/or Replacement of Giant Garter Snake Habitat*, the USFWS (1997) recognizes two upland habitat categories as essential habitat components for GGS: (a) upland habitat for basking, cover, and retreat sites; and (b) higher elevation uplands for cover and refuge from flood waters. Uplands within 200 feet from the edge of aquatic habitat banks are considered upland habitat and regulated by USFWS under the federal Endangered Species Act (FESA).

3.1.2 Swainson's Hawk. In the *Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (*Buteo swainsoni*) in the Central Valley of California*, the California Department of Fish and Game (CDFG, 1997) states: "No intensive new disturbances (e.g., heavy equipment operation associated with construction, use of cranes or draglines, new rock crushing activities) or other project related activities which may cause nest abandonment or forced fledging, should be initiated within ¼-mile (buffer zone) of an active nest between March 1 -- September 15 or until August 15 if a Management Authorization or Biological Opinion is obtained for the project. The buffer zone should be increased to ½-mile in nesting areas away from urban development (i.e. in areas where disturbance [e.g. heavy equipment operation associated with construction, use of cranes or draglines, new rock crushing activities] is not a normal occurrence during the nesting season). Nest trees should not be removed unless there is no feasible way of avoiding it. If a nest tree must be removed, a Management Authorization (including conditions to off-set the loss of the nest tree) must be obtained with the tree removal period specific in the Management Authorization, generally between October 1 -- February 1. If construction or other project related activities which may cause nest abandonment or forced fledging are necessary within the buffer zone, monitoring of the nest site (funded by the project sponsor) by a qualified biologist (to determine if the nest is abandoned) should be required. If it is abandoned and if the nestling are still alive, the project sponsor shall fund the recovery and hacking (controlled release of captive reared young) of the nestling(s). Routine disturbances such as agricultural activities, commuter traffic, and routine facility maintenance activities within ¼-mile of an active nest should not be prohibited."

The CDFG guidelines are incorporated in the Natomas Basin Habitat Conservation Plan (NBHCP) Environmental Impact Statement/Report (EIS/R) as part of the Measures to Reduce Take of Swainson's Hawk, and have been expanded to require the following:

- If breeding Swainson's hawks (i.e., exhibiting nest building or nesting behavior) are identified, no new disturbances (e.g., heavy equipment operation associated with construction) will occur within ½-mile of an active nest between March 15 and September 15 or until a qualified biologist, with concurrence by CDFG, has determined that the young have fledged or that the nest is no longer occupied. If the active nest site is located within ¼-mile of existing urban development, the new disturbance zone can be limited to ¼-mile versus ½-mile. Routine disturbance such as agricultural activities, commuter traffic, and routine facility maintenance activities within ½-mile of an active nest are not restricted.

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- Where disturbance of a Swainson's hawk nest cannot be avoided, such disturbance shall be temporarily avoided (i.e., defer construction activities until after the nesting season) and then, if unavoidable, the nest tree may be destroyed during the non-nesting season. For purposes of this provision the Swainson's hawk nesting season is defined as March 15 to September 15. If a nest tree (any tree that has an active nest in the year the impact is to occur) must be removed, tree removal shall only occur between October 1 and February 1.
- If construction or other project related activities that could cause nest abandonment or forced fledging are proposed within the ¼-mile buffer zone, intensive monitoring (funded by the project sponsor) by a CDFG-approved raptor biologist will be required. Exact implementation of this measure will be based on specific information at the project site.

The Swainson's Hawk Technical Advisory Committee (2000) has suggested that project activities (personnel and machinery) greater than 200 yards from a nest would constitute a low risk of reproductive failure. Initiating construction activities within 200 yards of a nest after eggs are laid and before young are greater than 10 days old, or personnel within 50 yards of nest tree (out of vehicle) for extended periods while birds are on eggs or protecting young that are less than 10 days old would constitute a moderate risks of reproductive failure. Direct physical contact with the nest tree while the birds are on eggs or protecting young, or helicopters in close proximity, would result in a high risk of reproductive failure.

From the perspective of long-term survivability, single-season projects with activities that blend well with a site's normal activities would have a low risk of adversely affecting long-term survival. Multi-year, multi-site projects with substantial noise/personnel disturbance would have a moderate risk of affecting long-term survival. The loss of available foraging area and/or loss of nest trees would have a high risk of adversely affecting long-term survival.

3.1.3 Other Pertinent Regulations. The USFWS also administers the federal Migratory Bird Treaty Act (MBTA) of 1918 (16 USC 703-711). Under the MBTA, it is unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed in 50 CFR 10, including feathers or other parts, nests, eggs or products, except as allowed by implementing regulations (50 CFR 21). Under Section 3503.5 of the California Fish and Game Code, all birds-of-prey (Falconiformes and Strigiformes), their eggs, and their nests are protected.

The CDFG, under the authority of Section 1600 of the California Fish and Game Code, routinely require a minimum setback of 50 feet from the top of bank for Lake and/or Streambed Alteration Agreements (J. Marr, CDFG, pers. comm., 2002).

3.1.4 Summary. Based on these regulations, the following is concluded:

- GGS uplands are protected for a distance of 200 feet landward to the top of bank of Fisherman's Lake. This, however, is not a strict prohibition because with proper permitting and mitigation, upland areas can be temporarily disturbed. Permanent loss of foraging or nesting habitat requires mitigation
- New construction activity is generally restricted for a distance of 2,640 feet in rural areas and 1,320 feet in urban areas from active Swainson's hawk nests sites during the nesting season. This, too, is not an absolute prohibition, and can be modified with appropriate mitigation and proper authorization from CDFG. Further, the new construction prohibition has no effect on routine, on-going activities.

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Gravid females continue to feed in the summer. Females give birth to live young about 120 days after copulation, generally in August. Between 15 and 25 young are produced per female per year (Wylie and Casazza, 2000). Clutch size increase with the age of the female, reaching as high as 50 young for a 10- to 12-year old female. GGS have a life span between 10 and 15 years (Wylie and Casazza, 2000)

Endangerment. The primary factors responsible for the decline of the GGS are habitat loss, degradation, and fragmentation. Urban development has changed GGS habitat through pollution, reduction of prey availability, and conversion of preferred native vegetation to exotic landscapes. Wetlands have been drained and streams have been rerouted through pipes or concrete channels to create sites for urban development and agriculture. GGS are also lost as a direct result of farming operations. Livestock grazing has depleted protective plant cover and compacted the soil resulting in the destruction of underground retreats. Incompatible agricultural management practices, such as conversion of ricelands to alternative crops, have resulted in habitat loss. The introduction of large predators, such as largemouth bass and bullfrog into almost all permanent freshwater environments, has affected the GGS through predation and competition for smaller forage fish (Ellis, 1987).

Baseline Conditions. During the 1998 and 1999 sampling seasons, nine GGS were captured at Fisherman's Lake (Wylie, 1999). Based on radio-telemetry studies, the home range of five GGS from Fisherman's Lake ranged from 32 to 215 acres. In the spring of 1998, GGS were found most often in slough/riparian habitat (93 percent), followed by "other" habitat (6 percent), and rice fields (1 percent). In the summer of 1999, GGS were again found principally in slough/riparian habitat (91 percent), followed by rice fields (9 percent) (Wylie and Casazza, 2000). GGS from Fisherman's Lake seldom ventured in surrounding rice fields, which may indicate that sufficient resources (e.g., prey, basking sites, cover, hibernation habitat) are available in Fisherman's Lake (Wylie and Casazza, 2000). Hansen (2002) noted that with the exception of an isolated population at Fisherman's Lake, GGS have been eliminated from the area south of Interstate 5 and west of Interstate 80. Lands acquired to mitigate for GGS losses have not sufficiently matured and monitoring indicates they are largely unoccupied. GGS sampling along Fisherman's Lake is constrained by water depth and visibility of traps to the public. Consequently, only one GGS was captured in 1998, and demographic analysis was not conducted. However, because of compromised connectivity, Fisherman's Lake may become isolated (E. Hansen, pers. comm., 2002).

3.4 Conservation Biology

In an effort to formulate recommendations for buffer zone development, we reviewed pertinent conservation biology literature to address issues concerning habitat patch dynamics and edge effects.

3.4.1 Habitat Patch Dynamics. The riparian corridor surrounding Fisherman's Lake represents an isolated habitat patch due to its disconnection from similar habitats in the area. Habitat patches, unlike large and continuous habitat areas, tend to have reduced species richness (alpha-diversity), smaller population sizes, and have barriers to other potentially habitable sites due to either distance or incompatible intervening cover types. As a consequence, isolated habitat patches are more vulnerable to local extinction from natural catastrophes (fire, flood, storms), environmental stochasticity (failed recruitment, decreased immigration), demographic stochasticity (mortality exceeding recruitment, inbreeding and genetic drift), and human-induced factors (hunting, development) (James and Saunders, 2002; Gilpin and Soule, 1986; Terbough and Winter, 1980; Soule, 1987). Populations or

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individuals within small isolated habitats may not be able to escape from catastrophes, droughts, or human disturbances in order to survive. The effects are compounded with small patches because demographic factors, such as inbreeding and genetic drift, can reduce the genetic diversity of the population and its ability to respond to changing conditions.

→ 3.4.2 Edge Effects. Habitat patches are generally surrounded by non-native landscapes, most often agriculture and urban/suburban development, which subject native populations to contrasts and fluxes between natural and non-native habitats commonly referred to as "edge effects". In general, urban edge effects on wildlife and habitat are negative (County of Riverside, 2002; James and Saunders, 2002), and can result in the following impacts:

- Increase predation by mesopredators (e.g., striped skunks, opossum, raccoon, and domestic cats)
- Direct and indirect competition from exotic plants and feral animal species
- Increased fire frequency
- Altered microclimates (temperature, light and wind)
- Human intrusion and disturbance (off-road vehicles, dumping, shooting)
- Increase urban runoff including pesticides and other toxic materials

The overall impact of edge depends on the contrast between native and non-native habitats, and the size and shape of the natural habitat patches. Ideally, edge effects are minimized by the relative reduction of the actual edge. Consequently, patches that are more circular reduce the edge-to-interior ratio, while long and linear patches increase the ratio. The most effective patches are configured in a manner that the long axis is less than five times the length of the short axis (James and Saunders, 2002).

The edge between urban/agricultural development and natural habitats represents a complex interaction among at least three suites of species: (1) core or interior species that are sensitive to edge factors; (2) core species that are not sensitive to edge effects; and (3) edge species that prefer boundaries. Core species are normally native species adapted to the habitat, while edge species tend to be aggressive, and many are non-native species that displace or prey on native species (e.g., domestic cats) (County of Riverside, 2002). Core species within patches less than two to three acres can be totally swamped by edge species.

3.4.3 Metapopulations. Because of the susceptibility of small populations in habitat patches to extinction from environmental and demographic stochasticity, connectivity among habitats is important in maintaining functional metapopulations. A metapopulation is a series of interacting subpopulations genetically connected by migration, extinction, and recolonization. The degree of connectedness among subpopulations is important in determining whether and how long a metapopulation is likely to persist. Metapopulations afford local subpopulations protection from permanent extinction from deterministic events, such as habitat destruction and fragmentation, and from environmental stochastic events, such as drought and floods. If a local subpopulation is destroyed, the other subpopulations in the area are potential sources for repopulation through dispersal, provided that suitable conditions persists at the de-populated habitat, and movement corridors or landscape linkages are intact. Because of demographic stochasticity, such as annual reproductive success, a local population may be a sink one year, but a source in subsequent years. If, however, habitat patches supporting subpopulations are small and widely separated, the rate of immigration is likely to be low and individuals may be lost or occupy intervening marginal habitats, and be lost to the metapopulation. The constant disappearance and

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4.3.1 City Limit Boundary Alternative. This alternative would have the western edge of the buffer zone along the city limit. Under this boundary alternative, a 250-foot buffer would provide 260 feet of separation and an 800-foot buffer would provide 810 feet of separation at NP-21. At NP-5, a 250-foot buffer would provide 80 feet of separation and an 800-foot buffer would provide 630 feet of separation. At NP-4, a 250-foot buffer would provide 132 feet of separation, and an 800-foot buffer would provide 680 feet of separation. Under this boundary alternative, the 250-foot buffer would not provide adequate separation between residential development and nesting trees. An 800-foot buffer would provide adequate screened separation and marginal unscreened separation.

4.3.2 RD 1000 ROW Boundary Alternative. This alternative would use the RD-1000 ROW as the western boundary of the buffer zone. At NP-21, a 250-foot buffer would provide 290 feet of separation and an 800-foot buffer would provide 1,050 feet of separation. At NP-5, a 250-foot buffer would provide 315 feet of separation and an 800-foot buffer would provide 865 feet of separation. At NP-4, a 250-foot buffer would provide 290 feet of separation and an 800-foot buffer would provide 840 feet of separation. Under this boundary alternative, the 250-foot buffer would provide adequate screened separation, but inadequate unscreened buffers. An 800-foot buffer would provide adequate screened and unscreened separation.

4.3.3 GGS Buffer. For GGS, all scenarios from the City Boundary and the RD 1000 ROW Boundary alternatives would provide adequate protection for upland habitat elements, which requires protection of 200 feet from the edge of the channel banks per USFWS guidelines.

4.4 Ancillary Buffer Benefits. Any increase in the overall area of habitat surrounding Fisherman's Lake provided by a buffer zone would provide a net benefit to other native species associated with riparian woodland and emergent wetlands at Fisherman's Lake. This is due to: 1) a substantial increase in habitat area potentially available for occupation; and, 2) with the interspersions of grassland, shrubland, and woodland habitat, an increase in habitat diversity. The overall widening of the vegetated area, combined with the preservation of lands by TNCB along the west side of Fisherman's Lake, would increase the habitat patch size and decrease the edge-to-interior ratio, which could reduce edge effects and benefit core area species inhabiting the existing habitats.

4.4.1 General Wildlife Benefits. Based on a review of literature and limited field studies, over 100 species of wildlife have been reported at Fisherman's Lake and surrounding wetland and riparian habitats (Appendix A). However, no long-term systematic sampling of the habitats has been conducted. Consequently, the actual number of wildlife using the area may be substantially greater, particularly during peak migratory periods.

A number of bird species have been identified that occupy the mature tree and gallery riparian forest that would benefit from the conservation or restoration of nesting habitat for Swainson's hawk (Woodbridge, 1998). These include great horned owl, red-tailed hawk, white-tailed kite, Cooper's hawk, great blue heron, and black-crowned night-heron that have been recorded at Fisherman's Lake. Other species occurring at Fisherman's Lake that would benefit from an increase in woodland and shrub cover types include wood duck (*Aix sponsa*), tree swallow (*Tachycineta bicolor*), Bewick's wren (*Thryomanes bewickii*), oak titmouse (*Baeolophus inornatus*), bush-tit (*Psaltriparus minimus*), belted kingfisher (*Ceryle alcyon*), and Nuttall's woodpecker (*Picoides nuttallii*). The inclusion of grassland patches would provide habitat for western kingbird (*Tyrannus verticalis*), western meadowlark

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(*Stumella neglecta*), California vole (*Microtus californicus*), and gopher snake (*Pituophis melanoleucus*).

In general, wetland-dependent species would not gain in actual habitat from the upland buffer; however, they would benefit from reduced edge effects. In addition, construction of habitat terraces would increase the areal extent of wetland habitat. Certain colonial tree nesting species, such as great blue heron, great egret, snowy egret, and black-crowned night-heron could use the increased tree cover for a rookery.

4.4.2 Special-Status Species. Based on the Covered Species list from the NBHCP, a number of special-status species have the potential to occur in the Natomas Basin. An analysis of those species that could potentially occur at Fisherman's Lake, and any benefit provided by a buffer zone, are detailed below.

Sanford's arrowhead (*Sagittaria sanfordii*). Status: Federal Species of Concern. Sanford's arrowhead is an aquatic perennial herb that occurs under shallow-water conditions in freshwater marshes and other slow-moving waterways (ponds, ditches, vernal pools, sloughs). It is found primarily from the Central Valley. There 26 occurrences from Sacramento County and none from Sutter County. It has not been reported from the Natomas Basin. (USFWS et al., 2002). Potential Benefit.

Bogg's Lake hedge-hyssop (*Gnaphalium heterosepalum*). Status: California Endangered. Bogg's Lake hedge-hyssop is semi-aquatic, annual herbaceous plant found in shallow waters or moist-clay soils, in vernal pools and along lake margins. It occurs in six widely disjunct areas in Lake, Sacramento, Placer, Fresno, Madera, and Shasta counties in California, and Lake County, Oregon. It has not been reported from the Natomas Basin (USFWS et al., 2002). Potential Benefit.

Sacramento Orcutt grass (*Orcuttia viscida*). Status: Federal Endangered and California Endangered. The Sacramento Orcutt grass is an annual species that occurs in medium to large vernal pools with relatively long inundation periods. It has been reported from Lake, Plumas, Sacramento, Shasta, Siskiyou, and Tehama counties. There are two occurrences from Sacramento County, but none from the Natomas Basin (USFWS et al., 2002). No Benefit.

Slender Orcutt grass (*Orcuttia tenuis*). Status: Federal Threatened and California Endangered. Slender Orcutt grass inhabits vernal pools in Sacramento and surrounding counties at elevations between 100 and 6,000 feet. It has been reported from two sites in Sacramento, but none from the Natomas Basin (USFWS et al., 2002). No Benefit.

Colusa grass (*Neostapfia colusana*). Status: Federal Endangered and California Endangered. Colusa grass is an annual species that occurs in larger vernal pools during the drying phases. There are 59 known occurrences in California but none from the Natomas Basin or Sacramento County (USFWS et al., 2002). No Benefit.

EXHIBIT A

Wooded Riparian/Wetland

Although severely disturbed, several well-developed stands of cottonwood-willow riparian forest vegetation are present in the Study Area. The wooded riparian sites generally border drainage canals and often are associated with narrow strips of emergent wetland vegetation such as cattails and bulrushes. The most important sites are:

- Fisherman's Lake and associated portions of the West Drainage Canal. Fisherman's Lake is a significant riparian forest site with well developed stands of sandbar willow (*Salix hindiana*), Fremont cottonwood (*Populus fremontii*), black willow (*Salix goodingii*), button willow (*Cephalanthus occidentalis*), tule (*Scirpus californicus*), cattail (*Typha latifolia*), wild grape (*Vitis californicus*), elderberry (*Sambucus mexicana*), and other characteristic riparian plants. This site presently is threatened by recent tree removal and trash dumping along the western shore and dredging at the south end of the lake (1984 conditions).
- Scattered sites exist along the Natomas East Main Drainage Canal where cottonwood-willow vegetation is well developed. The two most significant sites at Del Paso Road and near Interstate 80 contain numerous large valley oaks as well, some of which may be considered Heritage Trees by the City of Sacramento.

Additional riparian woodlands in the Study Area include a narrow cottonwood-willow riparian corridor south of Del Paso Road and west of the East Drainage Canal, and scattered stands of willows along the south end of the East Drainage Canal and a side canal branching west towards the Natomas Airpark (N-1, N-3).

Riparian woodlands are critical to wildlife, despite their relatively small acreages in the Study Area. They provide stopovers for migrant songbirds, communal roosts for black-crowned night-herons and black-shouldered kites, and roost sites for great horned owls and common barn-owls. A variety of raptors and other birds which forage in surrounding open areas may nest in riparian trees. Carnivores, such as gray fox and possibly ringtail, use riparian corridors for cover and dispersal routes, as well as for feeding. The diversity of wildlife in riparian woodlands generally is among the highest of any habitat and most likely is greater than in any other habitat in the Study Area. The larger riparian stands, especially those with large trees along Fisherman's Lake, are the most valuable for wildlife (N-6).

The North Natomas Community Plan area also contains various stands of trees which are not necessarily related to the riparian community. The small stands of oaks, black walnut, and eucalyptus in North Natomas provide perching, roosting, and, possibly, nesting sites for hawks, owls, magpies, and other birds which forage in surrounding open areas. They also harbor Nuttall's woodpeckers, ash-throated flycatchers, scrub jays, and other birds (N-7).

4.5-2

4.5 Biological Resources

EXHIBIT BDFG002610

Non-Wooded Riparian/Wetland

Emergent plants such as tule, cattails, sedges, and bulrushes occur in scattered stands usually forming narrow strips along permanent drainage canals, ditches, farm ponds, and sump areas in the Study Area. The most extensive of these areas border Fisherman's Lake. A marshy field north of Fisherman's Lake is vegetated mostly with escaped rice and introduced weeds. At the south end of the East Drainage Canal near the sewage pump station the riparian vegetation consists of dense stands of blackberry (*Rubus procerus*) along the banks (N-3).

Marshes, farm ponds, and patches of cattails, bulrushes, and other emergent vegetation also are important to wildlife. Birds, such as great blue heron, green-backed heron, pied-billed grebe, belted kingfisher, common yellowthroat, and song sparrow occur in these habitats in the Study Area. The rare giant garter snake also has been sighted in marshlands in the Study Area.

The most extensive area of relatively natural marsh is at Fisherman's Lake. This area's value to wildlife is enhanced by its proximity to large trees which are used for perching, roosting, and possibly, nesting by herons and other birds which feed in marshes (N-6).

The 1986 NNCP EIR concluded that there were no significant vernal pool areas located in the Study Area, based upon 1984 field studies. However, the 1986 SGPU EIR (Exhibit U-5) identifies a large swath of intact annual grasslands that could contain vernal pools in the North Natomas Community Plan area. This swath generally follows the alignment of the East Drainage Canal. Vernal pools are depressions that fill with water during the rainy season but dry out by the end of the spring or early summer. Vernal pools support highly specialized plants well adapted to the relatively "harsh" conditions. Many wildlife species utilize vernal pools for feeding, egg-laying, resting, and foraging. It has been estimated that less than 5-30 percent of California's original vernal pools remain intact. A majority of the losses of vernal pools can be attributed to urban development and agricultural practices.

Agricultural

A large portion of the Study Area is devoted to rice cultivation which is flood irrigated. Although this habitat is highly modified and of little interest botanically, it is discussed separately because it is important to wildlife, serving as an alternative to natural marshlands.

Other agricultural lands are used for crops such as wheat, corn, tomatoes, sugar beets, and safflower and for grazing livestock. Grazing lands are severely disturbed and are vegetated largely with introduced grasses and weeds. The most important native species noted was virgate tarweed.

Scattered small groves of oaks, black walnut, and eucalyptus occur throughout the agricultural lands, mostly along field and road edges and near farmyards (N-3).

4.5-3

4.5 Biological Resources

EXHIBIT B-2

~~DFG002611~~

From: James Pachi <jpachi@sbcglobal.net>
Date: Wednesday, September 7, 2005 3:29 PM
Subject: FW: Neg Declaration, Natomas Central

From: "Jim Estep" <jim.estep@comcast.net>
Date: Tue, 30 Aug 2005 21:02:55 -0700
To: "'Jim Pachi'" <jpachi@sbcglobal.net>, "'Mike Bradbury'"
<mbradbur@water.ca.gov>, "'Melinda Bradbury'" <m2bradbury@sbcglobal.net>
Subject: RE: Neg Declaration, Natomas Central

In 2004, NB-18 and NB-21 were both active. NB-18 is the lone tree just south of the canal 1/4 mile or so from El Centro. NB-21 is the site just south of Del Paso Road.

In 2005, NB-18 and NB-21 were again active...as well as a new site just north of Del Paso Road.

Jim.

-----Original Message-----
From: Jim Pachi [mailto:jpachi@sbcglobal.net]
Sent: Tuesday, August 30, 2005 8:15 PM
To: Mike Bradbury; Melinda Bradbury; Jim Estep
Subject: Neg Declaration, Natomas Central

Mike and Jim,

I am back from vacation, obtained copy of proposed Negative Declaration for Natomas Central, comment deadline is Wednesday, Sept 7. Will be heard at Planning Comm Sept 8.

Negative Declaration, p. 3-53, by Foothill, states that " No active [SWH] nests were identified along Fisherman Lake during preconstruction surveys conducted in July 2004, but this area contained several old stick nests that did not contain signs of active use."

Is this correct? Interestingly, Neg Dec states that an adult and juvenile SWH were observed foraging and perched "within vicinity of the site."

Jim

EXHIBIT C

II - 16

NATOMAS BASIN HCP - BIOLOGICAL DATA

preferred; however, giant garter snakes have been found overwintering up to 200 yards from the shoreline of summer habitat (Hansen and Brode 1992a). Burrows, vegetation, and other shelter from predators enhance the suitability of overwintering sites. It is also helpful if winter retreats are above winter flood levels and if the snakes have access to upland retreats during runoff or flooding.

d. GGG Numbers, Distribution, and Ecology in the NBHCP Area

Current Numbers/Baseline

Currently, the U.S. Fish and Wildlife Service recognizes 13 separate populations of giant garter snakes within the State of California. Each population is isolated without protected dispersion corridors to link to adjacent population groups. The Natomas Basin contains the largest single element of the American Basin's population of the giant garter snake that has been studied.

Previous surveys and other historical information indicate a fairly widespread distribution of giant garter snakes within the Natomas Basin (Figure 12, Giant Garter Snake Records). Virtually all these Natomas sightings are from areas where rice is grown. Within these areas they are strongly associated with the rice fields themselves and the associated canal/drain components of the water conveyance system. On this basis, a reasonable surrogate variable for estimating the total amount of giant garter snake habitat in the Natomas Basin is the amount of rice fields in the Basin and canal/drain habitat embedded in the rice landscape. These are estimated at 22,692 acres of rice fields and about 247 miles of canals and drains in the Basin. A BRD study conducted from 1998 to 1999 recorded 277 individual giant garter snakes in the Natomas Basin (Wylie and Casazza, 2000). Giant garter snakes were found in a network of ditches and rice field habitats, including several occurrences in Fisherman's Lake and other RD 1000 canals within the Basin. The most recent giant garter snake survey information (Wylie, 2001) showed that fewer giant garter snakes were captured relative to previous years, but this does not necessarily mean that the giant garter snake population in the Natomas Basin is in decline (USFWS, 2002).

However, there is expected to be considerable patchiness in giant garter snake distribution, even within the rice-growing regions of the Basin, and field surveys, to some extent, have supported this expectation (Brode and Hansen 1992). Where garter snakes do occur, as many as 10 snakes have been observed per linear mile of ditch or drain during walk-through surveys under optimal conditions (Hansen, pers. comm.). However, there are significant limitations in the capability of visual survey methods to estimate actual snake population densities, because giant garter snakes spend the majority of their time resting in burrows, beneath dense vegetation or under objects, and because they often do not move as observers approach. Consequently, visual surveys may underestimate actual abundance, perhaps by an order of magnitude.

The 2002 NDDB records show 168 giant garter snake occurrences in California. Of these, 38 of these occurrence records were in the Natomas Basin. The U.S. Geological Survey, Biological Resources Division (USGS, BRD) also conducts surveys of the giant garter snake. As noted above, BRD surveys

April 2003

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EXHIBIT D

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News

Flood data out of date

Runoff, weather patterns have changed since risk standard was calculated.

By Matt Weiser -- Bee Staff Writer
Published 2:15 am PDT Thursday, September 8, 2005
Story appeared in Metro section, [Page B1](#)

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Flood management experts from three states on Wednesday in Sacramento confronted a cold reality: Our risk of deadly floods is probably much higher than we think.

That's because the tools for estimating and mapping flood risk are based on weather and stream-flow data that are almost 40 years old.

The foundation of the system for estimating floods fails to consider wetter weather that exists in many places today, increased runoff caused by urbanization in many watersheds, and decades of sediment accumulation in waterways.

In short, when the Federal Emergency Management Agency says a city like Sacramento has a 1 percent chance of flooding in any 100-year period, it relies on data that have little relevance today.

And when FEMA releases maps showing areas of the city that will be flooded by such a "100-year" storm, the submerged areas noted by colorful blobs are merely

Heather Fargo

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EXHIBIT E

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an approximation.

"There's a tremendous amount of uncertainty in the calculations," said Ricardo Pineda, floodplain management branch chief at the California Department of Water Resources.

The issue was the focus of a panel discussion Wednesday at the Floodplain Management Association's annual conference, which continues through Friday. It draws experts from throughout California, Nevada and Hawaii.

It is a coincidence that the conference occurs while corpses are being pulled from floodwaters in New Orleans in the aftermath of Hurricane Katrina. But that reality gave the conference extra urgency, and a serious tone.

A moment of silence was held for New Orleans flood victims before the day's sessions began.

New Orleans was said to have 1-in-250 protection, meaning it was considered able to withstand the worst flood that could be expected in any 250-year period, a higher standard of protection than Sacramento enjoys.

"Unfortunately, you're here at a very sad time in our history," Sacramento Mayor Heather Fargo said in opening remarks to the group of about 250.

Fargo urged the flood experts to lobby for more money for flood planning nationwide, noting it has been chronically underfunded.

"Some of our priorities are wrong, and people have lost their lives because of it. What you do matters, and we need you to do it really, really well," she said.

The so-called "1 percent standard" for measuring flood risk has been debated in the scientific community ever since it was first adopted in California in 1923. It is now used worldwide, but the public has remained largely unaware of its limitations.

Today, one of the biggest limitations is that the standard is based on weather and streamflow data gathered in the late 1960s by the U.S. Geological Survey, said David Ford, a former Sacramento State professor and now a water resources consultant.

Ford was part of a panel of experts who analyzed the 1 percent standard for a National Academy of Sciences review last year. They found that while the standard has had a number of benefits, such as encouraging safer home construction, it has many shortcomings.

In addition to old weather data, the standard relies on equations and "model storms," published by the National Oceanic and Atmospheric Administration, that also have not been updated since the late 1960s, Ford said.

USGS and NOAA recognize these weaknesses, but have no money to update the data.

Other new variables include changes in runoff and debris flow caused by catastrophic wildfires, now more common near urbanized areas; changes in

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E-2

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runoff volume from so-called "Pineapple Express" storms, which quickly melt mountain snowpack; and what Pineda called "tremendous uncertainties" about the structural integrity of levees.

The academy's report recommended gathering new data. It also proposed steps to improve the 1 percent standard, including: new standards for levee safety; requiring flood calculations in development decisions; requiring national flood insurance but setting rates based on flood elevation; or making new development cover its own flood losses, to encourage less risky land uses.

Absent such changes, the result is that today's mapping of flood risk causes many people to think they are safe from flooding. Others may face deeper or more frequent flooding than they now expect.

"If you're wrong, you may find yourself under 20 feet of water, and that is a significant error," said Ronald Stork, another panelist and a senior policy advocate with the nonprofit Friends of the River. "It's time communities like Sacramento begin to have some moral outrage about that."

Another key shortfall of the 1 percent standard is that it had the effect of clustering urban development just outside the mapped flood zone. And these may be the areas most at risk when flooding exceeds current maps.

"I hope in the months ahead, we will see government stake out an ambitious position to move these flood management issues forward," said Assemblywoman Lois Wolk, D-Davis, who also addressed the group. "We know there is a crisis pending, and we need to do more."

ABOUT THE WRITER:

The Bee's Matt Weiser can be reached at (916) 321-1264 or mweiser@sacbee.com.

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Lois Wolk

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E-3



Corps / Safca
Scoping Meeting
July 25, 2002

Commonly Asked Questions About the Proposed Modifications
To
The Sacramento River East Levee and Natomas Cross Canal Levees

4

1. What is the purpose of the proposed project?

In 1996, Congress authorized a project to raise the east levee of the Sacramento River in Natomas between Powerline Road and Verona so that it could safely withstand higher water levels that are expected during very large storms. In 1999, Congress approved raising the north and south levees along the Natomas Cross canal so that they could contain the same higher water levels. Engineering studies for designing the projects have revealed that the foundation soils under the levee do not meet engineering criteria for under-seepage. Therefore, without corrective action, the levees could be unsafe when higher water occurs. Consequently, the Corps, the State Reclamation Board and the Sacramento Area Flood Control Agency are evaluating options to address this under-seepage issue. One or more of these options would be implemented as part of the levee raise project.

2. What is "under-seepage"?

Under-seepage is water seeping through permeable levee foundation soil strata such as sand and gravel. During a flood, high river stage creates pressure that forces water into the strata on the river side of the levee. The water flows away from the river under the levee and either seeps out of the ground on the dry side of the levee or becomes groundwater. If the surface soils on the dry side of the levee have low permeability, such as silt and clay, they restrict seepage to the surface. The restriction causes the water to exert upward pressure on the surface soils and can "lift" them, causing boils. The boil provides a passage for increased flow of water and the increased flow can wash away the sand below the levee. If not reinforced, the levee could breach and cause major flooding within the Natomas Basin.

3. How could the risk of under-seepage be addressed?

The project sponsors are evaluating three different options to reduce the risk of levee failure due to under-seepage. The first option is to reinforce the affected levees with a berm extending outward 100 to 200 feet from the landside of the levee. At the levee, the berm has a thickness of about eight feet tapering to about three feet at the edge. The second option is to install a seepage cut-off wall through the levee. To be effective, the bottom of the cut-off wall must extend into a low permeability soil strata such as clay. Construction equipment limits the depth of cut-off wall construction to about 80 feet below the top of levee. In locations where the depth to clay strata exceeds 80 feet, the cutoff wall is not feasible. The third option is to install wells, ditches and pumps along the land-side of the levee that are designed to relieve the pressure by releasing the confined water to the surface and then moving it back to the river.

4. What is the purpose of this meeting?

In order to facilitate public input into the project planning process and to comply with State and Federal environmental laws, the Corps will produce an environmental document disclosing the environmental impacts of raising the levees and implementing the various under-seepage containment options. The purpose of today's scoping meeting is to provide interested members of the public with information about these measures so they in turn can identify environmental and other concerns that need to be considered in the project planning process and the environmental document. Public input will again be sought when the environmental document is complete in draft form, later this year.

EXHIBIT F

5. Who will pay the cost associated with this project?

If the State legislature and Congress approve the project, costs will be shared as follows:

Federal Share:	75 percent
State Share:	17.5 percent
SAFCA Share:	7.5 percent

6. Who will be affected by construction of the proposed project?

During construction, this project will affect residents and businesses in the approximate geographical area of the Garden Highway levee between Orchard Lane and Verona and the Natomas Cross Canal north and south levees. Lands and easements will be acquired from property owners along both sides of these levees.

Work along the Garden Highway levee will require that local and through traffic be detoured around the construction area. Provisions for emergency access by police, fire, and ambulance will be maintained at all time. Controlled provisions for access and egress from homes and business will be maintained at all times. The exact nature of the traffic control plan cannot be determined until all information on project impacts is available.

Property owners and residents within the affected construction "zone" will be kept informed and are needed to participate in the planning process for this project.

7. When will the construction start?

Projected construction is expected to begin in 2005

8. How long will it take to construct the project?

The construction schedule will be dependent on the alternative selected, requirements to avoid environmental impacts on threatened and endangered species, and the need to insure public access around and through the construction area.

9. Who will benefit from construction of this proposed project?

The project levees protect all 55,000 acres of the Natomas basin, so all properties in the basin will benefit from the project. Properties on the waterside of the levee will also benefit by decreasing the risk that the levee will fail.



SAFCA



2002

Scoping Meetings

(Community Meetings)

Sacramento River East Bank Levee And Natomas Cross Canal

The U.S. Army Corps of Engineers (Corps), the State Reclamation Board (State) and the Sacramento Area Flood Control Agency (SAFCA) invite you to attend any or all of the Scoping Meetings listed below. We will discuss remedies for (1) seepage problems along the East Levee of the Sacramento River and the North and South Levees of the Natomas Cross Canal, (2) erosion protection along the east bank of the Sacramento River at several sites and (3) raising of the Sacramento River East Bank Levee and Natomas Cross Canal Levees.

Thursday, July 25

6:00 - 8:00 P.M.
South Natomas
Community Center
2921 Truxel Road
Sacramento, CA 95833

Tuesday, July 30

6:00 - 8:00 P.M.
Teal Bend Golf Course
Meeting Room
7200 Garden Hwy.
Sacramento, CA 95837

Wednesday, July 31

6:00 - 8:00 P.M.
Holt of California
Conference Room
7310 Pacific Avenue
Pleasant Grove, CA 95668

High flows in the Sacramento River during the Flood of 1986 triggered seepage through the Sacramento River East Levee in Natomas nearly failing the levee in several locations. The problem was remedied through insertion of a slurry wall along a reach of the levee and construction of a stability berm along another reach of the levee between 1990 and 1993.

After the Flood of 1997, engineers determined that flows higher than those experienced in 1986 could create high pressure in porous materials under the levee. This higher pressure may penetrate the surface soils on the landside of the levee resulting in serious boils that destabilize the levee foundation soils. At the above Scoping Meetings, representatives from the Corps, the State and SAFCA will present information on alternative remedies to address this underseepage problem and plans to raise the levees. The public will have an opportunity to identify concerns that need to be addressed as the project planning process continues.

PLEASE PLAN TO ATTEND.

For further information, contact Maggie Franklin, Public Information Officer at the Sacramento Area Flood Control Agency. (916) 874-4582.

(F-3)



G. Hardy Acree
DIRECTOR OF AIRPORTS

John O'Farrell
ADMINISTRATOR
Community Development &
Neighborhood Assistance Agency

August 6, 2004

James Bacchini
Chair - City Planning Commission
Department of Planning & Building
Planning Division
1231-I Street, Room 300
Sacramento, CA 95814

RE: Proposed Development Agreement for the Natomas Central Planned Unit Development – Natomas Central Development Agreement; Project Number P04-136

Dear Mr. Bacchini:

Recently the Sacramento County Airport System ("Airport System") received a copy of the proposed Natomas Central Development Agreement ("DA") between the City of Sacramento and K. Hovnanian Forecast Homes, Inc., Tsakopoulos Family Trust, and Angelo G Tsakopoulos ("Applicants"). The City Planning Commission will review the proposal at its meeting of August 26, 2004. Airport System staff has evaluated the proposed action and recommends that the DA for the subject property require an aviation easement for aircraft movement and noise. The following comments support that recommendation.

Background

The 443-acre property is located at the southwest intersection of Del Paso and El Centro Roads, and is bordered on the west and south by Fisherman's Lake. The North Natomas Community Plan amended by the City Council in 1996 assigns the "Low Density Residential" land use classification (average of seven dwelling units/acre) to approximately the western third of the subject property, with most of the remaining land falling within the "Medium Density Residential" classification (average density of 12 dwelling units/acre). The City Department of Planning and Building received the proposed "Universal Development Application" for the DA on July 13, 2004. Under the provisions of California Government Code Sections 65864 et seq., a DA is essentially a contract between a developer and a local unit of government that attempts to provide

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EXHIBIT G

James Bacchini
August 6, 2004
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assurances for both the governmental entity and the developer regarding long term development of a specified area.

Summary of County Airport System Concerns

In February 2004 the Sacramento County Board of Supervisors initiated environmental review of the new Airport Master Plan, which includes forecasts of future aircraft operations through the year 2020. The Master Plan estimates that total passengers served by the Airport will approximately double between the year 2000 and 2020 and that flight operations will grow by more than two percent annually during that period:

While the Applicants are not requesting development of the property at this time, entering into a DA with the City would facilitate residential and other noise-sensitive urban development below the flight tracks of aircraft using Sacramento International Airport ("Airport"), resulting in potentially significant impacts effects on human health and well-being. The Airport System has consistently raised concerns regarding development in this area since the late 1980s.¹ Comments specific to the subject property include the attached September 6, 1990 letter (denoted as item "c" in footnote below).

Any potential vesting of development rights through adoption of a DA may be premature until an analysis is conducted of the potential impact of the increase in aircraft operations in future years as the use of the Airport System steadily increases. However premature the proposal may be, however, the Airport System maintains that, if a DA is contemplated at this time, it is essential that the City require, as a condition of the DA, an aviation easement(s) for aircraft movement and noise. Details about projected Airport growth and over flight considerations follow.

Increased Airport Operations

Commercial aircraft operations are predicted to continue expanding during the coming decades in both frequency and size of aircraft. Flight operations in early morning and late evening hours are also expected to increase. The Airport Master Plan forecasts an average annual passenger growth rate of four percent (4%) between 1999 and 2010, and almost three percent (3%) between 2010 and 2020.² The Master Plan also forecasts that average annual flight operations will increase 2.7% between 1999 and 2010, and by 2.1% between 2010 and 2020.³

Recent growth rates have been particularly rapid. The total of 901,000 passengers served in June 2004 was 14% higher than the same month in 2003, and was the first

¹ Examples of Airport System comments on previous projects include: (a) Proposed charter school on El Centro Road south of the West Drainage Canal, letter of April 16, 1999; (b) North Natomas Community Plan, meeting among Airport System staff, City Planning and SACOG staff, April 19, 1991; (c) Airport System comment letter on proposed Tsakopoulos Properties Rezone Application, September 6, 1990 (attached); (d) 1988 South Natomas Community Plan Update, letter of May 17, 1988 to Department of Planning & Development.

² Sacramento International Airport Master Plan, February 2004, Table 3.2-1, p. 3-13.

³ Sacramento International Airport Master Plan, February 2004, Table 3.4-14, p. 3-53

James Bacchini
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time monthly passengers exceeded 900,000. While not as high, the May 2004 passenger count was almost eight percent (8%) higher than the same month in 2003. These recent increases were stimulated by more airlines offering Sacramento service (Aloha, Hawaiian, JetBlue, Mexicana), coupled with an increase in flights. Some departures, such as the two operated by JetBlue, occur in the late evening hours.

Aircraft departure routes for most southbound and eastbound flights pass near the area proposed for the Natomas Central DA. These same flight tracks pass over much of the Natomas area which has experienced substantial urban growth in recent years, resulting in greater numbers of noise complaints received by the Airport System. As stated above, the number of aircraft overflying this site will increase as the Airport continues to grow. The Federal Aviation Administration (FAA) has total control over aircraft departure routes. The Airport System is unaware of any FAA plans to alter these routes, and it is highly speculative that the FAA would alter these routes in the future.

Noise Considerations

The Sacramento County Grand Jury addressed the drawbacks of land use incompatibility near Sacramento International Airport in its Final 2001/2002 Report "Encroaching Land Use Imperils Sacramento's Airport System" (p. 42-51), published June 30, 2002. This report summarized some of the potential negative impacts as follows:

The Grand Jury has concerns about the negative impact to the Sacramento County Airport System's current and future plans for operations, growth and development at both Sacramento International Airport and Mather Field as a result of planning, zoning and land use decisions made by local political bodies.

Land use decisions made by the Board of Supervisors, County Planning Department and Commission, and the City of Sacramento may seriously affect both airports' operational status as well as future expansion plans. These decisions create a high probability for curfews, limited operations, restricted flight paths and the necessity of obtaining operational variances for continuation or expansion of air transit operations.

These decisions have and will continue to expose Sacramento International Airport, Mather Field and the taxpayers of Sacramento County to potential liability for damages from lawsuits brought against airport operations at both facilities. This liability arises from lawsuits that could be brought by surrounding commercial operations and residential homeowners in new developments allowed to build in close proximity to known and pre-existing major aviation facilities.

Although aircraft manufacturers have significantly reduced the noise levels of new aircraft over the past 20 years and airlines work hard to reduce noise impacts, aircraft noise remains an unwanted byproduct of aircraft operations. The Airport System does its part to minimize aircraft noise by working with aircraft operators, air traffic controllers, and concerned citizens to ensure the airport operates in as quiet a manner as possible.

As described in detail below, about 75 percent of aircraft departures from Sacramento International Airport occur to the south. These overflights occur at altitudes ranging

James Bacchini
August 6, 2004
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from 2,000 to 4,000 feet above the ground. An aircraft flying at these altitudes at a horizontal distance of one-half mile is close enough that it appears to an observer on the ground to actually be overhead. Of perhaps even greater concern is noise generated by military aircraft training operations at the Airport. Many of the military aircraft are larger and noisier than commercial aircraft, and are typified by lower flight patterns (1,500 – 3,000 feet) than departing commercial aircraft. The variability of military aircraft operations could also be a significant source of potential annoyance to project area residents

Background Information – Flight Tracks and Noise Exposure

The Airport System operates an Aircraft Noise and Operations Monitoring System (ANOMS) that monitors aircraft flight tracks and noise exposure. Attached are flight track plots generated by ANOMS for the Airport. Figure 1 depicts a single day of flight tracks (June 18, 2004) when the Airport operates in a "south flow" configuration, i.e., landing to the south and departing in a southward direction. The green lines depict departures, the red lines are arrivals, and the blue lines labeled as overflights are comprised mostly of aircraft training operations.

Wind and weather conditions dictate the direction of flow at SMF. Aircraft take off and land into the wind. Because south winds predominate at the Airport, south flow occurs about 75 percent of the time. If the winds and weather are highly variable, south flow may occur intermittently throughout the course of the day. Figure 2 depicts Airport "north flow" for a day (June 15, 2004). North flow is used when the winds are out of the north, when other weather conditions dictate, and for nighttime noise abatement. During the course of a year north flow occurs about 25 percent of the time.

Figures 3 and 4 are similar to Figures 1 and 2, but depict the flight tracks for south and north flow, respectively, for a period of one week (June 13 – 19, 2004). These graphics clearly indicate how variable the flight tracks can be from day-to-day. Figure 5 shows all of the tracks (both south and north flow) for the same one-week period and clearly illustrates that there are virtually no areas near the Airport that aren't overflown by commercial jet aircraft on a regular basis.

Figures 6 and 7 depict the flight tracks associated with training activity for a one-month period at SMF. Although all types of aircraft train at SMF, the large military aircraft are of greatest concern. These transport-size aircraft, such as the C-5A, KC-10, and KC-135, train several times each week. These aircraft operate at much lower altitudes than the typical commercial traffic at the Airport and are also not subject to the engine noise restrictions imposed on commercial aircraft. Fighter-type aircraft also utilize the Airport. All public use airports are obligated to make their airfield available to military aircraft for training purposes and these aircraft may be in the flight pattern for up to an hour.

Also enclosed are two graphics depicting aircraft noise exposure at the Airport. The first graphic depicts the outer boundary of the 60 dB Community Noise Equivalent Level (CNEL) contour for the period of the year 2000 through the forecast year of 2020. The

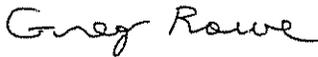
James Bacchini
August 6, 2004
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second graphic depicts the outer boundary of the 55 dB CNEL contour for the same period of time.

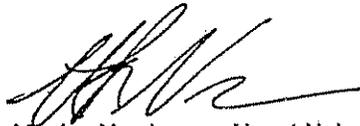
CNEL contours depict the aircraft noise exposure for the annual average day. That is, some days may be noisier and some may be quieter, but during the course of the year the daily aircraft noise exposure is as depicted. The Airport System uses 60 dB CNEL for land use planning purposes near the airport. To the greatest extent possible, the County has worked to prevent noise sensitive land uses (e.g., homes, schools, and churches) from being developed within the 60 dB CNEL contours. The 55 dB CNEL contours are associated with U.S. Environmental Protection Agency (EPA) guidelines. The EPA has indicated that areas outside the 55 dB CNEL contours provide a noise environment "requisite to protect the public health and welfare with an adequate margin of safety."⁴

Thank you for considering the Airport System's request and comments. Questions may be directed to SCAS Senior Environmental Analyst Greg Rowe at 874-0698 or roweg@saccounty.net. Questions about noise issues may be referred to Airport Noise Program Manager Monica Newhouse at 874-0704.

Sincerely,



Greg Rowe, Senior Environmental Analyst
Planning and Development



Monica Newhouse, Airport Noise
Program Manager, Marketing and
Public Relations

Enclosures (10)

C:

D.E. "Red" Banes, Vice Chair – City Planning Commission
John Boyd, Planning Commissioner
Theresa Taylor-Carroll, Planning Commissioner
John Valencia, Planning Commissioner
Barry Wasseman, Planning Commissioner
Darrell Woo, Planning Commissioner
Joseph Yee, Planning Commissioner
Stacia Cosgrove, Associate Planner - Department of Planning & Building
Gregory D. Thatch, Attorney at Law – Law Offices of Gregory D. Thatch
Robert B. Leonard, Assistant Director – Administration/Planning, County Airport System
Leonard H. Takayama, Deputy Director – Planning and Development

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Lake_RezoneProposal2004\DevAgreement_PlanComAug26_Final(3).doc

⁴ "Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety". Environmental Protection Agency. March 1974



DIRECTOR OF AIRPORTS
Thomas P. Engel

COUNTY OF SACRAMENTO
DEPARTMENT OF AIRPORTS
6900 AIRPORT BOULEVARD
SACRAMENTO, CALIFORNIA 95837
(916) 929-5411

September 6, 1990

Doug Holmen
Associate Planner
Department of Planning and Development
City of Sacramento
1231 I Street, Suite 200
Sacramento, CA 95814-1221

SUBJECT: TSAKOPOULOS PROPERTIES REZONE APPLICATION
FILE NUMBER I&R 90-079

Dear Mr. Holmen:

The Department of Airports has reviewed subject application and have a number of concerns with the requested action. The first issue of primary concern is one of land use compatibility with airport operations and the second issue concerns the city's entitlement procedures as we understand them.

The Department of Airports has long objected to the designation of residential and other noise sensitive land uses in the North Natomas west of I-5. The Tsakopoulos Properties application, proposes approximately 180 acres for medium density residential, 22.5 acres for a future hospital site and approximately 9 acres for school expansion site. Technically, these properties are currently outside of the most current 60-CNEL noise contour for Metro Airport, however, both the City Council and County Board of Supervisors have recognized that the noise issues associated with Metro Airport are related to aircraft overflights well beyond the typical "noise contour impacts". Although the Department of Airports and the FAA are investigating alternative flight paths for the airport to help reduce these noise issues, the fact of the matter is that overflights of the North Natomas west of I-5 will continue in some form regardless of the final solution. Aircraft noise does now and will continue to impact the Tsakopoulos Properties area. The Department of Airports strongly objects to the subject proposal in its present form on this basis.

A related issue is the process upon which we have understood the city is taking with regard to North Natomas land use proposals. In April and May 1987, the department commented on several North Natomas proposals namely, Schumacher (p87-043), Payne (p87-044),

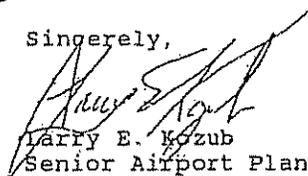
Doug Holmen
Associate Planner
Page 2

Ketcher (p87-045), Tsakopoulos (p87-070), and Adams Farms (p87-358). The department objected to those proposals west of I-5 that included residential and other noise sensitive uses and did not object to proposals east of I-5 regardless of proposed use. (This county position has been consistent since the North Natomas was first initiated in 1984). During the review process for these projects, city planning staff advised the Department of Airports that residential entitlements were not being granted until the "noise issues" could be resolved. This department does not consider the Metro Airport noise issues to be resolved and we would like clarification on the city's current entitlement granting process as applied to North Natomas applications.

There has, from time to time, been some informal discussions between city and county planning staffs regarding a possible update and revision of the North Natomas plan to reflect specific airport issues. It has been about three years since the city planning staff and airport staff have had an opportunity to discuss North Natomas issues in any detail. Perhaps this current application can serve as a basis to renew this dialogue. I am quite certain that the county planning department would also be interested in such meeting. The Department of Airports would be happy to host the meeting at Metro and also update city staff on the FAA's current airspace study.

Thank you for the opportunity to review the Tsakopoulos Properties application. Please keep the Department of Airports advised of the status of this project.

Sincerely,



Larry E. Kozub
Senior Airport Planner

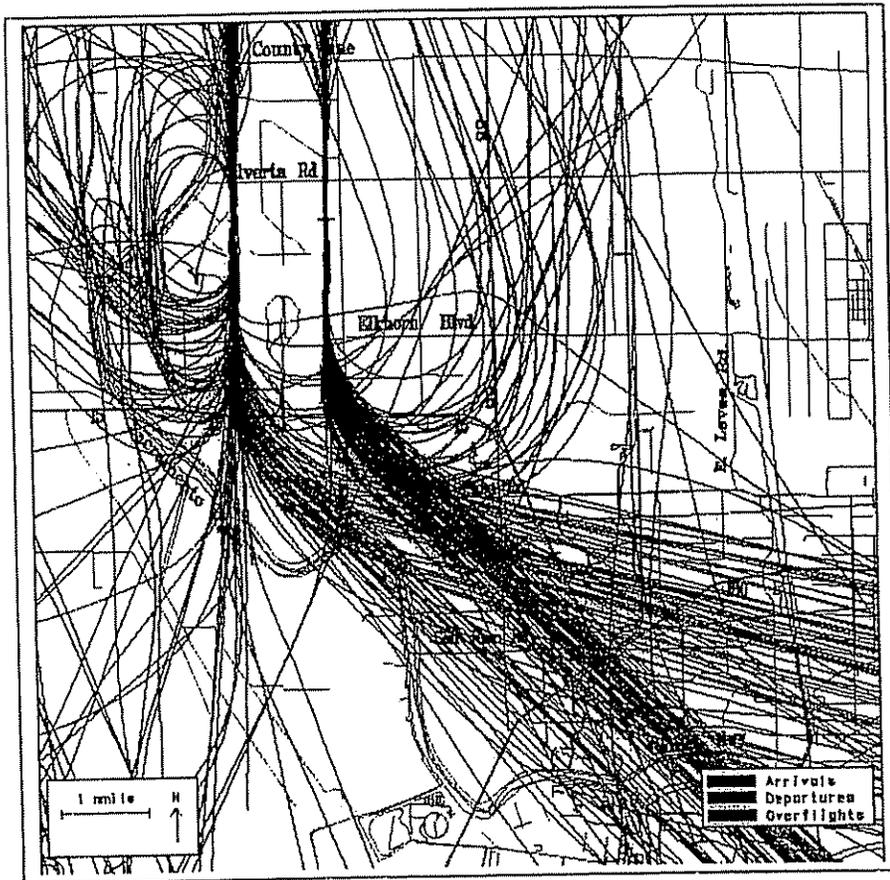
LEK:bs

Sacramento County Airport System
Aircraft Noise Information Office



Flight Track Analysis – Sacramento International Airport

Figure 1



South Flow Flight Tracks for One Day
06/18/2004

The flight tracks for this day depict "South Flow" operations. South Flow occurs approximately 75% of the time annually.

Due to their proximity to the airport, areas depicted on this map but not over-flown on this day may experience occasional to moderately frequent overflights.

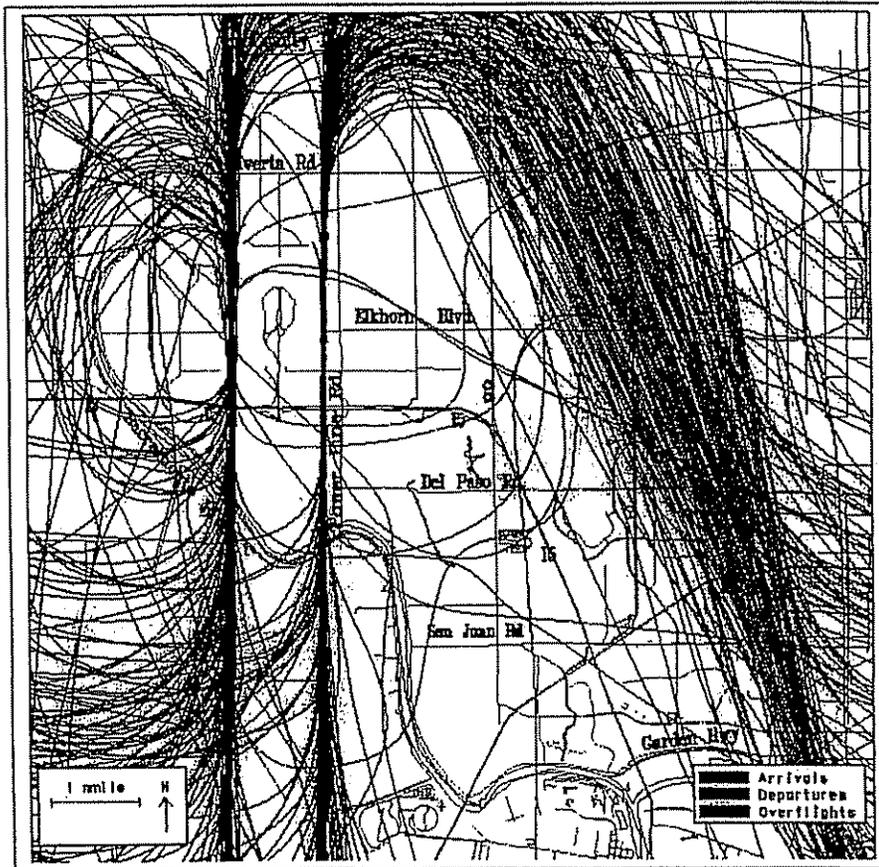
Source: Sacramento County Airport System. July 2004

Sacramento County Airport System
Aircraft Noise Information Office



Flight Track Analysis – Sacramento International Airport

Figure 2



North Flow Flight Tracks for One Day
06/15/2004

The flight tracks for this day depict "North Flow" operations. North Flow occurs approximately 25% of the time annually

Due to their proximity to the airport, areas depicted on this map but not over-flown on this day may experience occasional to moderately frequent overflights

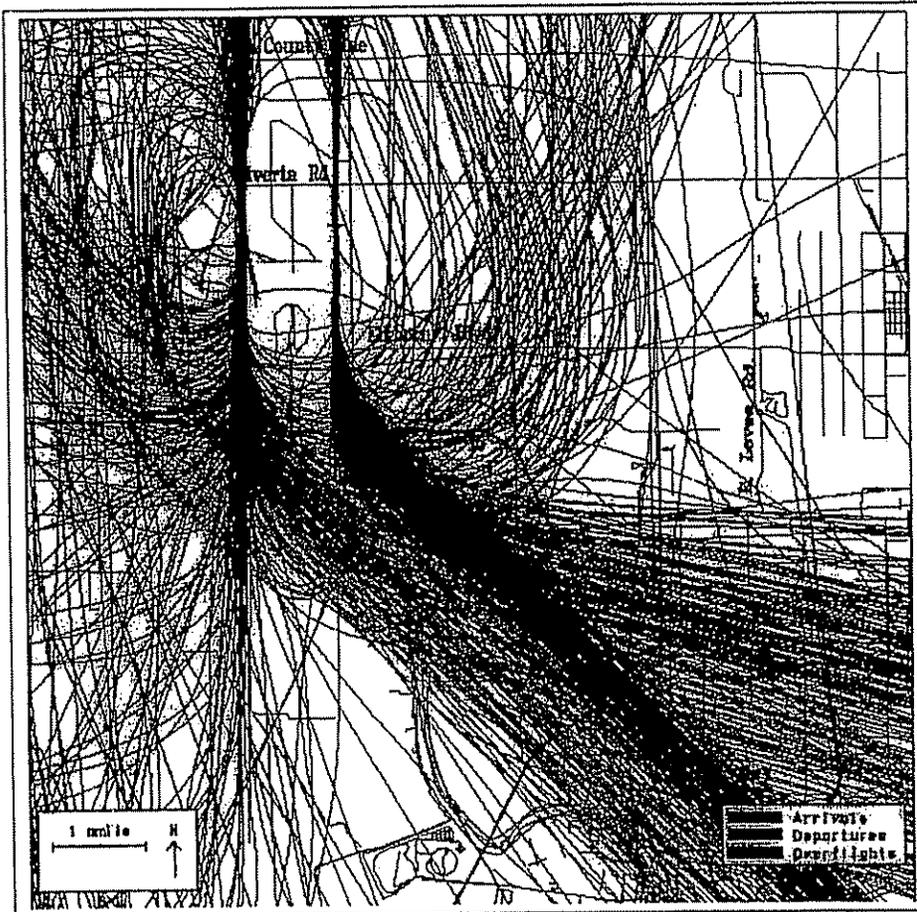
Source: Sacramento County Airport System. July 2004

Sacramento County Airport System
Aircraft Noise Information Office



Flight Track Analysis – Sacramento International Airport

Figure 3



South Flow Flight Tracks for One Week
06/13/2004 – 06/19/2004

The flight tracks depicted are the "South Flow" operations for this week. South Flow occurs approximately 75% of the time annually.

Due to their proximity to the airport, areas depicted on this map but not over-flown during this week may experience occasional to moderately frequent overflights.

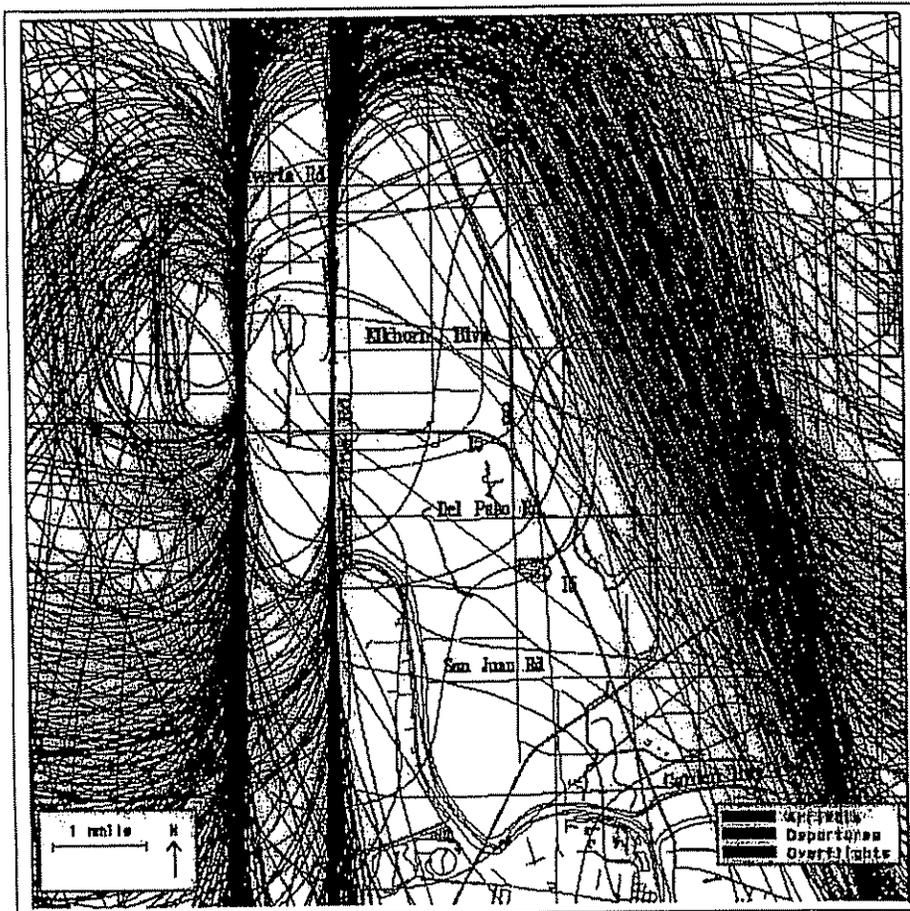
Source: Sacramento County Airport System, July 2004.

Sacramento County Airport System
Aircraft Noise Information Office



Flight Track Analysis – Sacramento International Airport

Figure 4



North Flow Flight Tracks for One Week
06/13/2004 – 06/19/2004

The flight tracks depicted are the "North Flow" operations for this week. North Flow occurs approximately 25% of the time annually.

Due to their proximity to the airport, areas depicted on this map but not over-flown during this week may experience occasional to moderately frequent overflights.

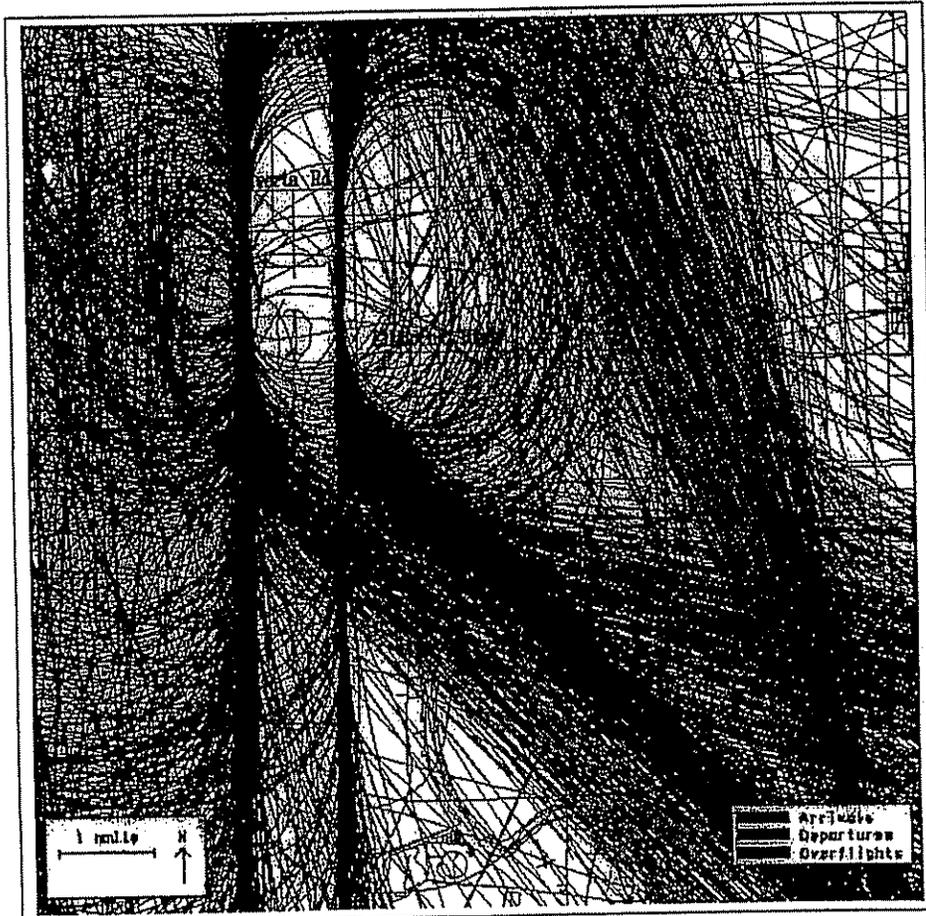
Source: Sacramento County Airport System, July 2004

Sacramento County Airport System
Aircraft Noise Information Office



Flight Track Analysis – Sacramento International Airport

Figure 5



All Flight Tracks for One Week
06/13/2004 – 06/19/2004

The flight tracks depicted show all of the tracks (both south and north flow) for the same one-week period and clearly illustrate that there are virtually no areas near the Airport that aren't over flown by aircraft on a regular basis.

Due to their proximity to the airport, areas depicted on this map but not over-flown during this week may experience occasional to moderately frequent overflights

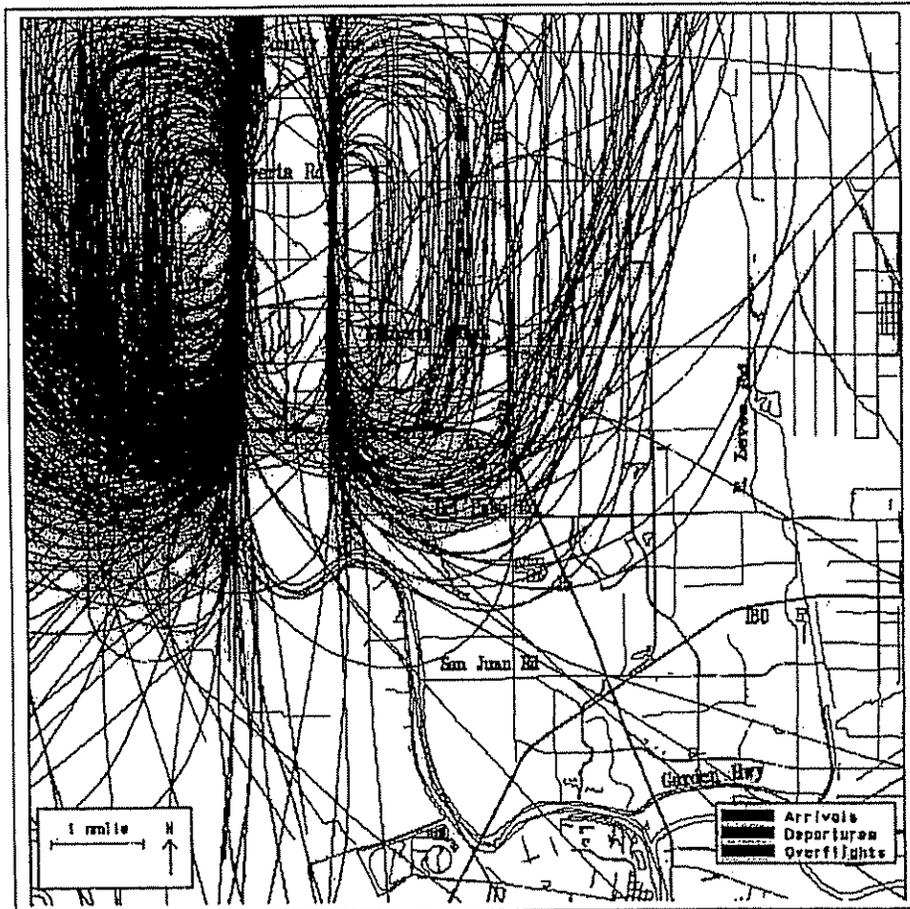
Source: Sacramento County Airport System, July 2004

Sacramento County Airport System
Aircraft Noise Information Office



Flight Track Analysis – Sacramento International Airport

Figure 6



South Flow Training Flight Tracks for One Month
06/01/2004 – 06/30/2004

The flight tracks depicted are the "South Flow" training operations for one month. Although all types of aircraft train at SMF, the large military aircraft are of greatest concern. These transport-size aircraft, such as the C-5A, KC-10, and KC-135, train several times each week. These aircraft operate at much lower altitudes than the typical commercial traffic at the Airport and are also not subject to the engine noise restrictions imposed on commercial aircraft. South Flow occurs approximately 75% of the time annually.

Due to their proximity to the airport, areas depicted on this map but not over-flown on this month may experience occasional to moderately frequent overflights.

Source: Sacramento County Airport System, July 2004

Sacramento County Airport System
Aircraft Noise Information Office



Flight Track Analysis – Sacramento International Airport

Figure 7

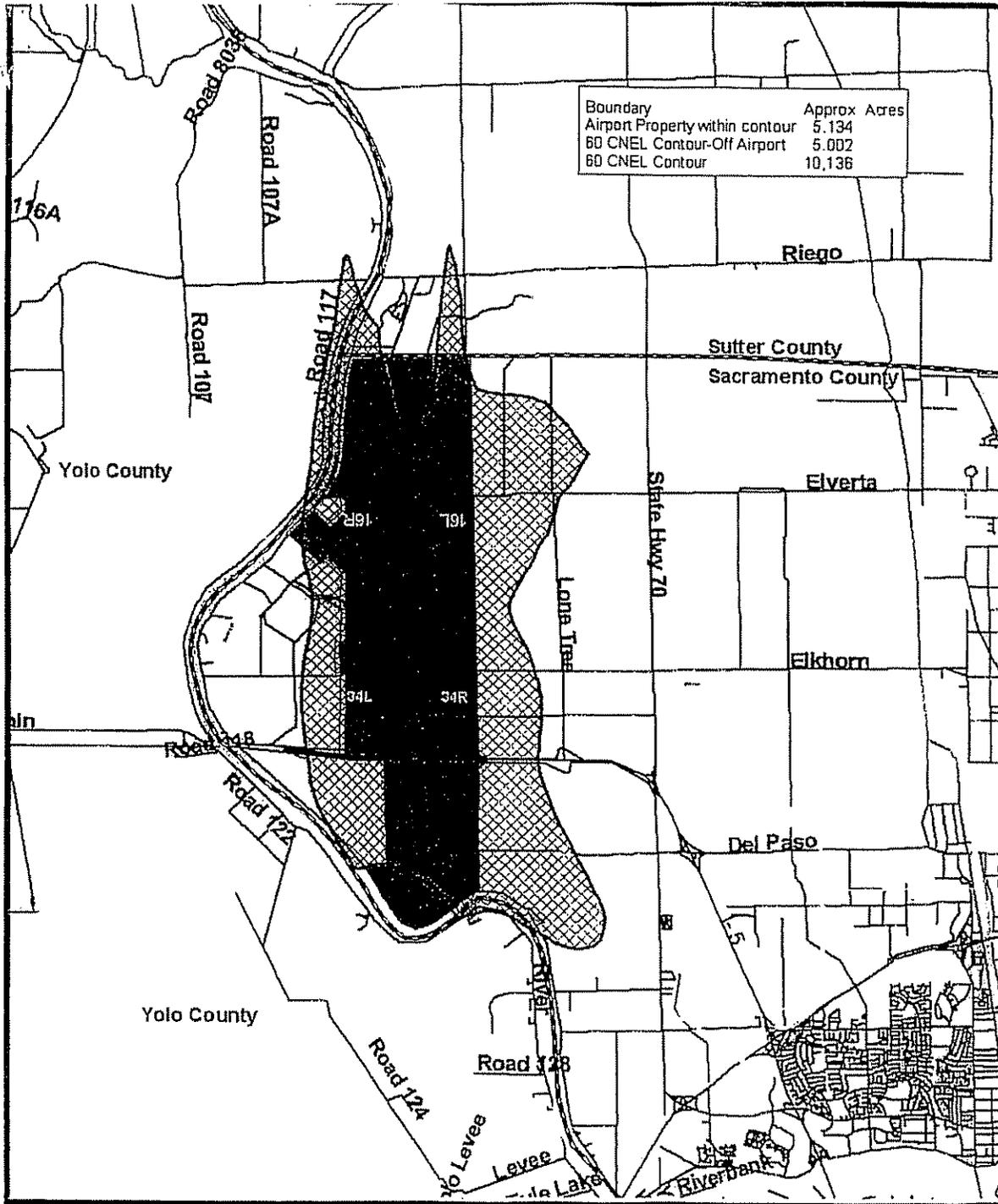


North Flow Training Flight Tracks for One Month
06/01/2004 – 06/30/2004

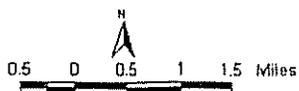
The flight tracks depicted are the "North Flow" training operations for one month. Although all types of aircraft train at SMF, the large military aircraft are of greatest concern. These transport-size aircraft, such as the C-5A, KC-10, and KC-135, train several times each week. These aircraft operate at much lower altitudes than the typical commercial traffic at the Airport and are also not subject to the engine noise restrictions imposed on commercial aircraft. North Flow occurs approximately 25% of the time annually.

Due to their proximity to the airport, areas depicted on this map but not over-flown on this month may experience occasional to moderately frequent overflights

Source: Sacramento County Airport System, July 2004.



- Legend
- Water
 - Runways
 - 60 dB CNEL Contour
 - Airport Property
 - Major Streets



Outer Boundary of the 60 dB CNEL Contours for 2000-2020



Sacramento International Airport

HARRIS MILLER MILLER & HANSON INC June 5 200

FROM : 817-14TH, 100, SACTO 95814

FAX NO. : 916-447-8689

Sep. 07 2005 05:09PM P1

James P. Pachl
Attorney at Law
817 - 14th Street, Suite 100
Sacramento, California, 95814
Tel: (916)446-3978
Fax: (916)447-8689

September 8, 2005

Theresa Taylor-Carroll, Chair, and Members
City of Sacramento Planning Commission

Stacia Cosgrove, Associate Planner
Jennifer Hageman, Principal Planner
City of Sacramento

RE: Comments on Natomas Central project and Negative Declaration
Planning Commission meeting, September 9, 2005

Dear Chair Taylor-Carroll and Members,

I am submitting these comments on behalf of Sierra Club, Environmental Council of Sacramento, and Friends of the Swainson's Hawk. My clients must oppose the project in its present form and ask that a EIR be prepared if the modifications recommended below are not made.

1. City Failed To Comply With CEQA's Requirements for Notice and Public Comment Period For Approval of a Mitigated Negative Declaration

CEQA Guidelines 15073(d) and 15205(b)(2) require copies of the Mitigated Negative Declaration to be sent to the State Clearinghouse for distribution to State agencies where one or more State agencies is a Trustee Agency, Responsible agency, or otherwise has jurisdiction with as to any aspect of a project. CEQA Guidelines 15206(b)(3), 15206(b)(2)(A) and 15206(b)(5) impose the same requirement for residential development exceeding 500 units or which would substantially affect sensitive wildlife habitats, including riparian areas and habitat of threatened species.

The statutory comment period for a Mitigated Negative Declaration submitted to State Clearinghouse is 30 days. CEQA Guideline 15205(c). City allowed only a 20 day comment period, August 19 -September 8.

California Department of Fish and Game ("DFG") is the Trustee Agency having jurisdiction over wildlife impacted by the project, including those using Fisherman's Lake and its shoreline, which will be impacted by "edge effects" of adjacent urban use. DFG is also responsible to assure compliance with the Natomas Basin Habitat Conservation Plan ("NBHCP"), including the requirement of a 250 foot buffer alongside Fisherman Lake to protect

FROM : 017-14TH. 100, SACTO 95814

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Sep. 07 2005 05:10PM P2

its habitat values, and allowable uses within the buffer to assure that activities within the buffer do not adversely impact wildlife. Activities of concern are stated below.

DFG is Responsible Agency as to project Condition of Approval J21, (p 45 of staff report) which requires Forecast to widen Del Paso Blvd to four lanes to the City limit, which is the center of Fisherman's Lake. Implementation would involve placing fill in Fisherman Lake, and possibly eliminating a significant amount of riparian forest next to Fisherman lake to allow widening.

DFG is also a Responsible Agency for issuance of permits under Fish and Game Code § 1601 for the placing of a drainage outlet and discharge of both drainage water and groundwater from de-watering into Fisherman Lake (Neg Decl. 3-18, 21, 24, 26-29) and as to activities within Fisherman Lake in connection with widening Del Paso Rd, *supra*. The State Water Quality Control Board, Central Valley Region, is Responsible agency for assuring compliance with regulations and permitting requirements for discharge of drainage into Fisherman Lake. There may be other Responsible agencies.

The Court of Appeal in Fall River Wild Trout v County of Shasta (1999) 70 Cal App 3d 4th 482, 491-493, upheld a trial court's invalidation of a negative declaration because the lead agency failure to send a copy to DFG. To avoid violating CEQA, City should re-notice the negative declaration, send copies of the negative declaration to the State Clearinghouse, and allow the required 30-day comment period.

2. Significant Impacts of Widening Del Paso Road Are Not Mitigated.

Project Condition of Approval J21, (p 45 of staff report) requires Forecast to widen Del Paso Blvd to four lanes to the City limit, which is the center of Fisherman's Lake. Implementation would involve placing fill in Fisherman Lake, and eliminating a significant amount of riparian forest south of Del Paso Rd, as it approaches Fisherman Lake, if it is widened on City's side. There is no project description. These significant unmitigated impacts are not addressed in the Mitigated Negative Declaration. A four-lane road to Fisherman Lake would induce more westbound traffic, which may significantly impact the NBC preserves immediately west of Fisherman Lake, on both sides of Del Paso Rd. The City limit runs along the center of Del Paso Rd and the northern portion of Del Paso Road is outside of the City limits and therefore not covered by the Incidental Take Permit issued under the NBHCP. Therefore, an EIR is required.

There is no reason to widen Del Paso Road beyond the point of access to the Forecast project, substantially east of Fisherman Lake. Mitigation that limits the road widening to this point and closes the road at Fisherman's Lake would address this impact.

3. Significant Impacts of Activities Allowed Within the Fisherman Lake Buffer, Including Public Roadways, Are Not Mitigated or Addressed by the Mitigated Negative Declaration

The NBHCP requires a 250 foot land buffer alongside Fisherman Lake to protect wildlife using Fisherman Lake and its shoreline from impacts of urban development. Such a buffer is provided, but contains public roadways within the buffer which are not compatible with a habitat buffer and poses danger to Giant Garter Snakes. Upland within 200 feet from the edge of aquatic

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Sep. 07 2005 05:10PM P3

GGs habitat (shoreline of Fisherman's Lake) is also GGS habitat. USFWS guidelines require protection of 200 feet inland from the edge of channel banks. (See EXHIBIT A, report of Padre Associates to City, January 2005, p. 5, 6). The proposed roadways are within 200 feet of Fisherman's Lake and create the risk of GGS being run over by automobiles.

We request that the public roadways be relocated outside of the Fisherman's Lake buffer.

The project also provides for a 16-foot wide bicycle pedestrian path within the buffer. Project Condition J109 (staff report p. 57) states that it shall run along the east edge, but the Design Guidelines, August 26, 2005 shows the "peripheral trail" as alongside the RD 1000 property, at the western edge of the buffer. (Staff Report p. 126).

The Planning Commission should clarify by directing that Project Condition J109 shall govern, placing the bicycle path at the eastern edge of the buffer, at least 200 feet from the edge of Fisherman Lake. If it is closer, there would be significant environmental impacts on GGS and other species which would require an EIR.

The Negative Declaration, p. 3-51, incorrectly states that the Natomas Basin Conservancy shall manage the buffer. Project Condition J109 (staff report p. 57) states that the Conservancy shall approve the plans for the bicycle trail. However, as of yesterday (9/7/05), the NBC has not agreed to manage the buffer because of concerns about whether City's apparent proposed uses are consistent with habitat management. There will be further discussions, but there is no assurance that the NBC will agree to manage the buffer.

Due to uncertainty as to the entity managing the buffer, the Negative Declaration cannot claim that impacts of the project upon wildlife using Fisherman's Lake has been mitigated. City should not consider project approval until the entity managing the buffer has been determined.

4. The Finding of the Mitigated Negative Declaration That Impacts To Biological Resources Have Been Mitigated To Less Than Significant (Neg Declaration p. 3-66) Is Not Supported By Substantial Evidence

To the extent that such finding relies upon the Fisherman Lake buffer to protect biological values from edge effects of urban development (EXHIBIT A, Padre report p. 24.), such a finding is not supported by substantial evidence, for the reason stated above.

The Negative Declaration repeatedly understates the extent of wildlife and biological resources of Fisherman's Lake. For example:

The Negative Declaration fails to address the value of riparian and marsh habitat of Fisherman's Lake, and does not mention that much of the east shoreline of Fisherman Lake is productive marshland, which is obvious to anyone who walks alongside the Lake. The Padre report, *supra*, points out that "riparian/wetland areas are high value habitat due to the presence of water and the sensitive wildlife dependent upon these habitat types." (EXHIBIT A, Padre report p. 4.) The Draft Supplement to the North Natomas Community Plan, 1993, p. 4.5-2 and 4.5-3, points out the high biological value of Fisherman's Lake. (EXHIBIT B, p. 4.5-2 and 4.5-3)

The Negative Declaration p. 3-53, mistakenly states that no active SWH nests were identified during surveys conducted in July 2004. In fact, surveys conducted by Natomas Basin

Conservancy found active nests on and near Fisherman's Lake in 2004 and 2005. See letter of James Estep, biologist and member of NBC Technical Advisory Committee, EXHIBIT C

The Negative Declaration, p. 3-58, states that there is one CNDBB (Calif. Natural Diversity Database) record in the northeast corner of the site, but fails to disclose that the CNDBB shows three locations of GGS records at Fisherman's Lake (a "record" is the location of one or more individual sightings). The NBC informed me that one or two GGS have been found on the NBC preserve immediately west of Fisherman Lake.

The Negative Declaration, p. 3-59-61 limits its discussion of black-crown night heron, great blue "egret" (correct name is great blue heron), snowy egret, and white-tailed kite to a few CNDBB records which are distant from the site. The CNDBB is notoriously outdated and incomplete. I have personally been to Fisherman's Lake on a number of occasions during the past several years and have observed all of these species roosting or otherwise using Fisherman's Lake in significant numbers. The Padre Report, § 4.4.1 p. 32, 33, EXHIBIT A notes that over 100 species have been observed at or near Fisherman's Lake, which is many more than were disclosed in the Negative Declaration.

It appears that Foothill limited itself to outdated CNDBB information and failed to observe the species actually present. This approach very substantially understates the presence of biological resources which are impacted by the effects of nearby urban development and fails to provide credible biological information. City should not accept reports from biological consultants who engage in this practice.

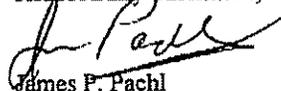
For these reasons, we maintain that the impacts of urban development may be understated by the Mitigated Negative Declaration, and that substantial evidence does not support the findings that there are no significant unmitigated impacts.

5. An EIR is Required to Address Cumulative Impacts and Growth Inducement

An EIR or Supplemental EIR should also address growth-inducing impacts, particularly on the site of proposed "West Lakeside" and northward to I-5, and south of Fisherman Lake, particularly the former Witter property (next to Fisherman Lake) which is now owned by the Gidaro Group. Steve Gidaro, in 2004, told Judith Lamare and myself that he intended to seek entitlement to develop that property.

An EIR, or Supplemental EIR, is needed to address the cumulative impacts of the Natomas Central Project in combination with the effects of reasonably foreseeable new development under City's Joint Vision for Natomas. An NOP was issued for "Joint Vision" in October 2003. City and Sacramento LAFCO will shortly issue a revised NOP for "Joint Vision", per LAFCO resolution of August 3, 2005. "Joint Vision" did not exist at the time of the 1994 NNCP EIR Update, nor did the West Lakeside or Gidaro proposals or the numerous proposals for urban development west of El Centro Road and south of Fisherman Lake.

Respectfully submitted,


James P. Pachl

FROM : 817-14TH, 100, SACTO 95814

FAX NO. : 916-447-8689

Sep. 07 2005 05:12PM P5

ATLAS/11/2/05

15
21

FISHERMAN'S LAKE BUFFER ZONE STUDY CITY OF SACRAMENTO, CALIFORNIA

Prepared for

City of Sacramento
Planning and Building Department
2101 Arena Boulevard, Suite 200
Sacramento, CA 95834
Attention: Carol Shearley

Prepared by

Padre Associates, Inc.
3020 Explorer Drive, Suite 5
Sacramento, CA 95827

January 2005

EXHIBIT A - selected pages

Forest is categorized as a Palustrine Forested Wetland (PFO) under the USFWS wetland classification system (Cowardin et al., 1979), and Fremont Cottonwood Series under the California Native Plant Society (CNPS) system (Sawyer and Keeler-Wolf, 1995).

2.2.2 Perennial Freshwater Emergent Wetland are areas that are permanently to semi-permanently flooded or containing saturated soils, and are dominated by a herbaceous stratum composed principally of tule bulrush (*Scirpus californicus*), broad-leaved cattail (*Typha latifolia*), and other hydrophytic species (City of Sacramento, 1985; USFWS, 1991). This community is transitional between the open water of Fisherman's Lake and the riparian community. This cover type is categorized as a Palustrine Emergent Wetland (PEM) under the USFWS wetland classification system (Cowardin et al., 1979), and Sedge Series or Bulrush Series under the CNPS system (Sawyer and Keeler-Wolf, 1995).

2.3 Wildlife Habitat Associations. The vegetative cover types along Fisherman's Lake provide habitat for resident and migratory wildlife species. The composition, density, distribution, and physical characteristics of these vegetative cover types determine the diversity and abundance of wildlife species residing in and around Fisherman's Lake. The interspersed of upland habitat (grasslands, agricultural fields, and woodlands) with wetlands provides habitat elements including permanent water, forage, roost, and escape cover for wildlife. The following is a brief description of the wildlife value of the vegetative cover types.

2.3.1 Great Valley Cottonwood Riparian Forest. Riparian woodland and associated areas support the greatest diversity of wildlife of terrestrial habitats in California (Laymon, 1934). This is due to floristic and structural diversity, microclimatic conditions, abundance of edge, availability of food and water, migration and dispersal corridors, and escape, nesting, and thermal cover (Sander et al., 1985; Grenfell, 1988). Laymon (1984) reported 147 bird species as nesters or winter visitants to Central Valley foothill riparian communities. Johnson (1982) recorded over 220 species of birds along the American River Parkway, and over 80 of these commonly nest in Central Valley riparian habitats (Gaines, 1974). Trap et al. (1984) reported 55 species of mammals inhabiting the Central Valley riparian communities, and over 30 species of mammals have been reported along the lower American River (USFWS, 1991). Brode and Bury (1984) reported at least 50 species of amphibians and reptiles using riparian corridors.

2.3.2 Wetlands. Freshwater emergent wetland areas are also productive wildlife habitats in California, providing food, cover, and water for over 160 species of birds, and numerous mammals, amphibians, and reptiles (Kramer, 1988). Riparian/wetland areas are high value habitats due to the presence of water and the sensitive wildlife dependent upon these habitat types.

Wildlife observed during project surveys and reported from earlier studies are detailed in Section 4.4.

EXHIBIT A

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- Where disturbance of a Swainson's hawk nest cannot be avoided, such disturbance shall be temporarily avoided (i.e., defer construction activities until after the nesting season) and then, if unavoidable, the nest tree may be destroyed during the non-nesting season. For purposes of this provision the Swainson's hawk nesting season is defined as March 15 to September 15. If a nest tree (any tree that has an active nest in the year the impact is to occur) must be removed, tree removal shall only occur between October 1 and February 1.
- If construction or other project related activities that could cause nest abandonment or forced fledging are proposed within the 1/4-mile buffer zone, intensive monitoring (funded by the project sponsor) by a CDFG-approved raptor biologist will be required. Exact implementation of this measure will be based on specific information at the project site.

The Swainson's Hawk Technical Advisory Committee (2000) has suggested that project activities (personnel and machinery) greater than 200 yards from a nest would constitute a low risk of reproductive failure. Initiating construction activities within 200 yards of a nest after eggs are laid and before young are greater than 10 days old, or personnel within 50 yards of nest tree (out of vehicle) for extended periods while birds are on eggs or protecting young that are less than 10 days old would constitute a moderate risk of reproductive failure. Direct physical contact with the nest tree while the birds are on eggs or protecting young, or helicopters in close proximity, would result in a high risk of reproductive failure.

From the perspective of long-term survivability, single-season projects with activities that blend well with a site's normal activities would have a low risk of adversely affecting long-term survival. Multi-year, multi-site projects with substantial noise/personnel disturbance would have a moderate risk of affecting long-term survival. The loss of available foraging area and/or loss of nest trees would have a high risk of adversely affecting long-term survival.

3.1.3 Other Pertinent Regulations. The USFWS also administers the federal Migratory Bird Treaty Act (MBTA) of 1918 (16 USC 703-711). Under the MBTA, it is unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed in 50 CFR 10, including feathers or other parts, nests, eggs or products, except as allowed by implementing regulations (50 CFR 21). Under Section 3503.5 of the California Fish and Game Code, all birds-of-prey (Falconiformes and Strigiformes), their eggs, and their nests are protected.

The CDFG, under the authority of Section 1600 of the California Fish and Game Code, routinely require a minimum setback of 50 feet from the top of bank for Lake and/or Streambed Alteration Agreements (J. Marr, CDFG, pers. comm., 2002).

3.1.4 Summary. Based on these regulations, the following is concluded:

- GGS uplands are protected for a distance of 200 feet landward to the top of bank of Fisherman's Lake. This, however, is not a strict prohibition because with proper permitting and mitigation, upland areas can be temporarily disturbed. Permanent loss of foraging or nesting habitat requires mitigation.
- New construction activity is generally restricted for a distance of 2,640 feet in rural areas and 1,320 feet in urban areas from active Swainson's hawk nests sites during the nesting season. This, too, is not an absolute prohibition, and can be modified with appropriate mitigation and proper authorization from CDFG. Further, the new construction prohibition has no effect on routine, on-going activities.

individuals within small isolated habitats may not be able to escape from catastrophes, droughts, or human disturbances in order to survive. The effects are compounded with small patches because demographic factors, such as inbreeding and genetic drift, can reduce the genetic diversity of the population and its ability to respond to changing conditions.

→ **3.4.2 Edge Effects.** Habitat patches are generally surrounded by non-native landscapes, most often agriculture and urban/suburban development, which subject native populations to contrasts and fluxes between natural and non-native habitats commonly referred to as "edge effects". In general, urban edge effects on wildlife and habitat are negative (County of Riverside, 2002; James and Saunders, 2002), and can result in the following impacts:

- Increase predation by mesopredators (e.g., striped skunks, opossum, raccoon, and domestic cats)
- Direct and indirect competition from exotic plants and feral animal species
- Increased fire frequency
- Altered microclimates (temperature, light and wind)
- Human intrusion and disturbance (off-road vehicles, dumping, shooting)
- Increase urban runoff including pesticides and other toxic materials

The overall impact of edge depends on the contrast between native and non-native habitats, and the size and shape of the natural habitat patches. Ideally, edge effects are minimized by the relative reduction of the actual edge. Consequently, patches that are more circular reduce the edge-to-interior ratio, while long and linear patches increase the ratio. The most effective patches are configured in a manner that the long axis is less than five times the length of the short axis (James and Saunders, 2002).

The edge between urban/agricultural development and natural habitats represents a complex interaction among at least three suites of species: (1) core or interior species that are sensitive to edge factors; (2) core species that are not sensitive to edge effects; and (3) edge species that prefer boundaries. Core species are normally native species adapted to the habitat, while edge species tend to be aggressive, and many are non-native species that displace or prey on native species (e.g., domestic cats) (County of Riverside, 2002). Core species within patches less than two to three acres can be totally swamped by edge species.

3.4.3 Metapopulations. Because of the susceptibility of small populations in habitat patches to extinction from environmental and demographic stochasticity, connectivity among habitats is important in maintaining functional metapopulations. A metapopulation is a series of interacting subpopulations genetically connected by migration, extinction, and recolonization. The degree of connectedness among subpopulations is important in determining whether and how long a metapopulation is likely to persist. Metapopulations afford local subpopulations protection from permanent extinction from deterministic events, such as habitat destruction and fragmentation, and from environmental stochastic events, such as drought and floods. If a local subpopulation is destroyed, the other subpopulations in the area are potential sources for repopulation through dispersal, provided that suitable conditions persist at the de-populated habitat, and movement corridors or landscape linkages are intact. Because of demographic stochasticity, such as annual reproductive success, a local population may be a sink one year, but a source in subsequent years. If, however, habitat patches supporting subpopulations are small and widely separated, the rate of immigration is likely to be low and individuals may be lost or occupy intervening marginal habitats, and be lost to the metapopulation. The constant disappearance and

3.0 REVIEW OF PERTINENT LITERATURE

3.1 Review of Regulatory Set-Backs

A review of the literature was conducted to document statutes or regulations pertaining to buffer zones and setbacks, if any, for either Swainson's hawk or giant garter snake (GGS) in the Natomas area.

3.1.1 Giant Garter Snake. According to the *Mitigation Recommendations for Restoration and/or Replacement of Giant Garter Snake Habitat*, the USFWS (1997) recognizes two upland habitat categories as essential habitat components for GGS: (a) upland habitat for basking, cover, and retreat sites; and (b) higher elevation uplands for cover and refuge from flood waters. Uplands within 200 feet from the edge of aquatic habitat banks are considered upland habitat and regulated by USFWS under the federal Endangered Species Act (FESA).

3.1.2 Swainson's Hawk. In the *Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (*Buteo swainsoni*) in the Central Valley of California*, the California Department of Fish and Game (CDFG, 1997) states: "No intensive new disturbances (e.g., heavy equipment operation associated with construction, use of cranes or draglines, new rock crushing activities) or other project related activities which may cause nest abandonment or forced fledging, should be initiated within ¼-mile (buffer zone) of an active nest between March 1 – September 15 or until August 15 if a Management Authorization or Biological Opinion is obtained for the project. The buffer zone should be increased to ½-mile in nesting areas away from urban development (i.e. in areas where disturbance [e.g. heavy equipment operation associated with construction, use of cranes or draglines, new rock crushing activities] is not a normal occurrence during the nesting season). Nest trees should not be removed unless there is no feasible way of avoiding it. If a nest tree must be removed, a Management Authorization (including conditions to off-set the loss of the nest tree) must be obtained with the tree removal period specific in the Management Authorization, generally between October 1 – February 1. If construction or other project related activities which may cause nest abandonment or forced fledging are necessary within the buffer zone, monitoring of the nest site (funded by the project sponsor) by a qualified biologist (to determine if the nest is abandoned) should be required. If it is abandoned and if the nestling are still alive, the project sponsor shall fund the recovery and hacking (controlled release of captive reared young) of the nestling(s). Routine disturbances such as agricultural activities, commuter traffic, and routine facility maintenance activities within ¼-mile of an active nest should not be prohibited."

The CDFG guidelines are incorporated in the Natomas Basin Habitat Conservation Plan (NBHCP) Environmental Impact Statement/Report (EIS/R) as part of the Measures to Reduce Take of Swainson's Hawk, and have been expanded to require the following:

- If breeding Swainson's hawks (i.e., exhibiting nest building or nesting behavior) are identified, no new disturbances (e.g., heavy equipment operation associated with construction) will occur within ½-mile of an active nest between March 15 and September 15 or until a qualified biologist, with concurrence by CDFG, has determined that the young have fledged or that the nest is no longer occupied. If the active nest site is located within ¼-mile of existing urban development, the new disturbance zone can be limited to ¼-mile versus ½-mile. Routine disturbance such as agricultural activities, commuter traffic, and routine facility maintenance activities within ½-mile of an active nest are not restricted.

CH

4.3.1 City Limit Boundary Alternative. This alternative would have the western edge of the buffer zone along the city limit. Under this boundary alternative, a 250-foot buffer would provide 260 feet of separation and an 800-foot buffer would provide 810 feet of separation at NP-21. At NP-5, a 250-foot buffer would provide 80 feet of separation and an 800-foot buffer would provide 630 feet of separation. At NP-4, a 250-foot buffer would provide 132 feet of separation, and an 800-foot buffer would provide 680 feet of separation. Under this boundary alternative, the 250-foot buffer would not provide adequate separation between residential development and nesting trees. An 800-foot buffer would provide adequate screened separation and marginal unscreened separation.

4.3.2 RD 1000 ROW Boundary Alternative. This alternative would use the RD-1000 ROW as the western boundary of the buffer zone. At NP-21, a 250-foot buffer would provide 290 feet of separation and an 800-foot buffer would provide 1,050 feet of separation. At NP-5, a 250-foot buffer would provide 315 feet of separation and an 800-foot buffer would provide 865 feet of separation. At NP-4, a 250-foot buffer would provide 290 feet of separation and an 800-foot buffer would provide 840 feet of separation. Under this boundary alternative, the 250-foot buffer would provide adequate screened separation, but inadequate unscreened buffers. An 800-foot buffer would provide adequate screened and unscreened separation.

4.3.3 GGS Buffer. For GGS, all scenarios from the City Boundary and the RD 1000 ROW Boundary alternatives would provide adequate protection for upland habitat elements, which requires protection of 200 feet from the edge of the channel banks per USFWS guidelines.

4.4 Ancillary Buffer Benefits. Any increase in the overall area of habitat surrounding Fisherman's Lake provided by a buffer zone would provide a net benefit to other native species associated with riparian woodland and emergent wetlands at Fisherman's Lake. This is due to: 1) a substantial increase in habitat area potentially available for occupation; and, 2) with the interspersed of grassland, shrubland, and woodland habitat, an increase in habitat diversity. The overall widening of the vegetated area, combined with the preservation of lands by TNCB along the west side of Fisherman's Lake, would increase the habitat patch size and decrease the edge-to-interior ratio, which could reduce edge effects and benefit core area species inhabiting the existing habitats.

4.4.1 General Wildlife Benefits. Based on a review of literature and limited field studies, over 100 species of wildlife have been reported at Fisherman's Lake and surrounding wetland and riparian habitats (Appendix A). However, no long-term systematic sampling of the habitats has been conducted. Consequently, the actual number of wildlife using the area may be substantially greater, particularly during peak migratory periods.

A number of bird species have been identified that occupy the mature tree and gallery riparian forest that would benefit from the conservation or restoration of nesting habitat for Swainson's hawk (Woodbridge, 1998). These include great horned owl, red-tailed hawk, white-tailed kite, Cooper's hawk, great blue heron, and black-crowned night-heron that have been recorded at Fisherman's Lake. Other species occurring at Fisherman's Lake that would benefit from an increase in woodland and shrub cover types include wood duck (*Aix sponsa*), tree swallow (*Tachycineta bicolor*), Bewick's wren (*Thryomanes bewickii*), oak titmouse (*Baeolophus inornatus*), bush-tit (*Psaltiriparus minimus*), belted kingfisher (*Ceryle alcyon*), and Nuttall's woodpecker (*Picoides nuttallii*). The inclusion of grassland patches would provide habitat for western kingbird (*Tyrannus verticalis*), western meadowlark

Wooded Riparian/Wetland

Although severely disturbed, several well-developed stands of cottonwood-willow riparian forest vegetation are present in the Study Area. The wooded riparian sites generally border drainage canals and often are associated with narrow strips of emergent wetland vegetation such as cattails and bulrushes. The most important sites are:

- o Fisherman's Lake and associated portions of the West Drainage Canal. Fisherman's Lake is a significant riparian forest site with well developed stands of sandbar willow (*Salix hindiana*), Fremont cottonwood (*Populus fremontii*), black willow (*Salix goodingii*), button willow (*Cephalanthus occidentalis*), tule (*Scirpus californicus*), cattail (*Typha latifolia*), wild grape (*Vitis californicus*), elderberry (*Sambucus mexicana*), and other characteristic riparian plants. This site presently is threatened by recent tree removal and trash dumping along the western shore and dredging at the south end of the lake (1984 conditions).
- Scattered sites exist along the Natomas East Main Drainage Canal where cottonwood-willow vegetation is well developed. The two most significant sites at Del Paso Road and near Interstate 80 contain numerous large valley oaks as well, some of which may be considered Heritage Trees by the City of Sacramento.

Additional riparian woodlands in the Study Area include a narrow cottonwood-willow riparian corridor south of Del Paso Road and west of the East Drainage Canal, and scattered stands of willows along the south end of the East Drainage Canal and a side canal branching west towards the Natomas Airpark (N-1, N-3).

Riparian woodlands are critical to wildlife, despite their relatively small acreages in the Study Area. They provide stopovers for migrant songbirds, communal roosts for black-crowned night-herons and black-shouldered kites, and roost sites for great horned owls and common barn-owls. A variety of raptors and other birds which forage in surrounding open areas may nest in riparian trees. Carnivores, such as gray fox and possibly ringtail, use riparian corridors for cover and dispersal routes, as well as for feeding. The diversity of wildlife in riparian woodlands generally is among the highest of any habitat and most likely is greater than in any other habitat in the Study Area. The larger riparian stands, especially those with large trees along Fisherman's Lake, are the most valuable for wildlife (N-6).

The North Natomas Community Plan area also contains various stands of trees which are not necessarily related to the riparian community. The small stands of oaks, black walnut, and eucalyptus in North Natomas provide perching, roosting, and, possibly, nesting sites for hawks, owls, magpies, and other birds which forage in surrounding open areas. They also harbor Nuttall's woodpeckers, ash-throated flycatchers, scrub jays, and other birds (N-7).

4.5-2

4.5 Biological Resources

EXHIBIT B

--12--

-REVISION-

Forest is categorized as a Palustrine Forested Wetland (PFO) under the USFWS wetland classification system (Cowardin et al., 1979), and Fremont Cottonwood Series under the California Native Plant Society (CNPS) system (Sawyer and Keeler-Wolf, 1995).

2.2.2 Perennial Freshwater Emergent Wetland are areas that are permanently to semi-permanently flooded or containing saturated soils, and are dominated by a herbaceous stratum composed principally of tule bulrush (*Scirpus californicus*), broad-leaved cattail (*Typha latifolia*), and other hydrophytic species (City of Sacramento, 1985; USFWS, 1991). This community is transitional between the open water of Fisherman's Lake and the riparian community. This cover type is categorized as a Palustrine Emergent Wetland (PEM) under the USFWS wetland classification system (Cowardin et al., 1979), and Sedge Series or Bulrush Series under the CNPS system (Sawyer and Keeler-Wolf, 1995).

2.3 Wildlife Habitat Associations. The vegetative cover types along Fisherman's Lake provide habitat for resident and migratory wildlife species. The composition, density, distribution, and physical characteristics of these vegetative cover types determine the diversity and abundance of wildlife species residing in and around Fisherman's Lake. The interspersed habitat (grasslands, agricultural fields, and woodlands) with wetlands provides habitat elements including permanent water, forage, roost, and escape cover for wildlife. The following is a brief description of the wildlife value of the vegetative cover types.

2.3.1 Great Valley Cottonwood Riparian Forest. Riparian woodland and associated areas support the greatest diversity of wildlife of terrestrial habitats in California (Laymon, 1984). This is due to floristic and structural diversity, microclimatic conditions, abundance of edge, availability of food and water, migration and dispersal corridors, and escape, nesting, and thermal cover (Sander et al., 1985; Grenfell, 1988). Laymon (1984) reported 147 bird species as nesters or winter visitors to Central Valley foothill riparian communities. Johnson (1982) recorded over 220 species of birds along the American River Parkway, and over 80 of these commonly nest in Central Valley riparian habitats (Gaines, 1974). Trapp et al. (1984) reported 55 species of mammals inhabiting the Central Valley riparian communities, and over 30 species of mammals have been reported along the lower American River (USFWS, 1991). Brode and Bury (1984) reported at least 50 species of amphibians and reptiles using riparian corridors.

2.3.2 Wetlands. Freshwater emergent wetland areas are also productive wildlife habitats in California, providing food, cover, and water for over 180 species of birds, and numerous mammals, amphibians, and reptiles (Kramer, 1988). Riparian/wetland areas are high value habitats due to the presence of water and the sensitive wildlife dependent upon these habitat types.

Wildlife observed during project surveys and reported from earlier studies are detailed in Section 4.4.

EXHIBIT A

(*Stumelia neglecta*), California vole (*Microtus californicus*), and gopher snake (*Pituophis melanoleucus*).

V

In general, wetland-dependent species would not gain in actual habitat from the upland buffer; however, they would benefit from reduced edge effects. In addition, construction of habitat terraces would increase the areal extent of wetland habitat. Certain colonial tree nesting species, such as great blue heron, great egret, snowy egret, and black-crowned night-heron could use the increased tree cover for a rookery.

4.4.2 Special-Status Species. Based on the Covered Species list from the NBT-CP, a number of special-status species have the potential to occur in the Natomas Basin. An analysis of those species that could potentially occur at Fisherman's Lake, and any benefit provided by a buffer zone, are detailed below.

Sanford's arrowhead (*Sagittaria sanfordii*). Status: Federal Species of Concern. Sanford's arrowhead is an aquatic perennial herb that occurs under shallow-water conditions in freshwater marshes and other slow-moving waterways (ponds, ditches, vernal pools, sloughs). It is found primarily from the Central Valley. There are 26 occurrences from Sacramento County and none from Sutter County. It has not been reported from the Natomas Basin. (USFWS et al., 2002). Potential Benefit.

Bogg's Lake hedge-hyssop (*Gratiola heterosepala*). Status: California Endangered. Bogg's Lake hedge-hyssop is semi-aquatic, annual herbaceous plant found in shallow waters or moist-clay soils, in vernal pools and along lake margins. It occurs in six widely disjunct areas in Lake, Sacramento, Placer, Fresno, Madera, and Shasta counties in California, and Lake County, Oregon. It has not been reported from the Natomas Basin (USFWS et al., 2002). Potential Benefit.

Sacramento Orcutt grass (*Orcuttia viscida*). Status: Federal Endangered and California Endangered. The Sacramento Orcutt grass is an annual species that occurs in medium to large vernal pools with relatively long inundation periods. It has been reported from Lake, Plumas, Sacramento, Shasta, Siskiyou, and Tehama counties. There are two occurrences from Sacramento County, but none from the Natomas Basin (USFWS et al., 2002). No Benefit.

Slender Orcutt grass (*Orcuttia tenuis*). Status: Federal Threatened and California Endangered. Slender Orcutt grass inhabits vernal pools in Sacramento and surrounding counties at elevations between 100 and 6,000 feet. It has been reported from two sites in Sacramento, but none from the Natomas Basin (USFWS et al., 2002). No Benefit.

Colusa grass (*Neostapfia colusana*). Status: Federal Endangered and California Endangered. Colusa grass is an annual species that occurs in larger vernal pools during the drying phases. There are 59 known occurrences in California but none from the Natomas Basin or Sacramento County (USFWS et al., 2002). No Benefit.

EXHIBIT A

-11-

Subject: Natomas Central

October 25, 2005

FROM : 817-14TH, 100, SACTO 95814

FAX NO. : 916-447-8689

Sep. 07 2005 05:17PM P14

From: James Pachi <jpachi@sbcglobal.net>
Date: Wednesday, September 7, 2005 3:29 PM
Subject: FW: Neg Declaration, Natomas Central

From: "Jim Estep" <jim.estep@comcast.net>
Date: Tue, 30 Aug 2005 21:02:55 -0700
To: "Jim Pachi" <jpachi@sbcglobal.net>, "Mike Bradbury"
<mbradbur@water.ca.gov>, "Melinda Bradbury" <m2bradbury@sbcglobal.net>
Subject: RE: Neg Declaration, Natomas Central

In 2004, NB-18 and NB-21 were both active. NB-18 is the lone tree just south of the canal 1/4 mile or so from El Centro. NB-21 is the site just south of Del Paso Road.

In 2005, NB-18 and NB-21 were again active...as well as a new site just north of Del Paso Road.

Jim.

-----Original Message-----

From: Jim Pachi [mailto:jpachi@sbcglobal.net]
Sent: Tuesday, August 30, 2005 8:15 PM
To: Mike Bradbury; Melinda Bradbury; Jim Estep
Subject: Neg Declaration, Natomas Central

Mike and Jim,

I am back from vacation, obtained copy of proposed Negative Declaration for Natomas Central, comment deadline is Wednesday, Sept 7. Will be heard at Planning Comm Sept 8.

Negative Declaration, p. 3-53, by Foothill, states that "No active [SWH] nests were identified along Fisherman Lake during preconstruction surveys conducted in July 2004, but this area contained several old stick nests that did not contain signs of active use."

Is this correct? Interestingly, Neg Dec states that an adult and juvenile SWH were observed foraging and perched "within vicinity of the site."

Jim

EXHIBIT C

-14-

FROM : 817-14TH, 100, SACTO 95814

FAX NO. : 916-447-8689

Sep. 07 2005 05:17PM P15

Non-Wooded Riparian/Wetland

Emergent plants such as tule, cattails, sedges, and bulrushes occur in scattered stands usually forming narrow strips along permanent drainage canals, ditches, farm ponds, and sump areas in the Study Area. The most extensive of these areas border Fisherman's Lake. A marshy field north of Fisherman's Lake is vegetated mostly with escaped rice and introduced weeds. At the south end of the East Drainage Canal near the sewage pump station the riparian vegetation consists of dense stands of blackberry (*Rubus procerus*) along the banks (N-3).

Marshes, farm ponds, and patches of cattails, bulrushes, and other emergent vegetation also are important to wildlife. Birds, such as great blue heron, green-backed heron, pied-billed grebe, belted kingfisher, common yellowthroat, and song sparrow occur in these habitats in the Study Area. The rare giant garter snake also has been sighted in marshlands in the Study Area.

The most extensive area of relatively natural marsh is at Fisherman's Lake. This area's value to wildlife is enhanced by its proximity to large trees which are used for perching, roosting, and possibly, nesting by herons and other birds which feed in marshes (N-6).

The 1986 NNCP EIR concluded that there were no significant vernal pool areas located in the Study Area, based upon 1984 field studies. However, the 1986 SGPU EIR (Exhibit U-5) identifies a large swath of intact annual grasslands that could contain vernal pools in the North Natomas Community Plan area. This swath generally follows the alignment of the East Drainage Canal. Vernal pools are depressions that fill with water during the rainy season but dry out by the end of the spring or early summer. Vernal pools support highly specialized plants well adapted to the relatively "harsh" conditions. Many wildlife species utilize vernal pools for feeding, egg-laying, resting, and foraging. It has been estimated that less than 5-30 percent of California's original vernal pools remain intact. A majority of the losses of vernal pools can be attributed to urban development and agricultural practices.

Agricultural

A large portion of the Study Area is devoted to rice cultivation which is flood irrigated. Although this habitat is highly modified and of little interest botanically, it is discussed separately because it is important to wildlife, serving as an alternative to natural marshlands.

Other agricultural lands are used for crops such as wheat, corn, tomatoes, sugar beets, and safflower and for grazing livestock. Grazing lands are severely disturbed and are vegetated largely with introduced grasses and weeds. The most important native species noted was virgate tarweed.

Scattered small groves of oaks, black walnut, and eucalyptus occur throughout the agricultural lands, mostly along field and road edges and near farmyards (N-3).

4.5-3

4.5 Biological Resources

DFG002611

3.0 REVIEW OF PERTINENT LITERATURE

3.1 Review of Regulatory Set-Backs

A review of the literature was conducted to document statutes or regulations pertaining to buffer zones and setbacks, if any, for either Swainson's hawk or giant garter snake (GGS) in the Natomas area.

3.1.1 Giant Garter Snake. According to the *Mitigation Recommendations for Restoration and/or Replacement of Giant Garter Snake Habitat*, the USFWS (1997) recognizes two upland habitat categories as essential habitat components for GGS: (a) upland habitat for basking, cover, and retreat sites; and (b) higher elevation uplands for cover and refuge from flood waters. Uplands within 200 feet from the edge of aquatic habitat banks are considered upland habitat and regulated by USFWS under the federal Endangered Species Act (FESA).

3.1.2 Swainson's Hawk. In the *Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (*Buteo swainsoni*) in the Central Valley of California*, the California Department of Fish and Game (CDFG, 1997) states: "No intensive new disturbances (e.g., heavy equipment operation associated with construction, use of cranes or draglines, new rock crushing activities) or other project related activities which may cause nest abandonment or forced fledging, should be initiated within 1/2-mile (buffer zone) of an active nest between March 1 - September 15 or until August 15 if a Management Authorization or Biological Opinion is obtained for the project. The buffer zone should be increased to 1/4-mile in nesting areas away from urban development (i.e. in areas where disturbance [e.g. heavy equipment operation associated with construction, use of cranes or draglines, new rock crushing activities] is not a normal occurrence during the nesting season). Nest trees should not be removed unless there is no feasible way of avoiding it. If a nest tree must be removed, a Management Authorization (including conditions to off-set the loss of the nest tree) must be obtained with the tree removal period specific in the Management Authorization, generally between October 1 - February 1. If construction or other project related activities which may cause nest abandonment or forced fledging are necessary within the buffer zone, monitoring of the nest site (funded by the project sponsor) by a qualified biologist (to determine if the nest is abandoned) should be required. If it is abandoned and if the nestling are still alive, the project sponsor shall fund the recovery and hacking (controlled release of captive reared young) of the nestling(s). Routine disturbances such as agricultural activities, commuter traffic, and routine facility maintenance activities within 1/4-mile of an active nest should not be prohibited."

The CDFG guidelines are incorporated in the Natomas Basin Habitat Conservation Plan (NBHCP) Environmental Impact Statement/Report (EIS/R) as part of the Measures to Reduce Take of Swainson's Hawk, and have been expanded to require the following:

- If breeding Swainson's hawks (i.e., exhibiting nest building or nesting behavior) are identified, no new disturbances (e.g., heavy equipment operation associated with construction) will occur within 1/2-mile of an active nest between March 15 and September 15 or until a qualified biologist, with concurrence by CDFG, has determined that the young have fledged or that the nest is no longer occupied. If the active nest site is located within 1/4-mile of existing urban development, the new disturbance zone can be limited to 1/4-mile versus 1/2-mile. Routine disturbance such as agricultural activities, commuter traffic, and routine facility maintenance activities within 1/2-mile of an active nest are not restricted.

Attachment D – Staff Response to Environmental Comments



DEVELOPMENT SERVICES
PLANNING DIVISION

CITY OF SACRAMENTO
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October 13, 2005

TO: Planning Commission

FROM: *LE Buford*
LE Buford, Principal Planner

SUBJECT: Responses to Comments on the Draft Negative Declaration for the Natomas Central Project

California Department of Fish and Game Comments

Comments from Jenny Marr, California Department of Fish and Game, Staff Environmental Scientist:

Concerns regarding potential inconsistencies with the City of Sacramento's 2081 permit and the Natomas Basin HCP. Additionally, she notes that there are a number of confusing technicalities in the document which should be corrected and clarified.

Staff believes the project is consistent with the City of Sacramento's 2081 permit and the overall requirements of the Natomas Basin HCP ("NBHCP") and mitigation measure BR-2 requires compliance with the NBHCP. The City may be required to process a minor amendment to the NBHCP with regard to uses allowed in the Fisherman's lake buffer area.

Several inconsistencies concerning the buffer dimensions required along the project's boundary with Fisherman's Lake were included in the August 19, 2005 version of the Natomas Central Initial Study/Mitigated Negative Declaration prepared for the City of Sacramento. In particular, this document described the buffer dimensions in error as 300 feet in width along both the western and southern edges of the project. The subsequent version of the document circulated through the State Clearinghouse on September 13, 2005 remedied this error, and accurately described the buffer as 200 feet in width along the southern project boundary, and 300 feet wide along the western edge of the project.

The terms parkway and open space are both used in the September 13, 2005 CEQA document to describe the Fisherman's Lake buffer. The term parkway describes the 300 buffer, and refers to nesting tree buffer area described in the buffer resolution. Open space describes the 200 foot portion of the buffer, and corresponds to the area described as the other buffer area in the buffer resolution. Page 2-7 of the September 12, 2005 version of the document describes the parkway/open space as follows, which provides clarification of the terms used in the document:

"The only major difference between the parkway and open space parcels along Fisherman's Lake is that park benches will be a component of the parkway area. Both parcels will remain in their natural state, except for the construction of a pedestrian/bikeway."

An additional inconsistency in the acreage of the open space portion of the buffer along the southern project boundary exists between what was cited in the document and what was depicted on the large size tentative maps that were circulated. The large size tentative maps stated that the open space portion of the buffer was 25.7 acres in size, when it should have read 27.7 acres to reflect the accurate number used throughout the document.

The document does not include any analysis of the City of Sacramento's Arena Blvd. extension, which is proposed to extend from the current western edge of Arena Blvd. into the Natomas Central development. The Department assumes that residential vehicular traffic within 250 feet of the waters edge, or within the buffer as described, may constitute an impact to giant garter snake that has not been analyzed.

The CEQA document did not include an analysis specifically for the infrastructure associated with the Arena Blvd. extension as part of the circulated CEQA document. However, impacts from roads in general were part of the CEQA analysis. The mitigation measures included as part of project approval requirements would ensure that potential impacts to giant garter snake are reduced to a less than significant level, for all construction phases of the project. Furthermore, the extension of Arena Boulevard through the project site is a required component of the Arena Boulevard Interchange Project that has been approved by the City, which is meant to improve traffic conditions within the City of Sacramento and North Natomas areas and was fully analyzed in the EIR for the 1994 NNCP. The City placed specific limitations on uses within the Fisherman's Lake buffer area by enacting Resolution No. 2005-598 adopted by the Sacramento City Council on August 9, 2005, which describes the allowed uses within the open space buffer (200 foot buffer) to include bicycle paths and public and maintenance roadways (page 3). The project contains only uses within the buffer that are consistent with Resolution No. 2005-598.

The document describes the buffer as including a bike and pedestrian pathway with the 300 foot section of the north end of the buffer, yet does not define where it would be located. The Department advises that the bikeway and benches be placed a minimum of 250 feet from the waters edge, and immediately adjacent to the western edge of the development to reduce human impacts in the buffer and to prevent impacts to the HCP Covered Species.

The applicant has not finalized the exact location of the bike/pedestrian path proposed within the buffer. However, the applicant has agreed to locate the pathway as far as possible along the eastern/northern edge of the buffer as feasible to reduce potential impacts to species covered by the Natomas Basin HCP. The City and the applicant will ensure that any park benches located within the buffer as part of the recreation component will be located as close to the development portion of the project as possible, and at least 250 feet from the waters edge to reduce human-related impacts to the buffer area. Any potential impacts associated with the bicycle trail will be obviated by closure of the trail during the nesting season if Swainson's' hawks are present.

The document should address the effects of lighting from the development and advises that light fixtures be precluded from the buffer to reduce human impacts to this area.

Several light fixtures will be required to be located within the buffer for health and safety reasons, and these will be primarily located along public roadways. The location of light fixtures within the buffer will be oriented and directed to limit the amount of light within the buffer area to the extent practicable.

The document states that "restricted use" will protect nesting Swainson's hawks. The Department advises that the language and intent be amended to exclude public access entirely during breeding, nesting and brooding period for Swainson's hawk. The document should reflect a no-access plan for the buffer during this period, as well as the means and measures by which this would be achieved.

Mitigation Measure BR-10 contained within the document specified restricted access during the breeding and nesting season, and did not specifically reference the season, breeding activities would be protected by the timeframe for restricted access (April 1st and August 31st). The no-access plan for the buffer is described in Mitigation Measure BR-10 as "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 nesting trees located along Fisherman's Lake could be utilized by Swainson's hawk." Requirements of the no-access plan as contained in condition of approval J109, page 58, of the City of Sacramento Staff Report dated October 13, 2005 includes "Gates and/or Fold-Down Bollards and signage shall be placed at the entrance to all access points to the trail or as approved by PPDD and TNBC."

The City has indicated that the property will be disc'd to the edge of Fisherman's Lake prior to October 1, 2005, and that the City proposes to issue a grading permit to the project applicant that would allow them to grade the parcel to within 200 feet of Fisherman's Lake prior to May 1. The applicants need to either grade prior to October 1, 2005 or after May 1, 2006. The Department does not believe discing constitutes site preparation or initial grading when working in giant garter snake habitat. If the applicant disc's the parcel and does not grade within 200 feet of the snakes habitat prior to Oct. 1, 2005, in order to be in compliance with the NBHCP the applicant will need to wait until May 1, 2006.

The applicant's initial request to begin grading on the project site prior to October 1, 2005 was denied by a court order in September 2005. However, the City has approved grading on the project site with the condition that stage 1 entitlements have been approved. Grading conducted between October 1st, 2005 and May 1, 2006 will be restricted to those areas outside the established buffer, and will incorporate the appropriate BMPs necessary as part of the projects NPDES permit. In addition to restricting grading activities outside of the buffer, the Reclamation District 1000 levee located adjacent to Fisherman's Lake and the project boundary will ensure water quality and habitat impacts associated with grading activities do not impact Fisherman's Lake or its associated riparian habitat.

Comments from James P. Pachi, Attorney at Law

The Four-Lane Widening Of Del Paso Road To Center Of Fisherman Lake (City Limit), Its Significant Environmental Effects, And Cumulative Impacts Are Not Addressed In The Initial Study And Negative Declaration; And Significant Environmental Effects Are Not Mitigated

Del Paso will only be constructed to 4-lanes from El Centro Road to the westerly limit of the existing Westborough Subdivision (P98-112) From this point westward, Del Paso Road will be constructed to a 2-lane street to the point at which it will transition back to the existing portion of Del Paso Rd (near Lot 2 of Village 8, as shown on the map – *this is also the eastern edge of the buffer, lot "L"*).

Del Paso Road Should Be Closed To Non-Emergency Traffic West of the Project

Del Paso road west of the project site is under the jurisdiction of the County of Sacramento. The City does not have the authority to close it in the requested way.

Significant Effects Of Activities Allowed Within The Fisherman Lake Buffer, Including Public Roadways, Are Not Mitigated Or Addressed By The Initial Study Or Mitigated Negative Declaration: clarify Location of Bicycle-Pedestrian Path

The USFWS' "Mitigation Recommendations for Restoration and/or Replacement of Giant Snake Garter Habitat" referenced in the Padre Report applies to mitigation land used to offset impacts on

developed land. The buffer area is not mitigation land and the 200 foot uplands recommendation is inapplicable to the project's development. Moreover, mitigation has already been provided for development of the property, including the buffer area. As noted previously, if the project is approved the City will consult with USFW to determine if any type of amendment is necessary to clarify uses in the buffer area.

The Natomas Basin Conservancy Has Not Agreed To Manage The Fisherman's Lake Buffer, And No Evidence Supports Initial Study's Incorrect Assertion That The Conservancy Will Manage It

The NBHCP states on page V-2 that once the City has determined the appropriate buffer for protecting wildlife and habitat along Fisherman's Lake that the buffer would be managed by TNBC. It is expected that the TNBC will manage the buffer, but if the TNBC does not manage the buffer, it will be managed by the City of Sacramento's Parks and Recreation Department or utilities.

The Initial Assessment Of Biological Resources Has Substantial Errors And Omissions. Substantial Evidence Does Not Support The Finding Of The Initial Study And Mitigated Negative Declaration That Impacts To Biological Resources Have Been Mitigated To Less Than Significant (Initial Study P. 3-66)

The Negative Declaration described the habitat types on and in the vicinity of the project, but did not evaluate the value of these habitats per se. The City recognizes the habitat value that the riparian and marshland habitat associated with Fisherman's Lake provides for local wildlife populations.

The 2004 Swainson's hawk surveys referenced in the Negative Declaration refer to surveys conducted by Foothill Associates, and were site specific, meaning areas of Fisherman's Lake not in direct vicinity of the project site were not included in the survey.

The number of CNDDDB records for giant garter snake located within the project vicinity were not used to determine significance of project impacts to this species, but this information was used to verify that the project site and vicinity contains suitable habitat that has historically utilized by the snake. It is well known and has been clearly documented that Fisherman's Lake habitat is utilized by local populations of giant garter snake.

The detailed species discussion was limited to special status species and did not cover other more common species occurrences or their potential to occur within the project vicinity. The Negative Declaration contains a discussion on black crowned night heron (*Nycticorax nycticorax*), great blue heron (*Ardea herodias*), great egret (*Ardea alba*), snowy egret (*Egretta thula*), and the white-tailed kite (*Elanus leucurus*) and their occurrence potential. Impacts to common species, that share habitat with special status species, would be similar to impacts on the special status species. The Negative Declaration fully analyzes the impacts on special status species, and confirms that the project will be required to implement the Natomas Basin Habitat Conservation Plan and its mitigation measures. Impacts to biological resources are reduced to a level of less than significant through implementation of ten specific mitigation measures (BR-1 through BR-10) detailed in the Negative Declaration at pages 3-62 through 3-66. In addition to the CNDDDB occurrences listed for these species, the potential for occurrence, and the potential for the project to impact these species was evaluated in conjunction with the habitat types located on the project site, and the projects expected impact to these habitats. Personal observations, aside from those obtained by qualified biologists during site surveys, were not included in the analysis.

An EIR Is Required To Address Cumulative Impacts And Growth Inducement

The project is designed to implement the NNCP urban designations always anticipated for this

property. The EIR for the NNCP addressed the growth-inducing impacts of urban development associated with the NNCP, including this project. The project does not include any over-sizing of infrastructure that could induce subsequent development outside of the project boundaries or the city limits.

Accordingly, development of the project is not growth-inducing, as explained in the Negative Declaration (p. 3-6 to 3-7).

The project density calculation of 2,533 residential units is actually less than the 2,958 units calculated for the NNCP. As a result, the Negative Declaration (p. 3-101) properly notes that "the proposed project should fall at or below the significance thresholds generated for the project site as determined through the NNCP EIR process. Therefore the Natomas Central project's contribution to cumulatively considerable impacts would be less than significant." Section 15064(h) of the CEQA Guidelines states that "cumulatively considerable" means the incremental effects of an individual project are considerable when viewed in connection with the effects of other current projects, and the effect of probable future projects." There are no "probable future projects" that will require further analysis.

Moreover, the guideline section further provides that an impact is not cumulatively considerable "if the project will comply with the requirements in a previously approved plan or mitigation program which provides specific requirements that will avoid or substantially lessen the cumulative problem (e.g. water quality control plan, air quality plan, integrated waste management plan) within the geographic area in which the project is located. Such plans or programs must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make specific the law enforced or administered by the public agency." Here, of course, the NBHCP and its EIR provide for full mitigation of impacts to special status species and no further analysis is required if the project will comply with the NBHCP. Mitigation measure BR-2 requires such compliance.

Substantial Evidence Does Not Support The Finding That Exposure Of People To Flooding Would Be Less Than Significant.

Flooding impacts in the NNCP area were exhaustively analyzed in the NNCP and its EIR. The NNCP provides for required mitigation measures to be implemented to address flooding concerns and for compliance with the City-adopted Comprehensive Flood Management Plan. The project will comply with these criteria and the project area has 100-year flood plain protection, which precludes the need for homeowners to obtain flood insurance for residential property in the project area. As a result of the SAFCA improvements, the NNCP area, including the project area, has better flood protection than other areas of the City. The NNCP and the project area are protected by levees with slurry walls and a berm north of Elkhorn Boulevard. Accordingly, the Mitigated Negative Declaration properly concludes that the levee improvements result in a less than significant impact for flood related hazards because the property satisfies the threshold of significance identified in the NNCP – 100-year flood plain protection.

The Project Would Expose Residents To Long-Term Severe Noise Levels From Low-Flying Jet Aircraft Which Are Not Mitigated To Less Than Significant.

The NNCP provides that the level of significance for residential land uses is 60 db CNEL and authorizes residential development in areas outside of the 60 db CNEL contours of Sacramento International Airport. As the MND notes, recent revisions to flight paths based upon the Sacramento International Airport Comprehensive Land Use Plan leave the project area outside of the 60 db CNEL contour for the airport. Noise associated from the airplane flights generated from the airport is below the significance threshold and no mitigation is required. Accordingly, the City cannot impose an

avigation easement condition on the property. The County Board of Supervisors is scheduled to consider revisions to the CNEL Contours on December 1, 2005, which could result in a portion of the project being within the contour line. In such an event, the project applicant is prepared to negotiate an avigation easement with the Department of Airports for affected parcels lying within the new contour.

Attachment E – Applicant and Environmental Consultant Response to Environmental
Comments

NATOMAS CENTRAL

PROJECT NO.

Natomas Central
CEQA Initial Study/Mitigated Negative Declaration
City of Sacramento, Sacramento County, California

September 12, 2005

SCH – 2005092067

Response to Comments

1. Sacramento Air Quality Management District

August 24, 2005 letter from Art Smith, Associate Air Quality Planner/Analyst, Sacramento Air Quality Management District, to Lezley Buford, Principal Planner, City of Sacramento, Environmental Planning

Comment 1A: District staff provided comments in earlier correspondence on this project to Stacia Cosgrove. Those comments focused on the need for environmental analysis to determine what level of mitigation would be required during the construction and operational phases of the project. During the past few weeks, staff has worked with Mr. Joe Looney, the environmental consultant for this project, by phone and email. He has conducted URBEMIS modeling to determine whether the CEQA thresholds are exceeded. The modeling results are included in Appendix B of the Draft IS and proposed Mitigated Negative Declaration. CEQA thresholds will be exceeded in both the construction and operational phases. On that basis, the District's standard construction mitigation should be followed and a mitigation fee is available to further reduce construction and operational impacts to less than significant. A mitigation fee is proposed based on the findings of the URBEMIS information provided to your office. District staff is in general agreement with those recommendations. However, your environmental staff should review and confirm the findings and recommendations, including the proposed construction mitigation fee.

Response 1A: Comment noted

Comment 1B: The City's environmental staff has reviewed the URBEMIS data and is in agreement with the findings and recommendations, including the proposed construction mitigation fee. The additional measures outlined in the final Air Quality Mitigation Plan, currently being prepared by the applicant for the project, will determine if the proposed construction mitigation fee may be reduced due to the inclusion of additional project-specific measures that will reduce air quality impacts. Once this plan has been finalized a revised mitigation fee will be developed in consultation with the District.

The applicant has submitted a preliminary Air Quality Mitigation Plan to the District which covers the operational phase of the project. The plan needs to be submitted to the District and the City's Alternate Commutes Coordinator for final review. District staff has been contacted by the Hoyt Co. indicating that they will provide a mitigation plan for District staff review in the near future. We recommend the air quality mitigation plan be included as a condition of approval.

Response 1B: Comment noted. The preparation of an air quality mitigation plan is covered by

<http://www.gw.cityofsacramento.org/servlet/webacc/is3uw2Y19mn0dn5Lq0/GWAP/ARE...> 10/13/2005

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Mitigation Measure AQ-10 of the Negative Declaration.

2. California Department of Fish and Game

September 30, 2005 email sent to Carol Shearly, Manager, City of Sacramento New Growth Division, Development Services Department from Jenny Marr, California Department of Fish and Game, Staff Environmental Scientist, Habitat Conservation Division, Sacramento Central Valley Sierra Region

Comment 2A: The Department has concerns with the August 19, 2005 version of the document and potential inconsistency with how the proposed project may be inconsistent with the City of Sacramento's 2081 permit and the Natomas Basin HCP. Additionally, there are a number of confusing technicalities in the document which should be corrected and clarified.

Response 2A: Comment noted The project is fully consistent with the City of Sacramento's 2081 permit and the Natomas Basin HCP ("NBHCP") and project condition BR-2 requires compliance with the NBHCP See, also, Responses 2B through 2H below.

Comment 2B: The draft document contains many inconsistencies pertaining to the number of acres that will constitute the Fisherman's Lake buffer, and how various sections of the buffer will be used. The inconsistencies between the adopted figures from the August 9, 2005 City Council Resolution No. 2005-598 and several different calculations within the IS/MND need to be clarified. Additionally, there are discrepancies in the terminology used in the resolution and the document in describing various portions of the buffer which make it difficult to discern which areas the document is referring to and what areas will serve particular functions. In particular the document needs further definition of use for terms including, "parkway", "nature park", and "open space", and the number of acres defining each of these areas.

Response 2B: Several inconsistencies concerning the buffer dimensions required along the project's boundary with Fisherman's Lake were included in the August 19, 2005 version of the Natomas Central Initial Study/Mitigated Negative Declaration prepared for the City of Sacramento In particular, this document described the buffer dimensions in error as 300 feet in width along both the western and southern edges of the project The subsequent version of the document circulated through the State Clearinghouse on September 13, 2005 remedied this error, and accurately described the buffer as 200 feet in width along the southern project boundary, and 300 feet wide along the western edge of the project

The consultant responsible for preparing the CEQA document did not use the term nature park, although this term was used by the City to describe the buffer in the adopted resolution (Resolution No. 2005-598) that established the buffer requirement along the lake

The terms parkway and open space are both used in the September 12, 2005 CEQA document to describe the Fisherman's Lake buffer The term parkway describes the 300 buffer, and refers to nesting tree buffer area described in the buffer resolution. Open space describes the 200 foot portion of the buffer, and corresponds to the area described as the other buffer area in the buffer resolution Page 2-7 of the September 12, 2005 version of the document describes the parkway/open space as follows, which provides clarification of the terms used in the document:

"The only major difference between the parkway and open space parcels along Fisherman's Lake is that park benches will be a component of the parkway area. Both parcels will remain in their natural state, except for the construction of a pedestrian/bikeway."

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An additional inconsistency in the acreage of the open space portion of the buffer along the southern project boundary exists between what was cited in the document and what was depicted on the large size tentative maps that were circulated. The large size tentative maps stated that the open space portion of the buffer was 25.7 acres in size, when it should have read 27.7 acres to reflect the accurate number used throughout the document.

Comment 2C: The document does not include any analysis of the City of Sacramento's Arena Blvd. extension, which is proposed to extend from the current western edge of Arena Blvd. into the Natomas Central development. There is no mention of this extension, which you mentioned has always been included in the City's planning process, and which would extend an undisclosed amount into the southern most portion of the Fisherman's Lake buffer. The document should disclose the impacts associated with this infrastructure as it is directly a portion of the proposed project and will affect the project analysis of the Fisherman's Lake buffer description and values. The Department assumes that residential vehicular traffic within 250 feet of the waters edge, or within the buffer as described, may constitute an impact to giant garter snake that has not been analyzed.

Response 2C: The CEQA document did not include an analysis specifically for the infrastructure associated with the Arena Blvd. extension as part of the circulated CEQA document. However, impacts from roads in general were part of the CEQA analysis. The mitigation measures included as part of project approval requirements would ensure that potential impacts to giant garter snake are reduced to a less than significant level, for all construction phases of the project. Furthermore, the extension of Arena Boulevard through the project site is a required component of the Arena Boulevard Interchange Project that has been approved by the City, which is meant to improve traffic conditions within the City of Sacramento and North Natomas areas and was fully analyzed in the EIR for the 1994 NNCP. Uses in the buffer are not limited by the NBHCP, the City's 2081 Permit or the City's Implementation Agreement with CDFG. Rather, uses within the buffer have always been defined, and limited, by the NNCP. Bicycle paths and public roads have always been permitted uses within buffer areas under the NNCP, and this fact was not altered by the NBHCP. The City placed specific limitations on uses within the Fisherman's Lake buffer area by enacting Resolution No. 2005-598 adopted by the Sacramento City Council on August 9, 2005, which describes the allowed uses within the open space buffer (200 foot buffer) to include bicycle paths and public and maintenance roadways (page 3). The project contains only uses within the buffer that are consistent with Resolution No. 2005-598. As the applicant will be required to implement all mitigation measures required by the NBHCP, which will reduce impacts on the giant garter snake to a less than significant level, no further analysis is required.

Comment 2D: The document describes the buffer as including a bike and pedestrian pathway with the 300 foot section of the north end of the buffer, yet does not define where it would be located. The Department advises that the bikeway and benches be placed a minimum of 250 feet from the waters edge, and immediately adjacent to the western edge of the development to reduce human impacts in the buffer and to prevent impacts to the HCP Covered Species.

Response 2D: The applicant has not finalized the exact location of the bike/pedestrian path proposed within the buffer. However, the applicant has agreed to locate the pathway as far as possible along the eastern/northern edge of the buffer as feasible to reduce potential impacts to species covered by the Natomas Basin HCP. The City and the applicant will ensure that any park benches located within the buffer as part of the recreation component will be located as close to the development portion of the project as possible, and at least 250 feet from the waters edge to reduce human-related impacts to the buffer area. Any potential impacts associated with the bicycle trail will be obviated by closure of the trail during the nesting season if Swainson's' hawks are present.

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Comment 2E: The document should address the effects of lighting from the development and advise that light fixtures be precluded from the buffer to reduce human impacts to this area.

Response 2E: Several light fixtures will be required to be located within the buffer for health and safety reasons, and these will be primarily located along public roadways. The location of light fixtures within the buffer will be oriented and directed to limit the amount of light within the buffer area to the extent practicable.

Comment 2F: The document states that "restricted use" will protect nesting Swainson's hawks. The Department advises that the language and intent be amended to exclude public access entirely during breeding, nesting and brooding period for Swainson's hawk. The document should reflect a no-access plan for the buffer during this period, as well as the means and measures by which this would be achieved.

Response 2F: While Mitigation Measure BR-10 contained within the document specified restricted access during the breeding and nesting season, and did not specifically include the brooding season, brooding activities would be protected by the timeframe for restricted access (April 1st and August 31st). The no-access plan for the buffer is described in Mitigation Measure BR-10 as "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 nesting trees located along Fisherman's Lake could be utilized by Swainson's hawk." Requirements of the no-access plan as contained in condition of approval J109, page 58, of the City of Sacramento Staff Report dated October 13, 2005 includes "Gates and/or Fold-Down Bollards and signage shall be placed at the entrance to all access points to the trail or as approved by PPDD and TNBC."

Comment 2G: The City has indicated that the property will be disc'd to the edge of Fisherman's Lake prior to October 1, 2005, and that the City proposes to issue a grading permit to the project applicant that would allow them to grade the parcel to within 200 feet of Fisherman's Lake prior to May 1. The applicants need to either grade prior to October 1, 2005 or after May 1, 2006. The Department does not believe discing constitutes site preparation or initial grading when working in giant garter snake habitat. If the applicant discs the parcel and does not grade within 200 feet of the snakes habitat prior to Oct. 1, 2005, in order to be in compliance with the NBHCP the applicant will need to wait until May 1, 2006.

Response 2G: The applicant's initial request to begin grading on the project site prior to October 1, 2005 was denied by a court order in September 2005. However, the City has approved grading on the project site with the condition that stage 1 entitlements have been approved. Grading conducted between October 1st, 2005 and May 1, 2006 will be restricted to those areas outside the established buffer, and will incorporate the appropriate BMPs necessary as part of the project's NPDES permit. In addition to restricting grading activities outside of the buffer, the Reclamation District 1000 levee located adjacent to Fisherman's Lake and the project boundary will ensure water quality and habitat impacts associated with grading activities do not impact Fisherman's Lake or its associated riparian habitat.

Comment 2H: Lastly, the Department questions whether the Del Paso Road extension is within the City's limits. Please provide clarification of the limits of this extension also. If the extension is outside the City's permit area as defined in the NBHCP then the City does not have incidental take coverage for these activities.

Response 2H: Portions of the Del Paso Road improvements fall within the City limits, with some portions located within the jurisdiction of Sacramento County. The City is in the process of determining whether or not to close Del Paso Road west of the development, and this will determine whether or not the road improvements will extend into the buffer, but this road closure is beyond the scope of the project. It is possible that the City would impose the condition that improvements to Del Paso Road extend west from El Centro road to the western-most project entrance along the northern boundary and would not extend into the 300-foot buffer.

3. California Regional Water Quality Control Board

September 26, 2005 letter addressed to LE Buford, City of Sacramento from Christine Palisoc, Environmental Scientist, Storm Water Unit

Comment 3A: Construction Storm Water

A NPDES General Permit for Storm Water Discharges Associated with Construction Activities, NPDES No. CAS000002, Order No. 99-08-DWQ is required when a sites involves clearing, grading, disturbances to the ground, such as stockpiling, or excavation that results in soil disturbances of one acre or more of total land area. Construction activity that involves soil disturbances on construction sites of less than one acre and is part of a larger common plan of development or sale, also requires permit coverage. Coverage under the General Permit must be obtained prior to construction. More information may be found at <http://www.cityofsacramento.org/servelet/webacc/is3uw2Y19mn0dn5Lq0/GWAP/ARE>

Response 3A: Comment noted. The City currently has coverage under a NPDES General Permit for Storm Water Discharges Associated with Construction Activities, NPDES No. CAS000002, Order No. 99-08-DWQ (WDID #).

Comment 3B: Post-Construction Storm Water Management

Manage storm water to retain the natural flow regime and water quality, including but not altering baseline flows in receiving waters, not allowing untreated discharges to occur into existing aquatic resources, not using aquatic resources for detention or transport of flows above current hydrology, duration, and frequency. All storm water flows generated on-site during and after construction and entering surface waters should be pre-treated to reduce oil, sediment, and other contaminants. The local municipality where the proposed project is located may now require post construction storm water Best Management Practices (BMPs) pursuant to the Phase II, SWRCB, Water Quality Order No. 2003-0005-DWQ, NPDES General Permit No. CAS000004, WDRS for Storm Water Discharges from Small Municipal Separate Storm Sewers Systems (MS4). The local municipality may require long-term post-construction BMPs to be incorporated into development and significant redevelopment projects to protect water quality and control runoff flow.

Response 3B: Comment noted. The City of Sacramento has obtained an NPDES permit and the project applicant will be required to comply with the permit and the NPDES regulations, including filing of a Notice of Intent with RWQCB and preparation of a SWPPP containing appropriate BMPs. See, also, Response 2G.

Comment 3C: Dewatering Permit

The proponent may be required to file a Dewatering Permit covered under Water Discharge

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Requirements General Order for Dewatering and Other Low Threat Discharges to Surface Waters Permit, Order No. 5-00-175 (NPDES CAG995001) provided they do not contain significant quantities of pollutants and are either (1) four months or less in duration, or (2) the average dry weather discharge does not exceed 0.25 mgd:

- a *well development water*
- b *construction dewatering*
- c *pump/well testing*
- d *pipeline/tank flushing or dewatering*
- e *condensate discharges*
- f *water supply system discharges*
- g *miscellaneous dewatering/low threat discharges*

Response3C: Comment noted. The applicant will be responsible for obtaining a Dewatering Permit covered under Water Discharge Requirements General Order for Dewatering and Other Low Threat Discharges to Surface Waters Permit, Order No. 5-00-175 (NPDES CAG950001) for dewatering activities associated with project construction.

Comment 3D: Industrial

A NPDES General Permit for Storm Water Discharges Associated with Industrial Activities, NPDES No. CAS000001, Order No. 97-03-DWQ regulates 10 broad categories of industrial activities. The General Industrial Permit requires the implementation of management measures that will achieve the performance standard of best available technology economically achievable (BAT) and best conventional pollutant control technology (BCT). The General Industrial Permit also requires the development of a Storm Water Pollution Prevention Plan (SWPPP) and a monitoring plan. The General Industrial Permit requires that an annual report be submitted each July 1. More information may be found at

Response 3D: Comment noted. The project does not include industrial land uses.

4. Army Corps of Engineers

September 9, 2005 letter to Stacia Cosgrove, City of Sacramento, Planning Division from Will Ness, Chief, Sacramento Office

Comment 4A: The Corps' jurisdiction is under the authority of Section 404 of the Clean Water Act (CWA) for the discharge of fill material into waters of the United States, including wetlands (waters). Waters of the United States may also include, but are not limited to, rivers, perennial or intermittent streams, lakes, ponds, wetlands, riparian wetlands, vernal pools, marshes, wet meadows, seeps, and farmed wetlands. Project features that result in the discharge of dredged or fill material into waters require Department of the Army authorization prior to starting work.

Based on available information, waters are likely to exist within the project area. We recommend a wetland delineation be conducted, in accordance with our minimum standards, and submitted to this office for verification.

Please refer to identification number 200400580 in any correspondence concerning this project.

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Response 4A: Comment noted. The project site has been subject to intense agricultural practices for many years, and as such has been extensively manipulated, including land leveling, plowing, harrowing, etc.

Several agricultural ditches are located on the project site. These ditches have been excavated in uplands for agricultural purposes, and are not jurisdictional, and as such are not subject to regulation under the Clean Water Act. This position is supported by long-standing Corps of Engineers practice and by relatively recent Corps decisions for identical situations on adjacent properties.

5. James P. Pachl, Attorney at Law

October 11, 2005 letter addressed to Theresa Taylor-Carroll, Chair and Members, City of Sacramento Planning Commission; Stacia Cosgrove, Project Planner and Lezley Buford, Principal Planner, City of Sacramento from James P. Pachl, Attorney at Law.

Comment 5A: *I am submitting these comments on behalf of Sierra Club, Environmental Council of Sacramento, and Friends of the Swainson's Hawk. My clients must oppose the project in its present form. A mitigated negative declaration is an appropriate environmental document only when all potentially significant effects will be mitigated to less than significant.*

An EIR is required for this project because (1) there is substantial evidence in the record supporting a fair argument that the project may have one or more significant non-mitigated effects on the environment, and (2) substantial evidence does not support the proposed finding that the project will not have one or more unmitigated significant effects on the environment (CEQA Guideline 81 5064(f)(2); and (3) the Initial Study contains significant errors and omissions, and cannot be relied to provide credible information to the decision-makers.

An additional comment letter may be submitted by ECOS addressing project design issues.

Response 5A: Comment noted.

Comment 5B: *The Four-Lane Widening Of Del Paso Road To Center Of Fisherman Lake (City Limit), Its Significant Environmental Effects, And Cumulative Impacts Are Not Addressed In The Initial Study And Negative Declaration; And Significant Environmental Effects Are Not Mitigated*

Project Condition of Approval J21, (p 45 of staff report) requires Forecast to acquire sufficient land, either north or south of present Del Paso Blvd, to widen Del Paso Blvd to four lanes to the City limit, which is the center of Fisherman's Lake, and to widen the road to four lanes. Implementation would involve placing fill in Fisherman Lake, and eliminating a portion of the riparian forest south of Del Paso Rd, on RD 1000 property, if it is widened on City's side. This is a significant environmental impact. There is no project description.

The widening of Del Paso Rd to four lanes at Fisherman's Lake or elsewhere is not disclosed or discussed in the Initial Study and Negative Declaration and has significant unmitigated impacts that are not addressed in Initial Study. Widening Del Paso Rd to four-lane road to Fisherman Lake would induce more westbound traffic, which would significantly impact the NBC preserves immediately west of Fisherman Lake, on both sides of Del Paso Rd, and would also induce pressures for new growth to the west. The City limit runs along the center of Del Paso Rd and the northern portion of Del Paso Road is outside of the City limits and therefore not covered by the Incidental Take Permit issued under the NBHCP. As far as can be determined, the proposal for a four-lane road to the center of Fisherman

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Lake (City limit) was not addressed in any prior EIR.

City Staff has proposed substitute wording (e-mail October 10, 2005) to the effect that Forecast will coordinate with Development Engineering and Finance to ensure as much of Del Paso road as possible is constructed without violating the buffer area. "As much as possible" is no assurance that the riparian forest will be protected. The land along the north side of Del Paso Road is owned by Phoenix LLC (AKT Development), which has applied for approval of annexation and development, and consequently is very likely to insist on development prices for road right of way. It is likely to be much more economical for Forecast to dedicate its own land to widen Del Paso Rd on the south side, which would require removal of a part of the RD 1000 riparian forest to widen to the center of Fisherman Lake.

There is no reason to widen Del Paso Road beyond the westernmost point of access to the Forecast project, which [is] substantially east of Fisherman Lake. The entire area west of Fisherman's Lake is within the Swainson's Hawk Zone, where the City is prohibited from developing by the Natomas Basin HCP, and entirely agricultural or NBC preserve, except for a few homes along Garden Highway. There is no reason for westbound automobile access from Natomas Central. Widening to four lane[s] to the City limit would be a waste of money.

The SWH Zone also encompasses approx. 113 of proposed West Lakeside, including most of the north side of Del Paso Rd on that property. Natomas Central is an exception included in the NBHCP. Thus, widening to the north would also require a re-evaluation of the NBHCP and Permits from DFG and FWS, which may not be granted. Widening Del Paso Road to the City limit would also generate safety issues where the road narrows from four-lane to existing rural two-lane. This would create pressure on the County to widen Del Paso Road beyond the City limit to Powerline Road, creating further cumulative impacts on the NBC preserve west of the project, and its wildlife. Four-lane roads also induce expansion of urban growth.

We strongly urge that Del Paso not be widened beyond the westernmost point of access to the Forecast project, which would resolve this concern. Building the four lanes only to the westernmost entrance to Natomas Central is consistent with the City's development plans and the road does not need to be widened beyond that point.

Response 5B: See Response 2H. The NNCP and its EIR examined traffic-related issues concerning the widening of Del Paso Road. The NNCP permits roads to be located within the Fisherman's Lake Buffer and the project merely implements the NNCP in this area.

Comment 5C: Del Paso Road Should Be Closed To Non-Emergency Traffic West of the Project

We urge that the City close Del Paso Road to non-emergency traffic west of Del Paso Road. The project will generate significant increased traffic, including traffic westward if Del Paso Road remain[s] open. This will adversely impact the Natomas Basin Conservancy preserves which are on both sides of Del Paso Road, and will increase pressure to extend development west of Fisherman's Lake. Closing Del Paso Road will prevent these impacts and afford safe bicycle and pedestrian access, an amenity for the residents of Natomas Central and Westlake, and the entire Natomas community. Alternative access for vehicles to Garden Highway is available via San Juan and Bayou Roads.

Response 5C: Comment Noted. The question of whether to close Del Paso Road west of the project area is not a project-related issue. Closure of the road would concern actions by the County of Sacramento and the City of Sacramento independent of project approvals.

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Comment 5D: Significant Effects Of Activities Allowed Within The Fisherman Lake Buffer, Including Public Roadways, Are Not Mitigated Or Addressed By The Initial Study Or Mitigated Negative Declaration

Public Roadways

The NBHCP requires a 250 foot land buffer alongside Fisherman Lake to protect wildlife using Fisherman Lake and its shoreline from impacts of urban development. Such a buffer is provided, but contains public roadways within the buffer, in the southeast portion of the project, which are not compatible with a habitat buffer and poses danger to Giant Garter Snakes. Roadways within the 250 foot NBHCP buffer are a violation of the NBHCP. There is no evidence that U.S. Fish and Wildlife Service or California Department of Fish and Game have agreed to authorize placement of any roadway within the 250 foot NBHCP buffer, which is a 250 foot-wide land area measured from the edge of Fisherman's Lake.

Upland within 200 feet from the edge of aquatic GGS habitat (shoreline of Fisherman's

Lake) is also GGS habitat. USFWS guidelines require protection of 200 feet inland from the edge of channel banks. (See EXHIBIT A, report of Padre Associates' to City, January 2005, p. 5, 6). The proposed roadways are within 200 feet of Fisherman's Lake and create the risk of GGS being run over by automobiles. There may be other impacts that are concern to the wildlife agencies.

This is also a significant change from the design of the NNCP, which shows the roadways as being 200 feet from the edge of the RD 1000 property line at the southeastern portion of the project.

This impact may be avoided by relocating all proposed public roadways outside of the

Fisherman's Lake buffer.

Clarify Location of Bicycle-Pedestrian Path

The project also provides for a 16-foot wide bicycle pedestrian path within the buffer. Project Condition J109 (staff report p. 57) states that it shall run along the east edge, but the Design Guidelines, August 26, 2005, page 10, shows the "peripheral trail" as alongside the RD 1000 property, at the western edge of the buffer, which would cause significant disturbance to wildlife using the Fisherman Lake riparian zone.

The Planning Commission should clarify by directing that Project Condition J 109 shall govern, placing the bicycle path at the eastern edge of the buffer, at least 200 feet from the edge of Fisherman Lake. If it is closer, there would be significant environmental impacts on GGS and other species which would require an EIR.

Response 5D: The Commenter states that "Roadways within the 250 NBHCP buffer are a violation of the NBHCP " The Commenter is incorrect The NNCP, not the NBHCP, regulates uses in the buffer and public roadways are a permitted use Impacts to special status species habitat has already been authorized by the NBHCP, which does not regulate uses within the buffer See, Responses 2B, 2C, and 2D

The USFWS' "Mitigation Recommendations for Restoration and/or Replacement of Giant Snake Garter Habitat" referenced in the Padre Report applies to mitigation land used to offset impacts on developed

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land. The buffer area is not mitigation land and the 200 foot uplands recommendation is inapplicable to the project's development. Moreover, mitigation has already been provided for development of the property, including the buffer area.

Comment 5E: *The Natomas Basin Conservancy Has Not Agreed To Manage The Fisherman's Lake Buffer, And No Evidence Supports Initial Study's Incorrect Assertion That The Conservancy Will Manage It.*

The Initial Study, p. 3-51, incorrectly states that the Natomas Basin Conservancy shall manage the buffer. Project Condition J109 (Staff Report p. 58) states that the Conservancy shall approve the plans for the bicycle trail.

Although there have been very informal discussions between City staff and the NBC, the

NBC has not agreed to manage the buffer, the City has submitted no proposal to the NBC Board for management of the buffer, the City has not asked for NBC's input for developing a management plan for the buffer, and the NBC reportedly has reservations about whether to manage the buffer because certain of the apparent proposed uses appear inconsistent with the NBC's mission and expertise. There is no basis for the assertion of the Initial Study and Staff Report that the NBC will manage the buffer, and therefore no substantial evidence supporting the assumption that the buffer will mitigate impacts on Fisherman's Lake wildlife to less than significant.

This project should not be approved until the City meets with the NBC, and there is clarification as to whether the NBC, or another identified and qualified entity, will undertake responsibility for management of the Fisherman Lake buffer.

Response 5E: The NBHCP states on page V-2 that once the City has determined the appropriate buffer for protecting wildlife and habitat along Fisherman's Lake that the buffer would be managed by TNBC. It is expected that the TNBC will manage the buffer, but if the TNBC does not manage the buffer, it will be managed by the City of Sacramento's Parks and Recreation Department.

Comment 5F: *The Initial Assessment Of Biological Resources Has Substantial Errors And Omissions. Substantial Evidence Does Not Support The Finding Of The Initial Study And Mitigated Negative Declaration That Impacts To Biological Resources Have Been Mitigated To Less Than Significant (Initial Study P. 3-66)*

To the extent that such finding relies upon the Fisherman Lake buffer to protect biological values from edge effects of urban development, such as intense human presence and vehicles, such a finding is not supported by substantial evidence, for the reasons stated above.

The Initial Study contains repeated errors and failures to disclose the presence of wildlife and biological resources of Fisherman's Lake. For example:

The Initial Study fails to address the value of riparian and marsh habitat of Fisherman's Lake, and does not mention that much of the east and north shoreline (City side) of Fisherman Lake is productive marshland, which is obvious to anyone who walks alongside the Lake. The Padre report: supra, points out that "riparian/wetland areas are high value habitat due to the presence of water and the sensitive wildlife dependent upon these habitat types." (EXHIBIT A, Padre report p. 4.) The Draft Supplement to the North Natomas Community Plan, 1993, p. 4.5-2 and 4.5-3, points out the high biological value of Fisherman's Lake (EXHIBIT B, p. 4.5-2 and 4.5-3) It is difficult to understand why the Initial Study

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failed to disclose that information.

The Initial Study p. 3-53, mistakenly states that no active SWH nests were identified during surveys conducted in July 2004. In fact, surveys conducted by Natomas Basin Conservancy found active nests on and near Fisherman's Lake in 2004 and 2005. See letter of James Estep, biologist and member of NBC Technical Advisory Committee, EXHIBIT C.

The Initial Study, p. 3-58, states that there is one CNDBB (Calif. Natural Diversity Database) record of Giant Garter Snake in the northeast corner of the project site. This is seriously misleading. The Initial Study fails to disclose that the CNDBB map (reproduced at Initial Study Appendix C) actually shows three locations of GGS records at Fisherman's Lake (a "record" is the location of one or more individual sightings). The Padre Report, EXHIBIT A, p. 23, states that nine GGS were captured at Fisherman's Lake during a USGS BRD (Wylie) studies in 1998 and 1999. The NBC informed me that GGS have also been found on the NBC preserve immediately west of Fisherman Lake.

The Initial Study, by Foothill Associates, pp. 3-58, 59, incorrectly states that "Recent population estimate for the GGS within the Natomas Basin is 277" (citing US Fish and Wildlife Service and DFG, 2003), which is a very serious misrepresentation by the author of the Initial Study which casts doubt on the credibility of the rest of the Initial Study. The source is the 2003 NBHCP, which states only that "A BRD study conducted from 1998 to 1999 recorded 277 individual Giant Garter Snakes in Natomas Basin." (EXHIBIT D) The BRD study only sampled a very small area of the Basin at various locations, and counted only those snakes which were seen or captured. There are no documents by USFWS or DFG, or anyone else credible, that claims that the Basin's entire GGS population is 277 individual snakes.

The Initial Study, p. 3-59-61 limits its discussion of black-crown night heron, great blue "egret" (correct name is great blue heron, snowy egret, and white-tailed kite) to a few CNDBB records which are miles from the project site. The CNDBB is notoriously outdated and incomplete. I have personally been to Fisherman's Lake on a number of occasions during the past several years, usually in the late afternoon or early evening, and have observed all of these species roosting or otherwise using Fisherman's Lake in significant numbers and frequency. I am an experienced amateur birdwatcher with sufficient experience, (and a bird identification book) to identify these species. The Padre Report, § 4.4.1 p. 32, 33. (EXHIBIT A) notes that over 100 species have been observed at or near Fisherman's Lake, which is many more than the Initial Assessment disclosed.

It appears that Foothill Associates limited the Initial Study to outdated CNDBB information, ignored the Padre report and other readily available data, and failed to visually look for the presence of species which are obvious to anyone who walks alongside Fisherman Lake (best view is from west side) during the appropriate time and season.

Response SF: The Negative Declaration described the habitat types on and in the vicinity of the project, but did not evaluate the value of these habitats per se. The City recognizes the habitat value that the riparian and marshland habitat associated with Fisherman's Lake provides for local wildlife populations

The 2004 Swainson's hawk surveys referenced in the Negative Declaration refer to surveys conducted by Foothill Associates, and were site specific, meaning areas of Fisherman's Lake not in direct vicinity of the project site were not included in the survey

The number of CNDBB records for giant garter snake located within the project vicinity were not used

to determine significance of project impacts to this species, but this information was used to verify that the project site and vicinity contains suitable habitat that has historically utilized by the snake. It is well known and has been clearly documented that Fisherman's Lake habitat is utilized by local populations of giant garter snake.

The detailed species discussion was limited to special status species and did not cover other more common species occurrences or their potential to occur within the project vicinity. The Negative Declaration contains a discussion on black crowned night heron (*Nycticorax nycticorax*), great blue heron (*Ardea herodias*), great egret (*Ardea alba*), snowy egret (*Egretta thula*), and the white-tailed kite (*Elanus leucurus*) and their occurrence potential. Impacts to common species, that share habitat with special status species, would be similar to impacts on the special status species. The Negative Declaration fully analyzes the impacts on special status species, and confirms that the project will be required to implement the Natomas Basin Habitat Conservation Plan and its mitigation measures. Impacts to biological resources are reduced to a level of less than significant through implementation of ten specific mitigation measures (BR-1 through BR-10) detailed in the Negative Declaration at pages 3-62 through 3-66. In addition to the CNDDB occurrences listed for these species, the potential for occurrence, and the potential for the project to impact these species was evaluated in conjunction with the habitat types located on the project site, and the projects expected impact to these habitats. Personal observations, aside from those obtained by qualified biologists during site surveys, were not included in the analysis.

Comment 5G: *An EIR Is Required To Address Cumulative Impacts And Growth Inducement*

An EIR or Supplemental EIR to the NNCP EIR is required to address growth-inducing impacts of the project, particularly as the project may induce growth at (1) the site of proposed "West Lakeside" and northward to I-5, and (2) south of Fisherman Lake, particularly the former Witter property (next to Fisherman Lake) which is now owned by the Gidaro Group. Steve Gidaro, in 2004, told Judith Lamare and myself that he intended to seek entitlement to develop that property.

An EIR is needed to address the cumulative impacts of the Natomas Central Project in combination with the effects of reasonably foreseeable new development under City's Joint Vision for Natomas. An NOP was issued for "Joint Vision" in October 2003. City and Sacramento LAFCO will shortly issue a revised NOP for "Joint Vision", per LAFCO resolution of August 3, 2005. "Joint Vision" did not exist at the time of the 1994 NNCP EIR Update, nor did the West Lakeside or Gidaro proposals or the numerous proposals for urban development south of I-5 and west of the City limit.

Response 5G: The project is designed to implement the NNCP urban designations always anticipated for this property. The EIR for the NNCP addressed the growth-inducing impacts of urban development associated with the NNCP, including this project. The project does not include any over-sizing of infrastructure that could induce subsequent development outside of the project boundaries or the city limits. Accordingly, development of the project is not growth-inducing, as explained in the Negative Declaration (p 3-6 to 3-7).

The project density calculation of 2,533 residential units is actually less than the 2,958 units calculated for the NNCP. As a result, the Negative Declaration (p 3-101) properly notes that "the proposed project should fall at or below the significance thresholds generated for the project site as determined through the NNCP EIR process. Therefore the Natomas Central project's contribution to cumulatively considerable impacts would be less than significant." Section 15064(h) of the CEQA Guidelines states that "'cumulatively considerable' means the incremental effects of an individual project are considerable when viewed in connection with the effects of other current projects, and the effect of probable future

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projects." There are no "probable future projects" that will require further analysis. Moreover, the guideline section further provides that an impact is not cumulatively considerable "if the project will comply with the requirements in a previously approved plan or mitigation program which provides specific requirements that will avoid or substantially lessen the cumulative problem (e.g. water quality control plan, air quality plan, integrated waste management plan) within the geographic area in which the project is located. Such plans or programs must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make specific the law enforced or administered by the public agency." Here, of course, the NBHCP and its EIR provide for full mitigation of impacts to special status species and no further analysis is required if the project will comply with the NBHCP. Mitigation measure BR-2 requires such compliance.

Comment 5H: Substantial Evidence Does Not Support The Finding That Exposure Of People To Flooding Would Be Less Than Significant.

The Initial Study states that Natomas Basin is protected against the 100-year flood, per FEMA certification. However, the FEMA certification is out of date and cannot be relied upon. The Sacramento Bee, September 8, 2005, (EXHIBIT E), reported that a panel of experts at the Floodplain Management Association Annual Conference concluded that "Our risk of deadly floods is probably much higher than we think", because data on which is the basis of the FEMA 100-year certification standard relies on information from the 1960's which is seriously outdated.

Unfortunately, the Corps of Engineers and SAFCA have already found serious deficiencies in the Sacramento River levee which protects Natomas after the 1994 NNCP EIR Update, and after the FEMA certification of the levees of the Sacramento River. See "Commonly Asked Questions ..." by the Corps and SAFCA, which was distributed at public meetings in July 2002. (EXHIBIT F) According to that Corps/SAFCA document, engineering studies have revealed that foundation soils underlying the levees do not meet engineering criteria for underseepage, and that there is potential for underseepage to cause "boils" that could cause levee breach.

"If not reinforced, the levee could breach and cause major flooding within Natomas Basin." (Id) The Corps/SAFCA documents speaks of the need for major reinforcement of the Sacramento River levee protecting Natomas, for which money has not been authorized or appropriated. The New Orleans flood tragedy demonstrated that a flood basin, such as North Natomas, fills very rapidly once the levee is breached. Flooding of North Natomas during high water conditions could be 30 feet deep in some locations.

Common sense and prudence dictate that no further development be approved in North Natomas pending reassessment and improvement of the actual level of flood protection for Natomas Basin. At minimum, there should be an EIR for this project, or a generic EIR for all future Natomas projects, that thoroughly addresses this issue in light of new information.

Response 5H: Flooding impacts in the NNCP area were exhaustively analyzed in the NNCP and its EIR. The NNCP provides for required mitigation measures to be implemented to address flooding concerns and for compliance with the City-adopted Comprehensive Flood Management Plan. The project will comply with these criteria and the project area has 100-year flood plain protection, which precludes the need for homeowners to obtain flood insurance for residential property in the project area. As a result of the SAFCA improvements, the NNCP area, including the project area, has better flood protection than other areas of the City. The NNCP and the project area are protected by levees with slurry walls and a berm north of Elkhorn Boulevard. Accordingly, the Mitigated Negative Declaration properly concludes that the levee improvements result in a less than significant impact for flood related hazards because the

property satisfies the threshold of significance identified in the NNCP – 100-year flood plain protection

Comment 5I: *The Project Would Expose Residents To Long-Term Severe Noise Levels From Low-Flying Jet Aircraft Which Are Not Mitigated To Less Than Significant.*

The project site is beneath the southeast departure path of the Sacramento International Airport. Low-flying jet aircraft frequently fly over the site. In a letter to City, August 6, 2004, (EXHIBIT G,) the Airport advised that development of Natomas Central would result "in potentially significant effects on human health and well-being." (Id, p. 2.). "Any potential vesting of development rights ... may be premature until an analysis is conducted of the potential impacts of the increase in aircraft operations in future years as use of the Airport System steadily increases." (Id. 2).

The Airport then states that if development is contemplated at this time, "It is essential that the city require, as a condition of the DA [development agreement] an aviation easement(s) for aircraft movement and noise." (Id. 2).

The Initial Study (p. 3-75) Mitigated Negative Declaration and project conditions fail to address or mitigate for this significant impact, and fail to require the aviation easement urged by the Airport. The Initial Study's statement, p. 3-75, that "...the project site is not expected to be affected by over flight noise associated with air traffic from Sacramento International Airport ..." is strongly contradicted by the Airport's letter of August 6, 2004, which is ignored by the Initial Study.

Response 5I: The NNCP provides that the level of significance for residential land uses is 60 db CNEL and authorizes residential development in areas outside of the 60 db CNEL contours of Sacramento International Airport. As the MND notes, recent revisions to flight paths based upon the Sacramento International Airport Comprehensive Land Use Plan leave the project area outside of the 60 db CNEL contour for the airport. Noise associated from the airplane flights generated from the airport is below the significance threshold and no mitigation is required. Accordingly, the City cannot impose an aviation easement condition on the property. The County Board of Supervisors is scheduled to consider revisions to the CNEL Contours on December 1, 2005, which could result in a portion of the project being within the contour line. In such an event, the project applicant is prepared to negotiate an aviation easement with the Department of Airports for affected parcels lying within the new contour.

6. Jim Pacht, Attorney at Law

September 8, 2005 letter addressed to Theresa Taylor-Carroll, Chair, and Members, City of Sacramento Planning Commission; Stacia Cosgrove, Associate Planner, City of Sacramento; and Jennifer Hageman, Principal Planner, City of Sacramento from James P. Pacht, Attorney at Law.

Comment 6A: *I am submitting these comments on behalf of Sierra Club, Environmental Council of Sacramento, and Friends of the Swainson's Hawk. My clients must oppose the project in its present form and ask that an EIR be prepared if the modifications recommended below are not made.*

Response 6A: Comment noted.

Comment 6B: *City Failed To Comply With CEQA's Requirements for Notice and Public Comment Period for Approval of a Mitigated Negative Declaration*

CEQA guidelines 15073(d) and 15205(b)(2) require copies of the Mitigated Negative Declaration to be sent to the State Clearinghouse for distribution to State agencies where one or more State agencies is a

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Trustee Agency, Responsible agency, or otherwise has jurisdiction with as to any aspect of a project. CEQA Guidelines 15206(b)(3), 15206(b)(2)(A) and 15206(b)(5) impose the same requirement for residential development exceeding 500 units or which would substantially affect sensitive wildlife habitats, including riparian areas and habitat of threatened species.

The statutory comment period for a Mitigated Negative Declaration submitted to State Clearinghouse is 30 days. CEQA Guideline 15205(c). City allowed only a 20 day comment period, August 19-September 8.

California Department of Fish and Game ("DFG") is the Trustee Agency having jurisdiction over wildlife impacted by the project, including those using Fisherman's Lake and its shoreline, which will be impacted by "edge effects" of adjacent urban use. DFG is also responsible to assure compliance with the Natomas Basin Habitat Conservation Plan ("NBHCP), including the requirement of a 250 foot buffer alongside Fisherman Lake to protect its habitat values, and allowable uses within the buffer to assure that activities within the buffer do not adversely impact wildlife. Activities of concern are stated below.

DFG is Responsible Agency as to project Condition of Approval J21, (p 45 of staff report) which requires Forecast to widen Del Paso Blvd to four lanes to the City limit, which is the center of Fisherman's Lake. Implementation would involve placing fill in Fisherman's Lake, and possibly eliminating a significant amount of riparian forest next to Fisherman Lake to allow widening.

DFG is also a Responsible Agency for issuance of permits under Fish and Game Code § 1601 for the placing of a drainage outlet and discharge of both drainage water and groundwater from de-watering into Fisherman Lake (Neg Decl. 3-18, 21, 24, 26-29) and as to activities within Fisherman Lake in connection with widening Del Paso Rd, supra. The State Water Quality Control Board, Central Valley Region, is Responsible agency for assuring compliance with regulations and permitting requirements for discharge of drainage into Fisherman Lake. There may be other Responsible agencies.

The Court of Appeal in Fall River Wild Trout v County of Shasta (1999) 70 Cal App. 4th 482, 491-493, upheld a trial court's invalidation of a negative declaration because the lead agency failure to send a copy to DFG. To avoid violating CEQA, City should re-notice the negative declaration, send copies of the negative declaration to the State Clearinghouse, and allow the required 30-day comment period.

Response 6B: A thirty day comment period consistent with circulation through the State Clearinghouse was conducted beginning September 13, 2005. The California Department of Fish and Game was provided a copy of the Initial Study/Mitigated Negative Declaration dated September 12, 2005 as part of the State Clearinghouse 30-day comment period. See Comments 2A through 2H above for the comments received on the document from Jenny Marr of the California Department of Fish and Game

The California Department of Fish and Game commented on the document, but did not indicate that a Streambed Alteration Agreement would be required. The applicant, will however, submit a Streambed Alteration Agreement to the California Department of Fish and Game for a determination from the Department on this issue, and implement the required conditions of approval if necessary

The Regional Water Quality Control Board, as well as other Responsible Agencies, received a copy of the Natomas Central Initial Study/Mitigated Negative Declaration dated September 12, 2005 as part of the State Clearinghouse 30-day public review and comment period. The applicant will apply for a dewatering permit to ensure compliance with requirements of the Regional Board

Comment 6C: Significant Impacts of Widening Del Paso Road Are Not Mitigated

Project Condition of Approval J21, (p 45 of staff report) requires Forecast to widen Del Paso Blvd to four lanes to the City limit, which is the center of Fisherman's Lake. Implementation would involve placing fill in Fisherman Lake, and eliminating a significant amount of riparian forest south of Del Paso Rd, as it approaches Fisherman Lake, if it is widened on City's side. There is no project description. These significant unmitigated impacts are not addressed in the Mitigated Negative Declaration. A four-lane road to Fisherman Lake would induce more westbound traffic, which may significantly impact the NBC preserves immediately west of Fisherman Lake, on both sides of Del Paso Rd. The City limit runs along the center of Del Paso Rd and the northern portion of Del Paso Road is outside of the City limits and therefore not covered by the Incidental Take Permit issued under the NBHCP. Therefore, an EIR is required.

There is no reason to widen Del Paso Road beyond the point of access to the Forecast project, substantially east of Fisherman's Lake. Mitigation that limits the road widening to this point and closes the road at Fisherman's Lake would address this impact.

Response 6C: See Response 2H and 5B.

Comment 6D: Significant Impacts of Activities Allowed Within the Fisherman Lake Buffer, Including Public Roadways, Are Not Mitigated or Addressed by the Mitigated Negative Declaration

The NBHCP requires a 250 foot land buffer alongside Fisherman Lake to protect wildlife using Fisherman Lake and its shoreline from impacts of urban development. Such a buffer is provided, but contains public roadways within the buffer which are not compatible with a habitat buffer and poses danger to Giant Garter Snakes. Upland within 200 feet from the edge of aquatic GGS habitat (shoreline of Fisherman's Lake) is also GGS habitat. USFWS guidelines require protection of 200 feet inland from the edge of channel banks. (See EXHIBIT A, report of Padre Associates to City, January 2005, p. 5, 6). The proposed roadways are within 200 feet of Fisherman's Lake and create the risk of GGS being run over by automobiles.

We request that the public roadways be relocated outside of the Fisherman's Lake buffer.

The project also provides for a 16-foot wide bicycle pedestrian path within the buffer. Project Condition J109 (staff report p. 57) states that it shall run along the east edge, but the Design Guidelines, August 26, 2005 shows the "peripheral trail" as alongside the RD 1000 property, at the western edge of the buffer. (Staff Report p. 126).

The Planning Commission should clarify by directing that Project Condition J109 shall govern, placing the bicycle path at the eastern edge of the buffer, at least 200 feet from the edge of Fisherman's Lake. If it is closer, there would be significant environmental impacts on GGS and other species which would require an EIR.

The Negative Declaration, p. 3-51, incorrectly states that the Natomas Basin Conservancy shall manage the buffer. Project Condition J109 (staff report p. 57) states that the Conservancy shall approve the plans for the bicycle trail. However, as of yesterday (9/7/05), the NBC has not agreed to manage the buffer because of concerns about whether City's apparent proposed uses are consistent with habitat management. There will be further discussions, but there is no assurance that the NBC will agree to manage the buffer.

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Due to uncertainty as to the entity managing the buffer, the Negative Declaration cannot claim that impacts of the project upon wildlife using Fisherman's Lake has been mitigated. City should not consider project approval until the entity managing the buffer has been determined.

Response 6D: See Response 5D and 5E

Comment 6E: *The Finding of the Mitigated Negative Declaration That Impacts To Biological Resources Have Been Mitigated To Less Than Significant (Neg Declaration p. 3-66) Is Not Supported by Substantial Evidence*

To the extent that such finding relies upon the Fisherman Lake buffer to protect biological values from edge effects of urban development (EXHIBIT A, Padre report p. 24.), such a finding is not supported by substantial evidence, for the reason stated above.

The Negative Declaration repeatedly understates the extent of wildlife and biological resources of Fisherman's Lake.

The Negative Declaration fails to address the values of riparian and marsh habitat of Fisherman's Lake, and does not mention that much of the east shoreline of Fisherman Lake is productive marshland, which is obvious to anyone who walks alongside the Lake. The Padre report, supra, points out that "riparian/wetland areas are high value habitat due to the presence of water and the sensitive wildlife dependent upon these habitat types." (EXHIBIT A, Padre report p. 4) The Draft Supplement to the North Natomas Community Plan, 1993, p. 4.5-2 and 4.5-3, points out the high biological values of Fisherman's Lake. (EXHIBIT B, p. 4.5-2 and 4.5-3)

The Negative Declaration p. 3-53, mistakenly states that no active SWH nests were identified during surveys conducted in July 2004. In fact, surveys conducted by Natomas Basin Conservancy found active nests on and near Fisherman's Lake in 2004 and 2005. See letter of James Estep, biologist and member of NBC Technical Advisory Committee, EXHIBIT C.

The Negative Declaration, p. 3-58, states that there is one CNDBB (Calif. Natural Diversity Database) record in the northeast corner of the site, but fails to disclose that the CNDBB shows three locations of GGS records at Fisherman's Lake (a "record" is the location of one or more individual sightings). The NBC informed me that one or two GGS have been found on the NBC preserve immediately west of Fisherman's Lake.

The Negative Declaration, p. 3-59-61 limits its discussion of black-crown night heron, great blue "egret" (correct name is great blue heron), snowy egret, and white-tailed kite to a few CNDBB records which are distant from the site. The CNDBB is notoriously outdated and incomplete. I have personally been to Fisherman's Lake on a number of occasions during the past several years and have observed all of these species roosting or otherwise using Fisherman's Lake in significant numbers. The Padre Report, §4.4.1 p. 32, 33, (EXHIBIT A) notes that over 100 species have been observed at or near Fisherman's Lake, which is many more than were disclosed in the Negative Declaration.

It appears that Foothill limited itself to outdated CNDBB information and failed to observe the species actually present. This approach very substantially understates the presence of biological resources which are impacted by the effects of nearby urban development and fails to provide credible biological information. City should not accept reports from biological consultants who engage in this practice.

For these reasons, we maintain that the impacts of urban development may be understated by the

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Mitigated Negative Declaration, and that substantial evidence does not support the findings that there are no significant unmitigated impacts.

Response 6E: See Response 5F

Comment 6F: *An EIR is Required to Address Cumulative Impacts and Growth Inducement*

An EIR or Supplemental EIR should also address growth-inducing impacts, particularly on the site of proposed "West Lakeside" and northward to I-5, and south of Fisherman Lake, particularly the former Witter property (next to Fisherman lake) which is now owned by the Gidaro Group. Steve Gidaro, in 2004, told Judith Lamare and myself that he intended to seek entitlement to develop that property.

An EIR, or Supplemental EIR, is needed to address the cumulative impacts of the Natomas Central Project in combination with the effects of reasonably foreseeable new development under City's Joint Vision for Natomas. An NOP was issued for "Joint Vision," per LAFCO resolution of August 3, 2005. "Joint Vision" did not exist at the time of the 1994 NNCP EIR Update, nor did the West Lakeside or Gidaro proposals or the numerous proposals for urban development west of El Centro Road and south of Fisherman Lake.

Response 6F: See Response 5G.

7. Jim Pacht, Attorney at Law (Original Email Comments)

Comment 7A: A 30-day comment period is required because the Negative Declaration must be submitted to the State Clearinghouse under CEQA Guideline 15205(b)(2), because one or more state agencies are a Responsible Agency or Trustee agency or otherwise has jurisdiction with respect to the project.

Notice to the State Clearinghouse and a 30-day comment period are also required by CEQA Guideline 15206(b)(3) and 15206(b)(2)(A) and 15206(b)(5) because it is a project which would:

(a) substantially affect sensitive wildlife habitat, including riparian lands and marshes (Fisherman's Lake and its shoreline) and habitat for threatened species, including threatened species using Fisherman's Lake.

(b) it is a proposed residential development of over 500 units. CEQA Guideline 15206(b)(2)(A)

Response 7A: A thirty day comment period consistent with circulation through the State Clearinghouse was conducted beginning September 13, 2005

Comment 7B: DFG is Trustee Agency having jurisdiction over wildlife resources, including threatened species, impacted by the project. Wildlife resources impacted by the project include those using Fisherman's Lake and its shoreline, which adjoin the project area and will be impacted by the project and resulting "edge effects" of dense urban use adjacent to Fisherman's Lake.

DFG also has responsibility to assure compliance with the Natomas Basin HCP, including the provision requiring a 250 foot habitat buffer alongside Fisherman's Lake. See DFG letter to the City. Such a buffer is provided, but contains public roadways within a portion of the buffer and a bicycle path at an unspecified location within the buffer. The public roadway is not compatible with a habitat buffer and

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poses a danger to giant garter snake using Fisherman's Lake and its habitat. USFWS guidelines require protection of 200 feet from the edge of channel banks (see report of Padre Associates to City, January 2005, p. 32). The proposed roadways are within 200 feet of the edge of Fisherman's Lake and create the risk of giant garter snake being run over by automobiles.

Response 7B: The California Department of Fish and Game was provided a copy of the September 12, 2005 version of the CEQA document as part of the State Clearinghouse 30-day comment period. See Comments 2A through 2H above for the comments on the document received by Jenny Marr of the California Department of Fish and Game.

Comment 7C: *The City also proposes a bicycle path within the buffer. The location is not specified, and is very likely to be within 200 feet of the edge of Fisherman's Lake.*

Response 7C: see Response 2D above.

Comment 7D: *Both the roadway and bicycle path (the latter depending on location) in the buffer pose the danger of running over giant garter snake by automobile and bicycle.*

Response 7D: see Response 2C.

Comment 7E: *DFG's responsibility to assure compliance with the 250 foot NBHCP buffer include the authority to review allowable uses within the buffer, to assure that uses within the buffer are consistent with buffering habitat from detrimental urban uses and that activities which adversely impact giant garter snake are consistent with buffering habitat from detrimental urban uses and that activities which adversely impact giant garter snake and Swainson's hawk are not authorized within the buffer.*

Response 7E: The comment is incorrect. Neither the NBHCP, the City's 2081 Permit, nor the City's implementation agreement with CDFG provides that CDFG has any "authority to review allowable uses within the buffer." Uses within the buffer are controlled by the City's NNCP and the uses provided within the project are consistent with the NNCP uses allowed within the buffer area. Moreover, the California Department of Fish and Game has commented on the project. See Responses 2B through 2H above.

Comment 7F: *DFG also has jurisdiction as a Responsible agency to issue any streambed alteration permits needed for the project. Such a permit under Fish and Game Code 1601 will be needed for the structure that will discharge storm water into Fisherman's Lake. The project also proposes to dewater (i.e. pump and dispose of groundwater) the site of the detention basin during construction. That water will very likely be discharged into Fisherman's Lake and the discharge structure will be subject to a 1601 permit. Fisherman's Lake is jurisdictional waters of the U.S.*

Response 7F: The California Department of Fish and Game commented on the document, but did not indicate that a Streambed Alteration Agreement would be required. The applicant, will however, submit a Streambed Alteration Agreement to the California Department of Fish and Game for a determination from the Department on this issue, and implement the required conditions of approval if necessary.

Comment 7G: *Issues within DFG jurisdiction are discussed at pp. 2-1, 3-50 to 3-66 of the Negative Declaration. The Negative Declaration notes that impacts to threatened species are potentially significant unless mitigated. Negative Declaration pp. 3-50, 3-100. It also appears that the authors of the Negative Declaration did not consult with DFG (Negative Declaration 6-1, Sec. 6.2). Did the City give notice of the Negative Declaration to DFG??*

<http://www.gw.cityofsacramento.org/servlet/webacc/is3uw2Y19mn0dn5Lq0/GWAP/ARE> 10/13/2005

Response 7G: The California Department of Fish and Game was provided a copy of the September 12, 2005 version of the document as part of the State Clearinghouse 30-day public review period. See Comments 2A through 2H.

Comment 7H: The Negative Declaration also notes potentially significant impacts to water quality, unless mitigated, which falls within the jurisdiction of the California Regional Water Quality Control Board. Permits and permit compliance will be needed for discharge of drainage into Fisherman's Lake, and for discharge of groundwater generated by the dewatering process, supra. Therefore, the Central Valley Regional Water Control Board is a Responsible Agency with jurisdiction over that element of the project. Issues related to water quality are discussed at pp. 3-18, 3-20, 3-21, 3-24, and 3-26 to 3-29 of the Negative Declaration. It appears that the authors of the Negative Declaration also failed to consult with the Water Board. There may be other agencies which are Responsible Agencies.

Response 7H: The Regional Water Quality Control Board, as well as other Responsible Agencies received a copy of the September 12, 2005 version of the Negative Declaration as part of the State Clearinghouse 30-day public review and comment period. See Responses 3A through 3D.

RESOLUTION NO. 2005-

Adopted by the Sacramento City Council

October 25, 2005

A RESOLUTION APPROVING THE NEGATIVE DECLARATION AND APPROVING THE MITIGATION MONITORING PLAN FOR THE NATOMAS CENTRAL PROJECT, LOCATED SOUTHWEST OF THE INTERSECTION OF DEL PASO ROAD AND EL CENTRO ROAD, IN NORTH NATOMAS, SACRAMENTO, CALIFORNIA. (P04-173) (APN: 225-0080-002, -003, -004, -015 thru -018, -062 & -064)

BACKGROUND

- A. The Environmental Coordinator has prepared a Negative Declaration for the above identified project;
- B. The Negative Declaration was prepared and circulated for the above identified project pursuant to the requirements of CEQA;
- C. The proposed Negative Declaration and comments received during the public review process were considered prior to action being taken on the project;
- D. Based upon the Negative Declaration and the comments received during the public review process, there is no substantial evidence that the project will have a significant effect on the environment, provided that mitigation measures are added to the above identified project;
- E. The Environmental Coordinator has prepared a Mitigation Monitoring Plan for ensuring compliance and implementation of the mitigation measures as proscribed in the Initial Study for the above identified project; a copy of which is attached as Exhibit A;
- F. In accordance with Section 21081.6 of the California Public Resources Code, the City of Sacramento requires that a Mitigation Monitoring Plan be developed for implementing mitigation measures as identified in the Initial Study for the project.

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

- Section 1. The City Council approves the Negative Declaration for the Natomas Central project (P04-173).
- Section 2. The City Council approves the Mitigation Monitoring Plan for the Natomas Central project (P04-173) 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;

Table of Contents:

Exhibit A: Mitigation Monitoring Plan – 25 Pages

Exhibit A: Mitigation Monitoring Plan

**Appendix E
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	<p>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.</p>	<p>During all phases of construction associated with grading, soil excavation and conditioning.</p>	<p>City of Sacramento and K. Hovnanian Forecast Homes</p>
SSG-2	<p>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.</p>	<p>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.</p>	<p>City of Sacramento and K. Hovnanian Forecast Homes</p>

Background Information for Mitigation Measure	Timing for Implementation of Mitigation Measures	Parties Responsible for Enforcement of Mitigation Measures and Monitoring
<p>SSG-3</p> <p>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.</p>	<p>During all phases of construction.</p>	<p>City of Sacramento and K. Hovnanian Forecast Homes</p>
<p>SSG-4</p> <p>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.</p>	<p>During all phases of construction.</p>	<p>City of Sacramento and K. Hovnanian Forecast Homes</p>

Background Information for Mitigation Measure	Timing for Implementation of Mitigation Measures	Parties Responsible for Enforcement of Mitigation Measures and Monitoring
<p>SSG-5</p> <p>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.</p>	<p>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.</p>	<p>City of Sacramento and K. Hovnanian Forecast Homes</p>
<p>SSG-6</p> <p>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 <i>North Natomas Drainage Design and Procedures Manual</i>. 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.</p>	<p>During all phases of construction requiring dewatering activities.</p>	<p>Contractor selected by K. Hovnanian Forecast Homes to conduct dewatering activities on the project site.</p>

Background Information for Mitigation Measure	Timing for Implementation of Mitigation Measures	Parties Responsible for Enforcement of Mitigation Measures and Monitoring
SSG-7	<p>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.</p>	<p>During all phases of construction requiring dewatering activities.</p> <p>Contractor selected by K. Hovnanian Forecast Homes to conduct dewatering activities on the project site.</p>

<p>Water</p>	<p>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.</p>	<p>City of Sacramento, K. Hovnanian Forecast Homes, contractors and subcontractors, and RWQCB</p>
<p>W-1</p>	<p>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.</p>	

<p>W-1 Continued</p>	<p>BMPs implemented, as part of the SWPPP should include the following procedures:</p> <ul style="list-style-type: none"> (1) restricting grading to the dry season (2) utilizing erosion control blankets, hydros seeding, 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 storm drain 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. 		
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<p>W-2</p>	<p>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.</p>	<p>Early summer months when construction activities anticipate the need for dewatering associated with construction of Natomas Central Lake.</p>	<p>City of Sacramento, K. Hovnanian Forecast Homes, contractors and subcontractors, and RWQCB</p>
<p>W-3</p>	<p>The project proponent will incorporate low-impact-development measures such as pervious pavement and sidewalks, and grassy swales where appropriate and feasible</p>	<p>Low impact development measures will be considered for inclusion in the project design during all phases of construction and implemented where appropriate.</p>	<p>K. Hovnanian Forecast Homes</p>

Air Quality			
AQ-1	<p>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.</p>	<p>Prior to groundbreaking.</p>	<p>K. Hovnanian Forecast Homes</p>
AQ-2	<p>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 ratings, 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</p>	<p>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.</p>	<p>Construction contractor for the project and K. Hovnanian Forecast Homes</p>

		<p>the anticipated construction timeline including start date, name and phone number of the project manager, and on-site foreman.</p>	
<p>AQ-3</p>	<p>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.</p>	<p>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).</p>	<p>Construction contractor for the project, K. Hovnanian Forecast Homes and SMAQMD</p>

<p>AQ-4</p>	<p>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.</p>	<p>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.</p>	<p>Construction contractor for the project, K. Hovnanian Forecast Homes</p>
<p>AQ-5</p>	<p>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.</p>	<p>Fees will be paid prior to the issuance of a building permit.</p>	<p>Construction contractor for the project, K. Hovnanian Forecast Homes and SMAQMD</p>

<p>AQ-6</p>	<p>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.</p>	<p>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.</p>	<p>Construction contractor for the project, K. Hovnanian Forecast Homes</p>
<p>AQ-7</p>	<p>All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 20 mph averaged over 1 hour.</p>	<p>During periods where winds exceed 20 mph averaged over 1 hour.</p>	<p>Construction contractor for the project, K. Hovnanian Forecast Homes</p>
<p>AQ-8</p>	<p>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.</p>	<p>During all phases of construction.</p>	<p>Construction contractor for the project, K. Hovnanian Forecast Homes</p>

<p>AQ-9</p>	<p>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.</p>	<p>During all phases of construction</p>	<p>Construction contractor for the project, K. Hovnanian Forecast Homes</p>
<p>AQ-10</p>	<p>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.</p>	<p>During construction of homes and facilities.</p>	<p>Construction contractor for the project, K. Hovnanian Forecast Homes and City of Sacramento</p>

<p>AQ-11</p>	<p>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 coverage 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.</p>	<p>This fee shall be paid prior to issuance of building permits.</p>	<p>Construction contractor for the project, K. Hovnanian Forecast Homes and SMAQMD</p>
<p>Biological Resources</p>			
<p>BR-1</p>	<p>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.</p>	<p>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.</p>	<p>K. Hovnanian Forecast Homes</p>

<p>BR-2</p>	<p>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.</p>	<p>Timing and implementation of these measures are variable. Consult the 2003 Natomas Basin Habitat Conservation Plan for specific details.</p>	<p>K. Hovnanian Forecast Homes</p>
<p>BR-3</p>	<p>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.</p>	<p>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.</p>	<p>K. Hovnanian Forecast Homes</p>

<p>BR-4</p>	<p>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.</p>	<p>Prior to construction activities in the vicinity of giant garter snake habitat.</p>	<p>K. Hovnanian Forecast Homes</p>
<p>BR-5</p>	<p>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.</p>	<p>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.</p>	<p>K. Hovnanian Forecast Homes</p>

<p>BR-6</p>	<p>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.</p> <p>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.</p>	<p>Upon completion of construction activities during all phases of construction all temporary fill and/or construction debris will be removed from the site.</p> <p>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.</p> <p>During all phases of construction material that could entangle snakes will not be placed within 200 feet of snake aquatic or rice habitat.</p>	<p>K. Hovnanian Forecast Homes</p>
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<p>BR-7</p>	<p>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.</p>	<p>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.</p>	<p>K. Hovnanian Forecast Homes</p>
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<p>BR-8</p>	<p>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.</p> <p>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.</p>	<p>Prior to initiation of any physical disturbance on the site.</p> <p>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.</p> <p>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.</p>	<p>K. Hovnanian Forecast Homes and City of Sacramento</p>
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<p>BR-9</p>	<p>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.</p>	<p>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.</p>	<p>CDFG and K. Hovnanian Forecast Homes</p>
<p>BR-10</p>	<p>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.</p>	<p>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.</p>	<p>K. Hovnanian Forecast Homes and City of Sacramento</p>

Noise		<p>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).</p>	<p>During all phases of construction.</p>	<p>Construction contractor and K. Hovnanian Forecast Homes.</p>
N-1	<p>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).</p>	<p>During all phases of construction.</p>	<p>Construction contractor and K. Hovnanian Forecast Homes</p>	
N-2	<p>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.</p>	<p>Prior to grading.</p>	<p>Construction contractor and K. Hovnanian Forecast Homes and City of Sacramento</p>	
N-3	<p>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.</p>			

<p>N-4</p>	<p>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.</p>	<p>During all phases of home construction.</p>	<p>Home building contractors and K. Hovnanian Forecast Homes</p>
<p>Aesthetics, Lighting and Glare</p>			
<p>ALG-1</p>	<p>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.</p>	<p>During building construction phases for the project associated with reflective materials, such as windows.</p>	<p>Construction contractor and K. Hovnanian Forecast Homes</p>
<p>ALG-2</p>	<p>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.</p>	<p>During the construction phases associated with the installation of outdoor lighting and sources of glare, including parking areas and outdoor ball fields and courts.</p>	<p>Construction contractor and K. Hovnanian Forecast Homes</p>

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
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<p>Cultural Resources</p>	<p>CR-1</p> <p>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.</p> <p>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.</p> <p>Prior to groundbreaking.</p> <p>K. Hovnanian Forecast Homes</p>
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<p>CR-2</p>	<p>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.</p>	<p>During all stages of earthmoving activities. Contact a qualified archeologist immediately if any archeological resources are uncovered during construction.</p>	<p>Construction contractor and K. Hovnanian Forecast Homes</p>
<p>CR-3</p>	<p>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.</p>	<p>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.</p>	<p>Construction contractor and K. Hovnanian Forecast Homes</p>
<p>CR-4</p>	<p>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.</p>	<p>Prior to groundbreaking.</p>	<p>K. Hovnanian Forecast Homes</p>

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

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ORDINANCE NO. 2005-

Adopted by the Sacramento City Council

October 25, 2005

AN ORDINANCE RELATING TO THE APPROVAL OF A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SACRAMENTO AND K. HOVNANIAN FORECAST HOMES, INC., A CALIFORNIA CORPORATION, GEORGE TSAKOPOULOS AND DROSOULA TSAKOPOULOS, TRUSTEES OF THE TSAKOPOULOS FAMILY TRUST, AND NATOMAS INVESTORS, LLC, A DELAWARE LIMITED LIABILITY COMPANY, FOR PROPERTY LOCATED IN NORTH NATOMAS, SOUTHWEST OF THE INTERSECTION OF DEL PASO ROAD AND EL CENTRO ROAD, SACRAMENTO, CA.

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

Section 1. This Ordinance incorporates, and by this reference makes part hereof, that certain Development Agreement, by and between the City of Sacramento and K. Hovnanian Forecect Homes, Inc., a California Corporation, George Tsakopoulos and Drosoula Tsakopoulos, Trustees of the Tsakopoulos Family Trust, and Natomas Investors, LLC, a Delaware limited liability company, a copy of which is attached.

Section 2. The City Council enacts this ordinance against the following background:

- A. The agreement is consistent with the city general plan and the goals, policies, standards and objectives of any applicable specific or community plan.
- B. The project should be encouraged in order to meet important economic, social, environmental or planning goals of any applicable specific or community plan.
- C. The project would be unlikely to proceed in the manner proposed in the absence of a Development Agreement.
- D. The landowner will incur substantial costs in order to provide public improvements, facilities or services from which the general public will benefit.
- E. The landowner will participate in all programs established and/or required under the general plan or any applicable specific or community plan and all of its approving resolutions (including any mitigation monitoring plan), and has agreed to financial participation required under any applicable financing plan and its implementation measures, all of which will accrue to the benefit of the public.

F. The landowner has made commitments to a high standard of quality and has agreed to all applicable land use and development regulations.

Section 3. The attached Development Agreement is hereby approved, and the Mayor is authorized to execute the Development Agreement on behalf of the City of Sacramento after the effective date of this Ordinance. This approval and authorization is based upon the Negative Declaration and Mitigation Monitoring Plan which is the subject of a separate resolution adopted by City Council prior to or concurrent with the adoption of this Ordinance.

Table of Contents:

Exhibit A: Development Agreement – 1 Page

A copy of the Development Agreement
is available for Review at:

City of Sacramento
Development Services Department, Planning Division
915 I Street
Sacramento, CA 95814
(916) 808-5381

8 a.m. - 5 p.m.
Monday through Friday

RESOLUTION NO. 2005-

Adopted by the Sacramento City Council

October 25, 2005

RESOLUTION ADOPTING AN INCLUSIONARY HOUSING PLAN FOR THE NATOMAS CENTRAL DEVELOPMENT PROJECT FOR PROPERTY LOCATED IN NORTH NATOMAS, SOUTHWEST OF THE INTERSECTION OF DEL PASO ROAD AND EL CENTRO ROAD, SACRAMENTO, CALIFORNIA. (P04-173) (APN: 225-0080-002, -003, -004, -015 thru -018, -062 & -064)

BACKGROUND

- A. The Mixed Income Housing Policy adopted in the City of Sacramento Housing Element and required by the City's Mixed Income Housing Ordinance, requires that ten percent of the units in a residential development project be affordable to very low income households and five percent to low income households;
- B. The City Council conducted a public hearing on October 25, 2005 concerning the above Inclusionary Housing Plan and based on documentary and oral evidence submitted at the public hearing, the Council hereby finds:

The proposed Plan is consistent with Chapter 17.190 of the City Code which requires an Inclusionary Housing Plan setting forth the number, unit mix, location, structure type, affordability and phasing of the Inclusionary Units in the residential development;

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

- Section 1. The City Council adopts the Inclusionary Housing Plan for the Natomas Central project, attached hereto as Exhibit A.

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Exhibit A: Inclusionary Housing Plan

**Natomas Central
Inclusionary Housing Plan
September 8, 2005**

Proposed Project

K. Hovnanian Forecast Homes, (the "Developer") is the owner and developer of certain real property in the City of Sacramento on which it proposes to develop and construct the Natomas Central Project (the "Project"), a low, medium, and high-density residential community. The approximately 397.9 ± gross acre project is generally located on the southwest corner of Del Paso and El Centro Roads, at the western edge of the City of Sacramento's North Natomas Community Plan area. The Project consists of a total of 2,533 residential dwelling units.

Mixed Income Housing Policy

The Project site is subject to the City's Mixed Income Housing Policy. The Mixed Income Housing Policy adopted in the City of Sacramento Housing Element and required by the City's Mixed-Income Housing Ordinance, City of Sacramento City Code Chapter 17.190 requires that ten percent (10%) of the units in a Residential Project be affordable to very low income households and five percent (5%) to low income households (collectively the "Inclusionary Requirement" and "Inclusionary Units").

Pursuant to the City Code Section 17.190.110 (B), an Inclusionary Housing Plan ("Plan") must be approved prior to or concurrent with the approval of legislative or adjudicative entitlements for the Project. City Code Section 17.190.030 sets forth the number, unit mix, location, structure type, affordability and phasing of the Inclusionary Units in the Project. This document constitutes the Plan, and, as supplemented and amended from time to time, is intended to begin implementation of the Inclusionary Requirement for the Project. All future approvals for the Project shall be consistent with this Inclusionary Housing Plan.

The Inclusionary Requirement for the Project will be set forth in more detail in the Inclusionary Housing Agreement executed by Developer and the Sacramento Housing and Redevelopment Agency ("SHRA") and recorded against all the Inclusionary Housing Units. The Inclusionary Housing Agreement shall be executed and recorded no later than the approval of the first final map for the residential condominium subdivision or residential construction phase. The Inclusionary Housing Agreement will describe with particularity the site and building schematics, phasing and income and sales restrictions for the construction and financing of the Inclusionary Units, pursuant to City Code Section 17.190.110 (C). The Inclusionary Housing Agreement shall be consistent with this Plan.

Number of Inclusionary Units

The Developer, or its successors and assignees, shall construct or cause to be constructed a number of dwelling units affordable to Very Low Income Households ("Very Low Income Units") and Low Income Households ("Low Income Units") as defined in the Sacramento City Code Section 17.190.020, equal to ten percent (10%) and five percent (5%) of the total number of housing units approved for the Project, respectively.

Based on the current Project proposal of 2533 residential units, the Inclusionary Requirement for the Project is 253 Very Low Income Units (10%) and 127 Low Income Units (5%).

Total Number of Residential Units within Project:		380	Units
Very Low Income Units:	10%	253	Units
Low Income Units:	5%	127	Units
Total Number of Inclusionary Units:		380	Units

If the Project approvals are amended to increase the number of units in the Project, this Plan will be amended to reflect a number of equal to ten percent (10%) of the increased total residential units in the amended entitlements for Very Low Income Units and five percent (5%) for Low Income Units. If the Project approvals are amended to decrease the number of residential units in the Project, this Plan will be amended to reflect a number equal to ten percent (10%) of the decreased total residential units in the amended entitlements for Very Low Income Units and five percent (5%) for Low Income Units. However, after a building permit has been issued for a structure to contain Inclusionary Units, those Units will be constructed and maintained as Inclusionary Units pursuant to the terms of Chapter 17.190 of the City Code regardless of any subsequent reduction in the number of approved total residential units.

Units by Type and Tenure

The Inclusionary Housing Units shall consist of 380 total rental units divided between Lots C & D of the proposed Project and shall be retained by the Developer, its heirs, successors, or assigns as rental units affordable to Low and Very Low Income households. The Developer, its heirs, successors, or assigns shall retain the units for a minimum of 30 years and shall ensure that they are professionally managed by an accredited property management company.

Size and Bedroom Count

Inclusionary Units shall be located on-site within Lots C and D of the Natomas Central Project as part of senior and family oriented multi-family residential developments.

Both lots will be developed with a range of unit types and sizes. In the family oriented development, units will range in size from approximately 550 to 1,300 square feet in one, two and three bedroom configurations. The project's senior affordable component will generally have smaller units ranging in size from 550 to 1,000 square in one and two bedroom configurations. However, notwithstanding this projected unit mix, it is anticipated that specific unit types and sizes will be determined in conjunction with individual development of Inclusionary Units on Lots C and D of the Project.

Pursuant to Section 17.190.110(B)(3)(d) of the Sacramento City Zoning Code, any future amendments to this Plan to modify unit types or sizes in conjunction with the development of Inclusionary Units on Lots C and D shall be made at the staff level by the Planning Director or his/her designee

<u>Affordability Orientation</u>	Approx. Number of Units ϕ	Inclusionary Units ϕ	Unit Distribution	Unit Type	Approx. Unit Size
Family Affordable (Lot C)	200	200 VL and L distributed proportionally by unit type/size	0% to 30%	1 Bedroom	550sf to 800sf
			30% to 70%	2 Bedroom	700sf to 1,000sf
			20% to 40%	3 Bedroom	1,000sf to 1,300sf
Senior Affordable (Lot D)	180	180 VL and L distributed proportionally by unit type/size	60% to 80%	1 Bedroom	550sf to 800sf
			20% to 40%	2 Bedroom	700sf to 1,000sf
TOTAL	380	253 VL 127 L			

ϕ The number of Inclusionary Units developed on Lot C and D may vary from the number identified in the above table by up to twenty (20) units provided that the aggregate number of Inclusionary Units developed between the two sites equals 380 total units.

Location of Inclusionary Units within Project

Inclusionary Units will generally be dispersed between Lots C and D with approximately 200 units allocated to the family oriented development on Lot C and approximately 180 units allocated to the senior oriented development on Lot D. The allocation of units between Lots C and D may vary as part of affordable project

development on these Lots by up to a total of twenty (20) units provided that the aggregate number of Inclusionary Units developed between the two sites equals 380 total units. This dispersal is generally depicted in the attached Exhibit "A". The location of the Inclusionary Units within the Project is subject to Amendment, consistent with City Code Section 17.190.110 B (1).

Affordability Requirements

The Inclusionary Units will be rented. These rental units will meet the requirements of City Code Section 17.190.030 regarding number and affordability of units, their location, timing of development, unit sizes, exterior appearance and development standards. The rental units will be available to low and very low income households. Family size for affordable rental units shall be determined in accordance with the regulations of the California Tax Credit Allocation Committee. Monthly Affordable Rents (including utility allowances) of the Inclusionary Units shall be restricted to Low and Very Low Income Households. A unit whose occupancy is restricted to a Very Low Income Household has a monthly rent that does not exceed one-twelfth of thirty percent (30%) of fifty percent (50%) of the Sacramento area median income, adjusted for family size. A unit whose occupancy is restricted to a Low Income Household has a monthly rent that does not exceed one-twelfth of thirty percent (30%) of eighty percent (80%) of the Sacramento area median income, adjusted for family size. Median income figures are those published annually by the United States Department of Housing and Urban Development. With respect to each Inclusionary Unit, the affordability requirements of this Plan shall continue for no less than thirty (30) years from the recordation of the notice of completion of the Residential Project.

The Developer or builder may seek incentives, assistance, or subsidies pursuant to City Code Section 17.190.040. One such incentive is the allowance for fee waivers and/or deferrals for those units fulfilling the Inclusionary Requirement. The Developer will work with the City to determine the fee reductions and other incentives available.

Incentives

The Developer or builder may seek incentives, assistance, or subsidies pursuant to City Code Section 17.190.040. One such incentive is the allowance for fee waivers and/or deferrals for those units fulfilling the Inclusionary Requirement. The Developer will work with the City to determine the fee reductions and other incentives available.

Marketing

The Developer shall be required to market Inclusionary Units in the same manner as non-Inclusionary Units. Such marketing activities may include newspaper and internet advertisements, toll free project information numbers, and on or off-site project signage.

Phasing of Development of the Inclusionary Units

The Inclusionary Units shall be developed concurrently with the development of the remaining units in the Project, as may be further defined in Sacramento City Code Section 17.190.030(D). The nature of the concurrency is defined by a series of linkages between approvals of the market rate units and the development of the Inclusionary Units.

Market Rate Housing/Inclusionary Unit Linkages

The following describes the relationship of market rate development activity to the Inclusionary Unit development activity. These milestones are outlined to ensure that the development of affordable units occurs concurrent with development of market rate units:

- The Inclusionary Housing Plan shall be approved concurrent with the approval of the Project's tentative map.
- The Inclusionary Housing Agreement shall be executed and recorded concurrent with the recordation of the Project's first final small lot subdivision map for the Project.
- Inclusionary Units shall generally be built concurrently with the market-rate units within the Project consistent with the following provision.
- Up to 65% of the building permits for buildings containing for sale residential units may be issued prior to issuance of building permits for all buildings containing inclusionary units. The remaining 35% of building permits for buildings containing for-sale residential units may be issued after issuance of all building permits for the buildings containing inclusionary units.
- Marketing of inclusionary units within the Project shall occur concurrently with the marketing of market rate units.

Amendment and administration of the Inclusionary Housing Plan

The Planning Director, with the advice of the Executive Director of SHRA, shall administer this Inclusionary Housing Plan. The Planning Director may make minor administrative amendments to the text of this Plan as provided in Sacramento City Code Section 17.190.110 B. (1).

RESOLUTION NO. 2005-

Adopted by the Sacramento City Council

October 25, 2005

RESOLUTION AMENDING THE GENERAL PLAN AMENDMENT TO REDESIGNATE 397.9+/- VACANT ACRES CONSISTING OF 244.4+/- ACRES OF LOW DENSITY RESIDENTIAL (4-15 DU/NA), 29.2+/- ACRES OF MEDIUM DENSITY RESIDENTIAL (16-29 DU/NA), 54.8+/- ACRES OF PARKS-RECREATION-OPEN SPACE, 23.8+/- ACRES OF PUBLIC/QUASI-PUBLIC MISCELLANEOUS, 40.3+/- ACRES OF MIXED USE, AND 5.4+/- ACRES OF COMMUNITY/NEIGHBORHOOD COMMERCIAL & OFFICE TO 233.5+/- ACRES OF LOW DENSITY RESIDENTIAL (4-15 DU/NA), 71.9+/- ACRES OF MEDIUM DENSITY RESIDENTIAL (16-29 DU/NA), 66.6+/- ACRES OF PARKS-RECREATION-OPEN SPACE, AND 25.9+/- ACRES OF WATER, IN THE PROPOSED NATOMAS CENTRAL PLANNED UNIT DEVELOPMENT, LOCATED IN NORTH NATOMAS, SOUTHWEST OF THE INTERSECTION OF DEL PASO ROAD AND EL CENTRO ROAD, IN NORTH NATOMAS, SACRAMENTO, CALIFORNIA. (P04-173) (APN: 225-0080-002, -003, -004, -015 thru -018, -062 & -064)

BACKGROUND

- A. The Planning Commission conducted a public hearing on October 13, 2005, and the City Council conducted a public hearing on October 25, 2005 concerning the above plan amendment and based on documentary and oral evidence submitted at the public hearing, the Council hereby finds:
1. The proposed land use amendment is compatible with the surrounding land uses;
 2. The subject site is suitable for single-family residential development, multi-family residential development, and parks-open space; and
 3. The proposal is consistent with the policies of the North Natomas Community Plan and the General Plan.

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

Section 1. The City Council adopts the General Plan Amendment for the property, as described on the attached Exhibit A in the City of Sacramento, and the property is hereby redesignated on the General Plan land use map from 397.9+/- vacant acres consisting of 244.4+/- acres of Low Density Residential (4-15 du/na), 29.2+/- acres of Medium Density Residential (16-29 du/na), 54.8+/- acres of Parks-Recreation-Open Space, 23.8+/- acres of Public/Quasi-Public Miscellaneous, 40.3+/- acres of Mixed Use, and 5.4+/- acres of Community/Neighborhood Commercial & Office ~~to~~ 233.5+/- acres of Low Density Residential (4-15 du/na), 71.9+/- acres of Medium Density Residential (16-29 du/na), 66.6+/- acres of Parks-Recreation-Open Space, and 25.9+/- acres of Water (APN: 225-0080-002, -003, -004, -015 thru -018, -062 & -064)

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Exhibit A: General Plan Amendment Exhibit – 1 Page

RESOLUTION NO. 2005-

Adopted by the Sacramento City Council

October 25, 2005

RESOLUTION AMENDING THE NORTH NATOMAS COMMUNITY PLAN AMENDMENT TO REDESIGNATE 101.7+/- ACRES OF LOW DENSITY RESIDENTIAL (3-10 DU/NA), 128.4+/- ACRES OF MEDIUM DENSITY RESIDENTIAL (7-21 DU/NA), 25.8+/- ACRES OF HIGH DENSITY RESIDENTIAL (11-29 DU/NA), 52.9+/- ACRES OF PARKS/OPEN SPACE, 5+/- ACRES OF COMMUNITY COMMERCIAL, 33.4+/- ACRES OF EMPLOYMENT CENTER-50, 2.3+/- ACRES OF INSTITUTION, AND 19+/- ACRES OF GENERAL PUBLIC FACILITIES TO 129.9+/- ACRES OF LOW DENSITY RESIDENTIAL (3-10 DU/NA), 110.8+/- ACRES OF MEDIUM DENSITY RESIDENTIAL (7-21 DU/NA), 29.5+/- ACRES OF HIGH DENSITY RESIDENTIAL (11-29 DU/NA), 91.6+/- ACRES OF PARKS/OPEN SPACE, 2+/- ACRES OF INSTITUTION, 8.0+/- ACRES OF GENERAL PUBLIC FACILITIES, AND 25.9+/- ACRES OF MAJOR AND SECONDARY ROADWAYS, LOCATED IN NORTH NATOMAS, SOUTHWEST OF THE INTERSECTION OF DEL PASO ROAD AND EL CENTRO ROAD, IN NORTH NATOMAS, SACRAMENTO, CALIFORNIA. (P04-173) (APN: 225-0080-002, -003, -004, -015 thru -018, -062 & -064)

BACKGROUND

- A. The Planning Commission conducted a public hearing on October 13, 2005, and the City Council conducted a public hearing on October 25, 2005 concerning the above plan amendment and based on documentary and oral evidence submitted at the public hearing, the Council hereby finds:
1. The proposed land use amendment is compatible with the surrounding land uses;
 2. The subject site is suitable for single-family residential development, multi-family residential development, and parks-open space; and
 3. The proposal is consistent with the policies of the North Natomas Community Plan and the General Plan.

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

Section 1. The City Council adopts the Community Plan Amendment for the property, as described on the attached Exhibit A in the City of Sacramento, is hereby redesignated on the Community Plan land use map from 101.7+/- acres of Low Density Residential (3-10 du/na), 128.4+/- acres of Medium Density Residential (7-21 du/na), 25.8+/- acres of High Density Residential (11-29 du/na), 52.9+/- acres of Parks/Open Space, 5+/- acres of Community Commercial, 33.4+/- acres of Employment Center-50, 2.3+/- acres of Institution, and 19+/- acres of General Public Facilities ~~to~~ 129.9+/- acres of Low Density Residential (3-10 du/na), 110.8+/- acres of Medium Density Residential (7-21 du/na), 29.5+/- acres of High Density Residential (11-29 du/na), 91.6+/- acres of Parks/Open Space, 2+/- acres of Institution, 8.0+/- acres of General Public Facilities, and 25.9+/- acres of major and secondary roadways (APN: 225-0080-002, -003, -004, -015 thru -018, -062 & -064)

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Exhibit A: North Natomas Community Plan Amendment Exhibit – 1 Page

Exhibit A- North Natomas Community Plan Amendment Exhibit

COMMUNITY PLAN AMENDMENT EXHIBIT NATOMAS CENTRAL CITY OF SACRAMENTO, CALIFORNIA

SEPTEMBER 2, 2004
REVISED, JANUARY 17, 2005
REVISED, JANUARY 17, 2005
REVISED, OCTOBER 4, 2005

PO4-173
REVISED
Rec'd 10-4-05

WOOD RODGERS
ENGINEERING - PLANNING - SURVEYING
330 SOUTH 18TH AVENUE, SUITE 100
SACRAMENTO, CA 95816
PHONE: 916.481.7765 FAX: 916.481.7767

COMMUNITY PLAN SUMMARY TABLE

DESIGNATION	LAND USE	EXISTING	PROPOSED	DIFFERENCE
LD	LOW DENSITY RESIDENTIAL (3-10 DU/AC)	101.7	130.6	+28.1
MD	MEDIUM DENSITY RESIDENTIAL (7-21 DU/AC)	124.4	110.6	-13.8
HD	HIGH DENSITY RESIDENTIAL (31-24 DU/AC)	12.4	24.5	+12.1
P	PARK/RECREATION	13.3	26.0	+12.7
ES	ELEMENTARY SCHOOL	9.4	0.0	-9.4
JHS	JUNIOR HIGH SCHOOL	0.0	0.0	0.0
CC	COMMUNITY CENTER	31.6	33.7	+2.1
CC	COMPLANT COMMERCIAL	0.0	0.0	0.0
CS	FIRE STATION	1.4	2.0	+0.6
CCM	COMPLANT CENTER	0.0	0.0	0.0
EC-50	EMPLOYMENT CENTER (50 EMPLOYEES/AC)	13.3	0.0	-13.3
HOSPITAL	HOSPITAL	16.4	0.0	-16.4
MAJOR + SECONDARY ROADS		25.4	25.3	-0.1
		317.9	317.9	0.0

LOCATION MAP

Existing Community Plan

ORDINANCE NO. 2005-

Adopted by the Sacramento City Council

October 25, 2005

AN ORDINANCE AMENDING THE DISTRICTS ESTABLISHED BY THE COMPREHENSIVE ZONING ORDINANCE, TITLE 17 OF THE SACRAMENTO CITY CODE, AS AMENDED, BY REZONING 122.3+/- ACRES OF MANUFACTURING-INDUSTRIAL PARK PLANNED UNIT DEVELOPMENT (MIP-PUD), 3.0+/- ACRES OF SHOPPING CENTER PUD (SC-PUD), AND 272.6+/- ACRES OF AGRICULTURE-OPEN SPACE PUD (A-OS-PUD) TO 147.3+/- ACRES OF STANDARD SINGLE FAMILY PUD (R-1-PUD), 93.2+/- ACRES OF SINGLE FAMILY ALTERNATIVE PUD (R-1A-PUD), 33.6+/- ACRES OF MULTI-FAMILY PUD (R-2B-PUD), 38.3+/- ACRES OF MULTI-FAMILY PUD (R-3-PUD), AND 85.5+/- ACRES OF AGRICULTURE-OPEN SPACE PUD (A-OS-PUD) FOR PROPERTY LOCATED IN NORTH NATOMAS, SOUTHWEST OF THE INTERSECTION OF DEL PASO ROAD AND EL CENTRO ROAD.

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

Section 1. The attached Exhibit 1 describes properties and both their current zoning and the zone in which they are to be placed pursuant to this amendment.

- A. The zoning designation for the following property that constitutes 397.9+/- acres is hereby removed from said zones and placed in the following zones: 147.3+/- acres of Standard Single Family PUD (R-1-PUD), 93.2+/- acres of Single Family Alternative PUD (R-1A-PUD), 33.6+/- acres of Multi-Family PUD (R-2B-PUD), 38.3+/- acres of Multi-Family PUD (R-3-PUD), and 85.5+/- acres of Agriculture-Open Space PUD (A-OS-PUD).

APN: 225-0080-002, -003, -004, -015 thru -018, -062 & -064

Section 2. The City Clerk of the City of Sacramento is hereby directed to amend the official zoning maps, which are a part of said Ordinance, to conform to the provisions of this ordinance.

Subject: Natomas Central

October 25, 2005

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Exhibit A: Rezone Exhibit – 1 Page

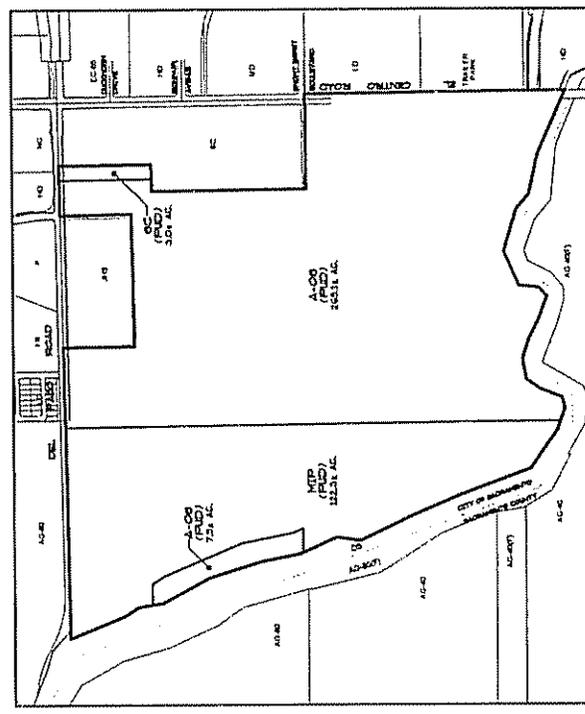
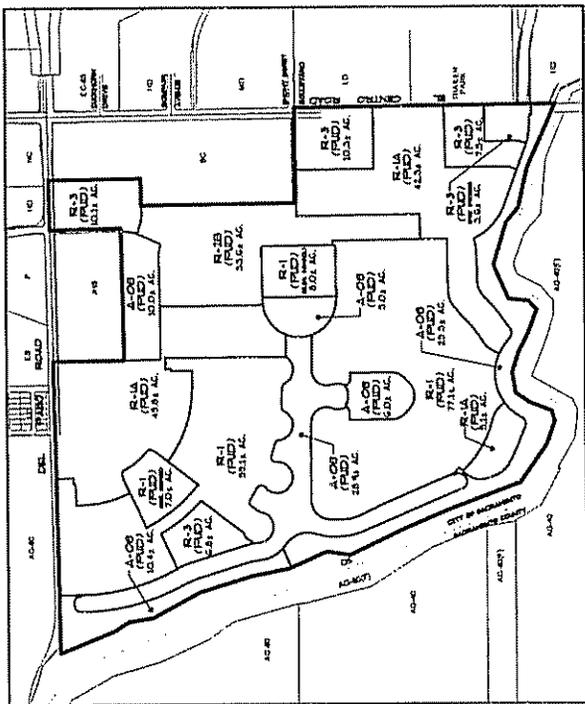
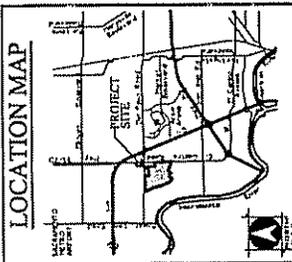
REZONE EXHIBIT
NATOMAS CENTRAL
 CITY OF SACRAMENTO, CALIFORNIA

DATE PREPARED: 10/10/05
 DATE REVIEWED: 10/10/05
 REVIEWED BY: JAMES W. BROWN
 DATE APPROVED: 10/10/05
 APPROVED BY: JAMES W. BROWN

PO4-173
 REVISED
 Rec'd 10-4-05

ZONING SUMMARY TABLE

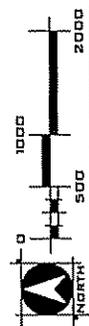
DESIGNATION	LAND USE	EXISTING	PROPOSED	DIFFERENCE
MF (CUD)	MANUFACTURING-INDUSTRIAL PARK	122.3	0	-122.3
SC (CUD)	SHOPPING CENTER	3.0	0	-3.0
R-1 (CUD)	STANDARD SINGLE-FAMILY	0	147.2	+147.2
R-1A (CUD)	SINGLE-FAMILY (15 DU/AC MAX)	0	43.2	+43.2
R-2 (CUD)	SINGLE-FAMILY (12 DU/AC MAX)	0	33.6	+33.6
R-2B (CUD)	MULTI-FAMILY (24 DU/AC MAX)	0	36.5	+36.5
A-05 (CUD)	AGRICULTURE-OPEN SPACE	272.6	35.5	-237.1
		371.9	371.9	



WOOD ROGERS
 ENGINEERING ARCHITECTURE
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Proposed Zoning

Existing Zoning



RESOLUTION NO.

Adopted by the Sacramento City Council

October 25, 2005

RESOLUTION TO ESTABLISH A PLANNED UNIT DEVELOPMENT, INCLUDING A SCHEMATIC PLAN AND GUIDELINES, FOR THE NATOMAS CENTRAL PLANNED UNIT DEVELOPMENT, LOCATED SOUTHWEST OF THE INTERSECTION OF DEL PASO ROAD AND EL CENTRO ROAD. (P04-173) (APN: 225-0080-002, -003, -004, -015 thru -018, -062 & -064)

BACKGROUND

- A. The City Council conducted a public hearing on October 25, 2005, to consider the establishment of the Natomas Central Planned Unit Development (PUD) and adopt the Planned Unit Development Schematic Plan and Guidelines for the Natomas Central development. Based on documentary and oral evidence submitted at said public hearing, the City Council hereby finds:
1. The PUD conforms to the General Plan and the 1994 North Natomas Community Plan; and
 2. The PUD meets the purposes and criteria stated in the City Zoning Ordinance in that the PUD facilitates mixed uses designed to assure that new development is healthy and of long-lasting benefit to the community and the City; and
 3. Development of the PUD will not be injurious to the public welfare, nor to other property in the vicinity of the development and will be in harmony with the general purposes and intent of the Zoning Ordinance in that the PUD ensures that development will be well-designed and that the employment center uses do not create a negative impact on adjacent uses.

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

- Section 1 The City Council of the City of Sacramento, in accordance with the City Code, Chapter 17, decided that the Natomas Central Planned Unit Development with the Development Guidelines and Schematic Plan (as shown on the attached Exhibits A and B) are hereby approved subject to the following conditions:

- A. The applicant shall develop a Transportation Systems Management Air Quality (TSMAQ) Plan for residential development.
- B. There are no Special Permits for residential development being approved with this application (P04-173). Any construction of residences or the recreation center within Natomas Central shall require the review and approval according to the Zoning Code.
- C. In accordance with City Council Resolution 2005-598, uses within the required Fisherman's Lake Buffer area shall be as follows: within the 300-foot wide section of the buffer: 1) a nature park, 2) detention basin, 3) pedestrian and bikeways subject to closure during critical nesting season, and 4) other non-urban open space uses. Within the 200-foot wide buffer area, south and east of the southernmost nesting tree, the following uses are allowed: 1) all those uses allowed in the nesting tree buffer area, 2) pedestrian and bikeways not subject to closure, 3) public and maintenance roadways.
- D. Any proposed landscaping adjacent to the off-street bike/pedestrian trail or within the required buffer area shall be subject to review and approval by the Planning Director prior to installation.
- E. In accordance with City Council Resolution 2005-598 (adopted August 9, 2005), the applicant or successor in interest shall develop a planting plan for review and approval by City staff with the purpose of screening the known Swainson's hawk nesting sites from urban development through the planting of evergreen trees. Additional trees may also be required to provide future nesting tree opportunities.
- F. In accordance with City Council Resolution 2005-598, the bike and pedestrian trails through the Nesting Tree Buffer Area are subject to closure during critical nesting season for the Swainson's hawk as determined by a biologist certified by US Fish and Wildlife Service and California Department of Fish and Game. A bike/pedestrian trail detour shall be provided that is short and direct for the segment of trail that is closed. Use of hawk nesting trees should be monitored annually and if the nesting trees are not used by Swainson's hawks, the trail may stay open through the critical nesting season.
- G. All lighting proposed to be located at project entryways and within the buffer area is subject to review and approval by the Planning Director and other applicable City departments.

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Exhibit A: PUD Guidelines Exhibit – 53 pages

Exhibit B: PUD Schematic Plan Exhibit – 1 page

NATOMAS CENTRAL PLANNED UNIT DEVELOPMENT GUIDELINES

4 OCTOBER 2005

DRAFT 5

Prepared for:

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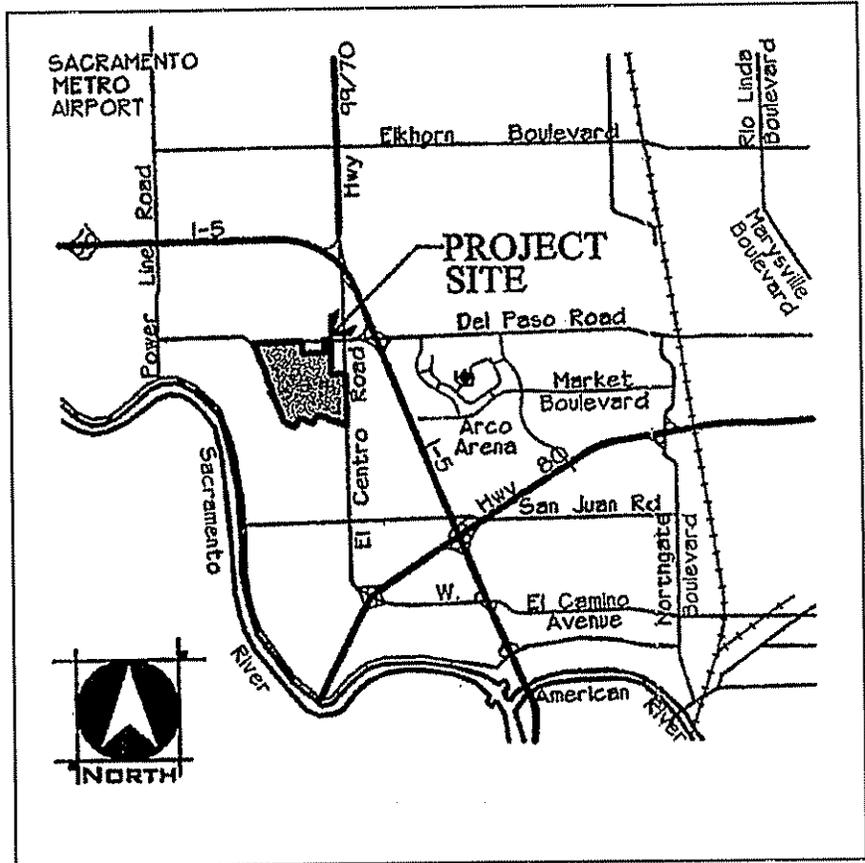
I ntroduction

PURPOSE

The purpose of these guidelines is the creation of an aesthetically pleasing community that is safe, diverse and convenient for residents and visitors. These guidelines establish a community vision and enumerate means of attaining that vision. These guidelines address those physical attributes of the community by stressing traditional design, diversity of style and housing types, safe means of movement within the community and the provision of recreation and visual amenities for all community members.

LOCATION

Natomas Central is a comprehensively planned new residential community located in the rapidly expanding North Natomas area of the City of Sacramento California and is situated midway between the Sacramento International Airport and Downtown. The site is west of Interstate 5 and southwest of the intersection of El Centro and Del Paso Roads.



Project Location Map

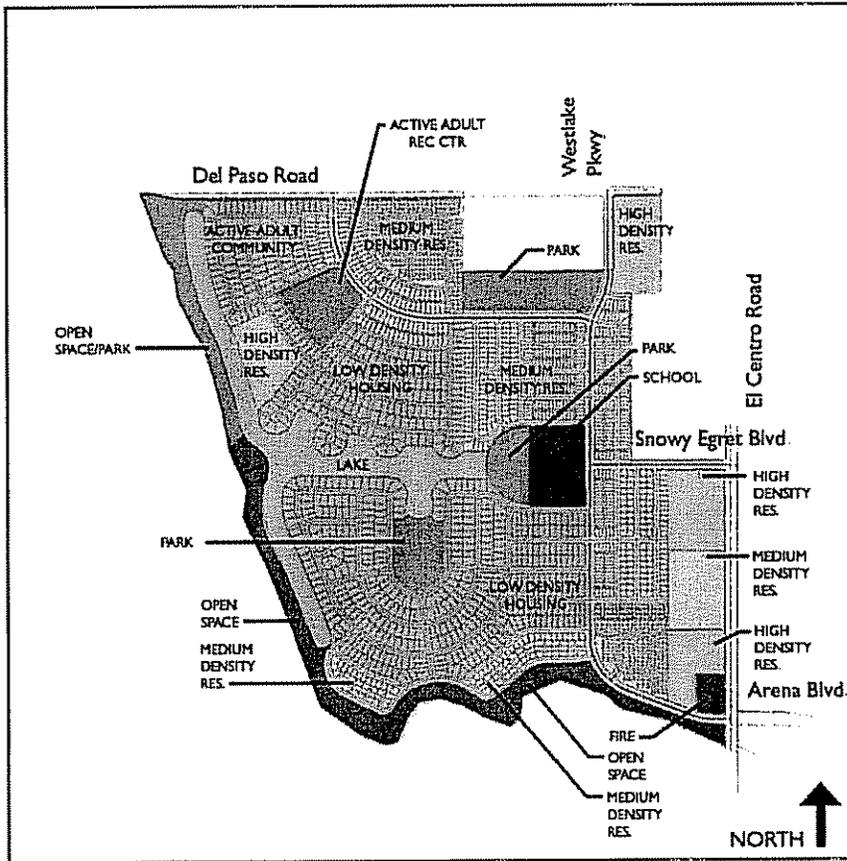
PROJECT DESCRIPTION

Natomas Central offers two distinct but related housing experiences – first, a traditional new community serving a wide range of residents with varying income levels and family structures and, second, an age-restricted community serving active seniors.

Lago Natomas, a community lake, is the focal point of the community. Community-serving facilities including an elementary school, fire station, parks and an active adult recreation center are envisioned as

I ntroduction

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Project Concept

architecturally significant structures whose presence add vitality to the community.

Elegant landscaping and streetscapes, a network of community parks and walks as well as a landscaped edge abutting a permanent open space lends lushness, privacy and exclusivity to this community.

The Natomas Central Plan proposes approximately 1770 single family dwelling units dispersed over 184 acres, approximately 560 high density residential units dispersed over approximately 30 acres, community facilities (elementary school, a fire station, a recreation center) occupying approximately 17 acres, approximately 32 acres of park land, 24 acres of open space and a 29-acre lake. Road rights-of-way comprise the remaining acreage in the project. Total acreage within Natomas Central is 397.9 acres. All of the above acreages are gross acres.

RELATIONSHIP TO EXISTING PLANS

Natomas Central is planned and designed consistent with direction provided by the North Natomas Community Plan, the North Natomas Community Plan Development Guidelines and input by and consultation with City of Sacramento Planning staff.

The entitlement process for Natomas Central includes simultaneous amendments to the City's General Plan, Zoning Ordinance and to the North Natomas Community Plan, creating consistency among these three major policy documents.

I ntroduction

DESIGN REVIEW

In order to assure that high and consistent standards are maintained, the Natomas Central Design Review Committee (NCDRC) has been established.

The purpose NCDRC is to provide design input and approval of design issues relating to development within Natomas Central. In the approval process, the NCDRC shall adhere to these Guidelines. On issues not addressed within these Guidelines, existing City of Sacramento codes, regulations and policies shall apply.

The NCDRC shall be created by the Natomas Central Master Declaration of Covenants, Conditions and Restrictions and shall be responsible for determining compliance with the Guidelines and future adopted standards.

Two types of entitlement requests – planning entitlement or building permit – initiate the design review process. During the formal submission to the City of Sacramento for either of these two types of entitlement, a submission to the NCDRC is required. Detailed submission requirements and schedules shall be determined by the NCDRC and made available to applicants.

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Planning Principles

CONTEXT

Natomas Central is located at the western extremity of the area known as North Natomas. To guide development within this area, the City of Sacramento developed and adopted a master plan known as the North Natomas Community Plan.

Natomas Central is located within an historic floodplain of the Sacramento River. The Sacramento River was channelized to avoid future inundations and the lands within the historic inundation area remained in agricultural uses including grazing and rice production. Remnants of old drainage patterns, rich in wildlife diversity, abut Natomas Central.

Open space, in the form of permanent habitat, is adjacent to Natomas Central to the south and west of the development. The lands east and north of Natomas Central are being developed as part of the City of Sacramento's northward expansion.

SITE AND PERIPHERAL CONDITIONS

The most important peripheral condition is the area contained within the jurisdiction of the Natomas Basin Habitat Conservation Plan (NBHCP). The lands within the plan's jurisdiction are set aside for the protection of important wildlife species and present an impenetrable physical barrier to the west. Although access to the NBHCP area is limited, the NBHCP area is physically off-limits. Its scenic value is a visual resource for the residents of Natomas Central and for the entire Natomas Community.

PLANNING PRINCIPLES

The following planning and design issues have been identified as important and these Guidelines address each issue.

- Compatibility with surrounding development. The developed areas surrounding Natomas Central are a mixture of residential and commercial uses. These Guidelines address materials, styles, housing product types, landscape treatments and community edges in a manner consistent with the vision of the North Natomas Community Plan.
- Creation of a distinctive look and feel for Natomas Central. The look of the community shall reflect an overall Mediterranean-style/ Spanish Revival theme that is prevalent throughout North

P

lanning Principles

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Natomas. Other types/themes can be approved through the City review process.

- Consistent landscape and entry treatments, signage and housing styles. Muted colors, simple landscape treatments and a shared material palette establish an understated consistency throughout the community.

- Minimal impact on the adjacent Habitat Conservation Plan area. All development within Natomas Central shall be setback from the Natomas Basin Habitat Conservation Area by means of fencing, parks and/or open space. A trail will traverse the perimeter open space system and provide visual access to this rich environmental resource. This trail system provides opportunities for partnering with educational institutions and environmental groups for interpretative programs.

- Incorporation of storm water drainage as a lake amenity. The flat terrain of the North Natomas area requires innovative drainage solutions. The creation of Lago Natomas incorporates needed drainage within the community.

- Maintenance of high quality lake water. Advanced storm water treatment ensures a continued high quality of lake water suitable for recreational uses and as a visual amenity.

- Provision of a community pedestrian and bicycle network. A trail system linking the peripheral park and open space with Lago Natomas has been created to provide internal circulation as well as to access to the city and region-wide open space networks.

- Establishment of an active adult community within Natomas Central. A stand-alone seniors community will be established to address the need for housing and a sense of community for our elders.

- Provision of housing for an economically diverse community. Natomas Central contains both single and multi-family housing addressing a wide range of economic needs and desires.

- Inclusion of community-serving facilities. Contained within Natomas Central are an elementary school, parks, seniors' recreation center and a fire station.

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Development Plans

A summary of the Natomas Central master plan is listed below.

LAND USE PLAN

The land uses within Natomas Central follow the requirements and general layout mandated by the North Natomas Community Plan. The table below summarizes land use within Natomas Central.

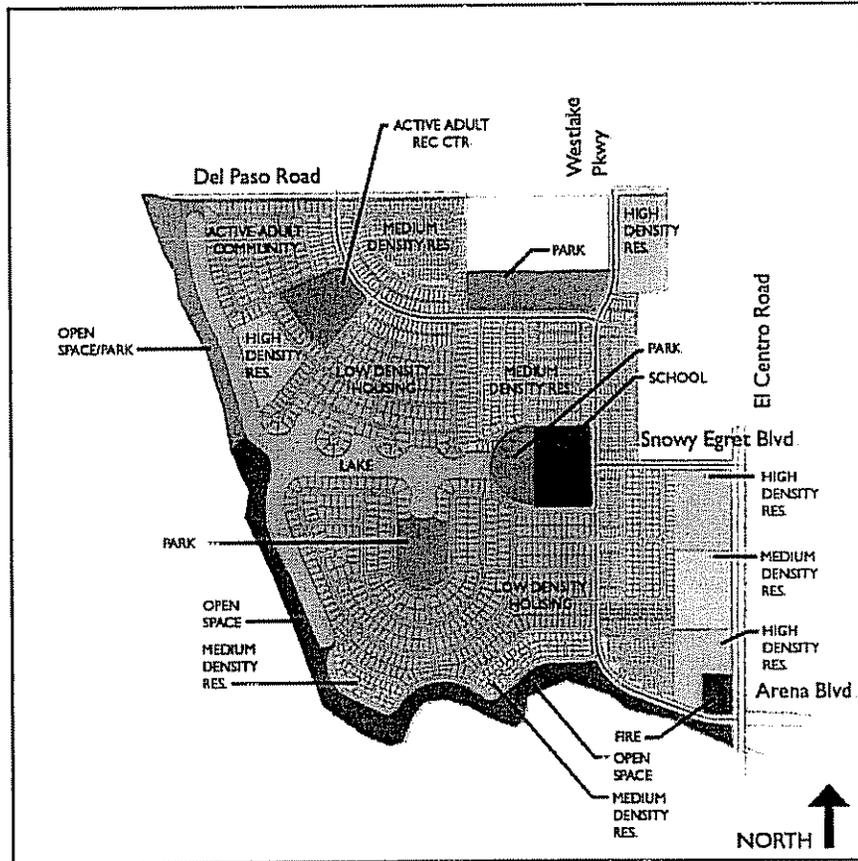
LAND USE	ACREAGE	DENSITY**	UNITS
Low Density Housing	99.2*	7.1 du/ac	703
Medium Density Housing	85*	12.6 du/ac	1,069
High Density Housing	29.2*	19.1 du/ac	559
Community Facilities	17*		
Parks	32.2*		
Open Space	23.6*		
Lake	28.9*		
Landscape Corridor	.1*		
Landscape Lot	1*		
Major Roads	9.5*		
Local Residential Streets	72.2*		
TOTALS	397.9		2,331

* Net acreage

** Average Net Density

Development Plans

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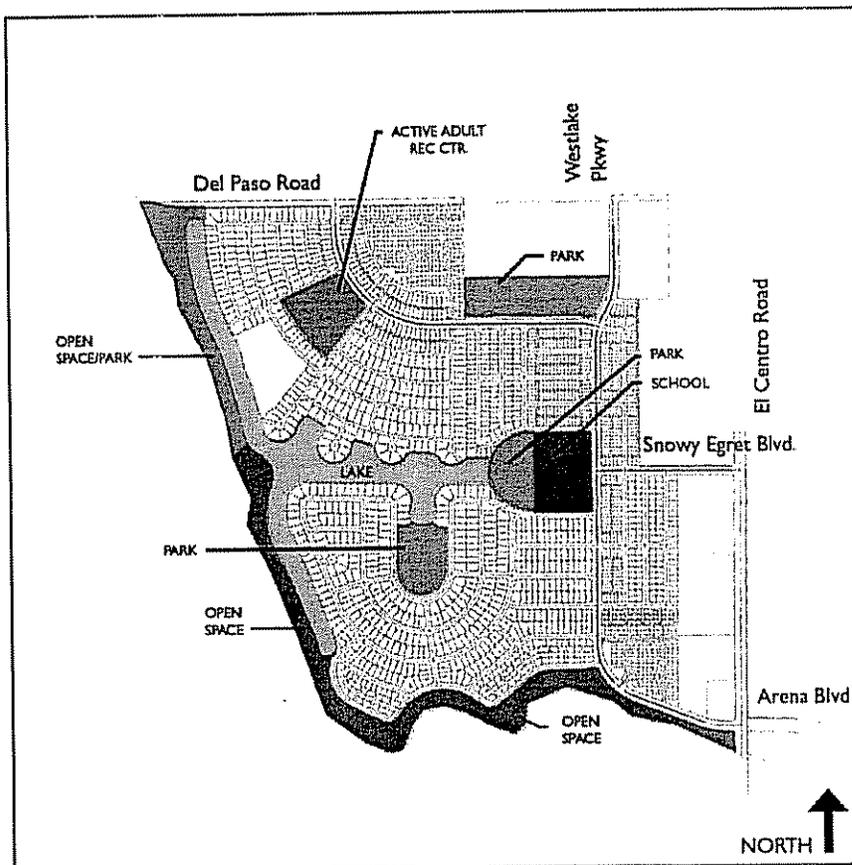
General Land Use Plan

Development Plans

OPEN SPACE PLAN

Two types of open space are provided within Natomas Central – peripheral open space adjacent to the Natomas Basin Habitat Conservation Plan (NBHCP) area and internal open spaces. The two types of open space are interconnected.

The peripheral open space consists of a landscape buffer between residential portions of Natomas Central and the lands of the NBHCP. This buffer consists of both native and non-native species and shall serve as a transition between developed and non-developed areas. Recreational uses within this buffer may consist only of trails, benches, interpretative signage and wildlife viewing areas. Portions of Lago Natomas is within this area.



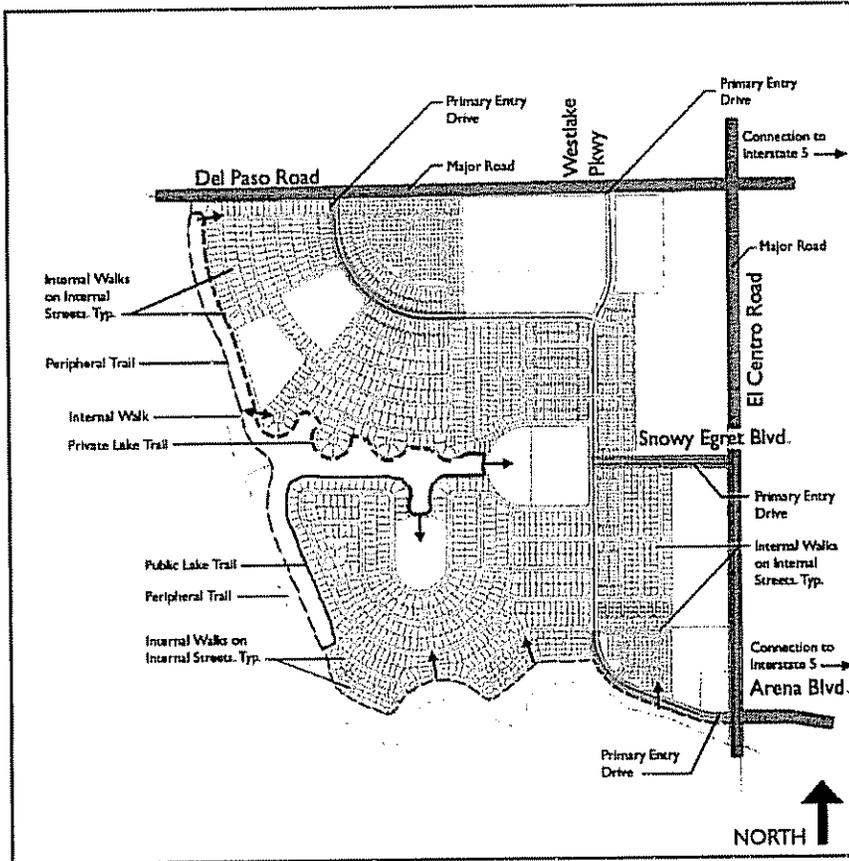
Open Space Plan

A pedestrian/bicycle path and natural landscape open space/ passive park is planned for the western edge of the property, from Del Paso Road south to its boundary with the peripheral open space at Lago Natomas.

The internal open space system consists of Lago Natomas, school yards and parks distributed among the neighborhoods within Natomas Central. Recreational uses within the internal open space system shall include Lago Natomas and its lakefront walk, active play areas, fields, an active adult recreation center and other recreational activities deemed appropriate.

Development Plans

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Major Circulation Diagram

CIRCULATION PLAN

The Natomas Central comprehensive circulation plan addresses both motorized and non-motorized circulation.

Motorized Vehicles

The roadway network within Natomas Central is based on the City of Sacramento's pedestrian-oriented street standards, except within the active adult community where the streets may vary from city standards and will be privately maintained. The roadway network is hierarchical in its form -- local streets feeding into community-serving collectors which, in turn, feed into regional-serving arterial streets.

At the terminus of certain streets within the gated age-restricted community are located landscaped emergency vehicle access points.

These access points require paving, fencing, removable bollards and landscaping.

Pedestrian and Bicycles

The pedestrian and non-motorized vehicular circulation plan includes both dedicated walkways, off street trail, sidewalks and the streets. The internal non-motorized circulation system serves both recreation and circulation needs. This internal pedestrian and non-motorized circulation system is connected to external walks and bike paths linking adjoining areas and regional destinations.

D evelopment Plans

Bus/Transit

Bus service shall be coordinated with Regional Transit (RT) to assure reliable and timely connections to the rest of the regional transportation network. A future expansion of RT's light rail system to serve the North Natomas area will be accessible from, but not necessarily adjacent to Natomas Central.

Development Plans

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Single-Family Housing

LOW AND MEDIUM DENSITY RESIDENTIAL

GENERAL GUIDELINES

Single-family housing is the predominant land use within Natomas Central, accounting for approximately 63% of the property. The visual and community aspects of this type of housing are addressed in the following pages.

Single Family Design Guidelines consist of general, over-arching guidelines applicable to all single family units and those particular to each type or density.

Review and approval of all single family house plans will be subject to a Planning Director's Special Permit (PDSP).

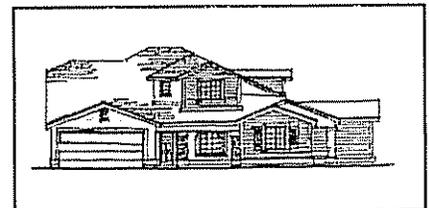
The following guidelines apply:

General

- The same house plan, or closely similar elevation, may not be placed on two adjacent or consecutive lots.
- All visible elevations shall be made interesting by means of articulation of facades, varied roof lines, window placement and shape, and variety in exterior colors, finishes and detailing.

Articulated Elevations

- Use of roof overhangs, porches, balconies, trellises, patios, low walls and other items are encouraged to add interest to street elevations.
- Enhanced side and rear elevations shall be required whenever those elevations face a public or private streets, park, school, lake or other public space.
- Rear and side elevations must match front elevations in terms of window treatments, roof lines and materials.
- Roof lines may be made interesting by use of elements such as gables, hips, dormers and roof planes that create variations in planes.

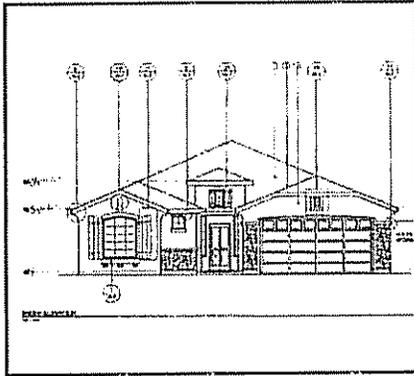


Interesting Roof Lines

Single Family Housing

LOW AND MEDIUM DENSITY RESIDENTIAL

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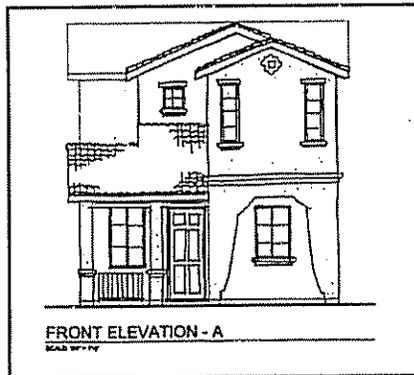


High Quality Materials

- For historical architectural styles (i.e. Tudor, Spanish, etc.) details and articulation must match the character of that period. A balcony that is appropriate on a Spanish-revival style house is not appropriate on a Tudor-revival style house.

Materials

- Use of high quality materials such as stucco, brick, stone and wood is encouraged.
- Accent materials may include stone veneer, painted wood trim, and shutters.
- T-111 siding is prohibited.
- Roofing shall be concrete tile or composition shingle.



Front Façade with Rear Loaded Garages Detached Garage

Colors

- The body color shall be the predominant color and shall be approved by the Planning Commission or Planning Director.
- The trim color shall be a contrasting color in the same family and may be darker or lighter, depending on the body color.
- The accent color shall be used for highlighting details of house and is encouraged to be a dark color complimenting the body and trim colors.

Garages

- Variety in garage configurations is encouraged to avoid having the garage dominate the front of the house.
- Garage configurations may include the following:
 - Attached – rear loaded.
 - Recessed garage – recessed at least feet from front of house. This configuration reduces the impact to the street.

S

ingle Family Housing

LOW AND MEDIUM DENSITY RESIDENTIAL

- Side-loaded – garage doors are oriented perpendicular to the front of the house. This configuration reduces the impact to the street.
- Flushed/Forward – garage is located in line or forward of house by no more than three (3) feet. In this case, prominent covered porches are encouraged.
- Detached – garage is detached from the house and is located toward the back of the lot. This configuration reduces the impact to the street.

Trash Storage

- All trash, recycle, and green waste containers shall be screened from view of streets.

Single Family Housing

LOW AND MEDIUM DENSITY RESIDENTIAL

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PERMITTED USES

Permitted uses within low-density and medium-density areas of the Natomas Central PUD will include single-family detached homes (including large lots, standard lots, petite lots, flag lots, zero-lot-lines, Z-shaped, zipper, pull apart townhomes and alley lots), single-family attached homes, patio homes, duplex homes, halfplex homes, second residential units ("granny flats"), townhouses, condominiums, and any other uses permitted by City ordinances, resolutions or other policies.

DENSITIES

The mix of residential opportunities within the Natomas Central PUD will meet the needs of a broad range of people on the socio-economic scale. Residential neighborhoods will be safe for residents, particularly for children; quiet and buffered from noise and other nuisance factors; convenient in terms of access to schools, services and shopping; and pedestrian-friendly.

A specific number of units is assigned to each parcel. As detailed plans are prepared and final subdivision maps are submitted, the actual number of units may vary from what is shown on the Land Use Plan on page 7.

To achieve a diversity of housing types and creativity in architecture, densities and lot sizes may vary within substantial conformance for each village. Provided the overall the Natomas Central PUD unit count is not exceeded, given the approved map, then within each single-family residential village, lot densities may vary up to twenty (20) percent above or below the approved number of units; without obtaining a re-zone or amending these PUD Guidelines. A revised tentative map may be required.

Alternatives to conventional lots are permitted within areas designated as low or medium density provided that such alternatives must be approved through the appropriate methods. These design alternatives may include, but not be limited to, attached and/or clustered development types, duplexes or halfplexes, townhomes, petite lots, courtyard lots, cottage lots and wide-shallow lots.

SETBACKS AND COVERAGE

Setbacks will vary for maximum flexibility, but with a goal of creating a comfortable street edge for pedestrians. Setbacks are designed so porches are encouraged to bring the "social" part of the home closer to the sidewalk.

Single Family Housing

LOW AND MEDIUM DENSITY RESIDENTIAL

The goal of these Guidelines is to reduce the visual impact of garages on the streetscape, consistent with other goals such as diversity of housing type, and taking into account the special design considerations that may be required for various types of lots.

The above goal may be accomplished by a variety of means including but not limited to: garages which are detached or attached at or near the rear of units or lots; garages which are set back equal to or behind the non-garage facade or porch; units with forward garages which also include courtyards, arbors, arches or similar treatments to enhance the streetscape; or side-turned garages.

It is recognized that there are special circumstances in which it may not be possible or desirable to design units with recessed garages, in which case alternative treatments, including some listed above (i.e. courtyards, side-turned garages) shall be encouraged. It is also recognized that there can be a diversity of designs on a street. For example, some residential units with recessed garages some units with courtyards, some units with porches, and some units with garages forward.

CONVENTIONAL-SHAPE LOTS

The goal is to bring homes closer to the street while maintaining a comfortable street edge. For conventional lots (including, but not limited to: 45' x 105', 50'x105', 52'x105', 55'x105', 60'x105' and 62x105'), the following setbacks are allowed.

Porch:

12' 6" minimum from back of walk or back of curb, whichever is closer.

Front of Building:

12' 6" minimum from back of walk or back of curb, whichever is closer.

Sideward:

5'-0" minimum on each side, with the exception of zero-lot line conditions, which shall be 5'-0" and 0". Garages and/or accessory dwelling units which are recessed a minimum of 50' from the street may have a 0'-0" side yard setback.

Rear Yard:

The recommended setback is 15'-0" minimum. Detached garages and accessory dwelling units ("granny flats"), if recessed a minimum of 50' from the street, may have a 0'-0" rear yard setback.

Single Family Housing

LOW AND MEDIUM DENSITY RESIDENTIAL

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Garage:

For front drives, the minimum setback is 18'-0" from back of walk or back of curb, whichever is closer.

For alley conditions, the minimum setback is 5'-0" from the alley.

Accessory Structures:

Accessory dwelling units, or "granny flats," are encouraged. Subject to Building Code, granny flats may have 0'-0" side yard setbacks and 0'-0" rear yard setbacks if structure is recessed a minimum of 50' from street. The goal is to have an attractive design without intruding on neighbors.

Height:

35'-0" Maximum.

Garage/Parking:

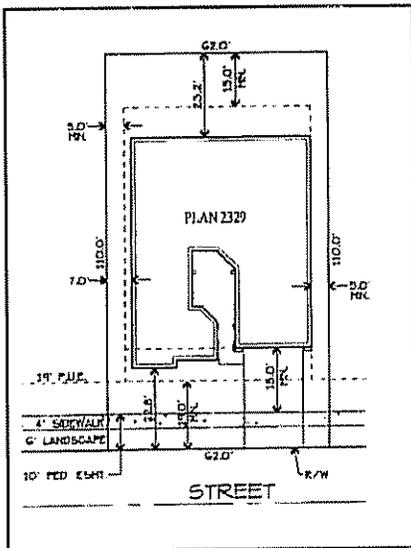
Each home shall have an attached or detached 1, 2 or 3 car garage.

Projections and Bays:

Bays and projections will be permitted to encroach up to 3'-0" into the front yard setback, and up to 2'-0" into the side yard setback and 3'-0" into the rear yard setback.

Height:

Bays and projections will be permitted to encroach up to 3'-0" into the front yard setback, and up to 2'-0" into the side yard setback and 3'-0" into the rear yard setback.



Conventional - Shape Lot

Lot Coverage

Lot coverage shall not exceed 45 percent for single story homes and 40 percent for two story homes, given the following allowances/incentives:

- Covered porches in the front or street side do not count toward the maximum lot coverage.
- Attached or detached garages that are recessed a minimum of four feet from the living area of the home (not the porch) count 50 percent toward the maximum lot coverage.
- At the homeowner's discretion, an additional 100 square feet of accessory structure(s) may be built on the lot.
- A maximum of 50 percent of the lots within a village may exceed the 40 percent lot coverage

Single Family Housing

LOW AND MEDIUM DENSITY RESIDENTIAL

- A maximum of 10 percent of the lots within a village may have a lot coverage for single story homes not exceeding 48 percent with the applicable allowances for covered porch, recessed garage and accessory structures.
- No more than 2 homes exceeding the lot coverage shall be located in a row along the street.

NON-CONVENTIONAL SHAPE LOTS

In addition to conventionally shaped lots, innovative designs for higher-density homes in single-family areas are encouraged. Non-conventional shape lots (including, but not limited to attached and/or clustered development types, duplexes or halfplexes, townhomes, petite lots, courtyard lots, cottage lots and wide-shallow lots) will allow setbacks as follows.

Porch:

10' 0" minimum from back of walk

Front of Building:

10' 0" minimum from back of walk

Side Yard:

3'-0" minimum on each side, with the exception of zero-lot line conditions, which shall be 5'-0" and 0". Garages and/or accessory dwelling units which are recessed a minimum of 50' from the street may have a 0'-0" side yard setback.

Rear Yard:

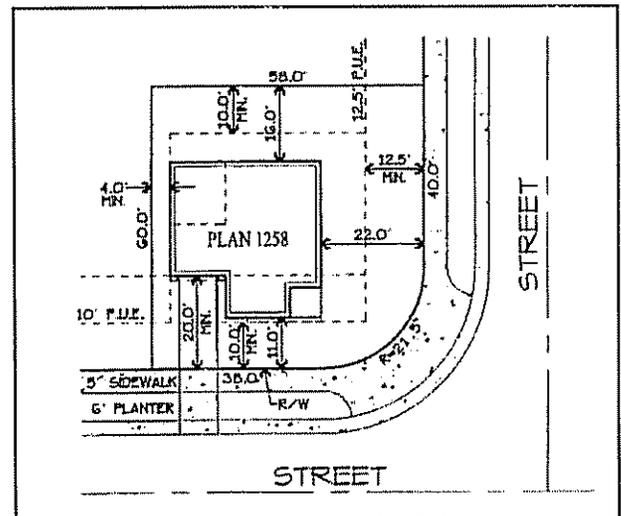
5' 0" minimum

Garage Setbacks:

For front drives, the minimum setback is 18'-0" from back of walk or back of curb, whichever is closer. For alley conditions, the minimum setback is 4'-0" from the alley.

Accessory Structures:

Accessory dwelling units, or "granny flats," are encouraged. Subject to Building Code, granny flats



Non-Conventional Shape Lot

Single Family Housing

LOW AND MEDIUM DENSITY RESIDENTIAL

4 OCTOBER 2005 DRAFT 5

may have 0'-0" side yard and rear yard setbacks if structure is recessed a minimum of 50' from street. The goal is to have an attractive design without intruding on neighbors.

Projections and Bays:

Bays and projections will be permitted to encroach up to 3"-0" into the front yard setback, and up to 2'-0" into the side yard setback and 3'-0" into the rear yard setback.

Height:

35'-0" Maximum.

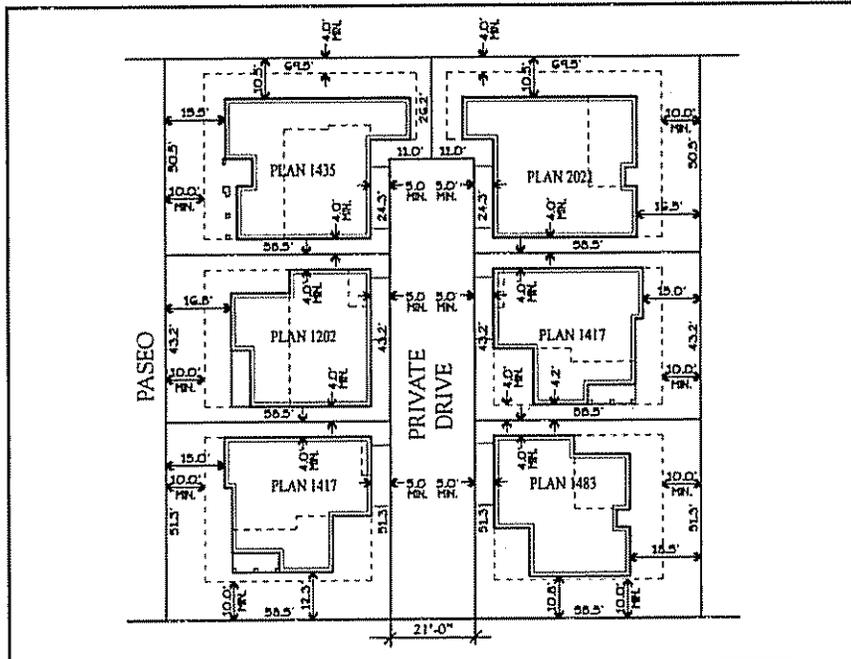
Garage/Parking:

Each home shall have an attached or detached 1, 2 or 3 car garage.

Coverage:

Lot coverage shall not exceed 50 percent for single and two story homes, given the following allowances/incentives:

-Covered porches in the front or street side do not count toward the maximum lot coverage.



Courtyard Housing

-Attached or detached garages that are recessed a minimum of four feet from the living area of the home (not the porch) count 50 percent toward the maximum lot coverage.

-At the homeowner's discretion, an additional 100 square feet of accessory structure(s) may be built on the lot.

Single Family Housing

LOW AND MEDIUM DENSITY RESIDENTIAL

COURTYARD HOUSING

Description:

These homes share private drives with five or six other homes. Typical lot size is 43' x 58'-6", although lot sizes may vary. Homes are detached and on single family lots. Home size ranges from 1,200 to 2,020 sf.

Porch:

10'-0" minimum from property line (paseo side).
10'-0" minimum from public street.

Front of Building:

10'-0" minimum from property line (paseo side).
10'-0" minimum from public street

Side Yard:

3'-0" minimum on each side, with the exception of zero-lot line conditions, which shall be 5'-0" and 0".

Rear Yard:

4'-0" minimum from private drive to living area.

Garage Setbacks:

4'-0" minimum from private drive.

Projections and Bays:

Bays and projections will be permitted to encroach up to 3'-0" into the front yard setback, and up to 2'-0" into the side yard setback and 3'-0" into the rear yard setback.

Landscaping:

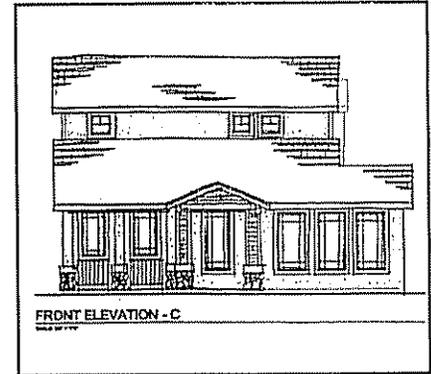
Front and rear yards shall be fully landscaped.

Coverage:

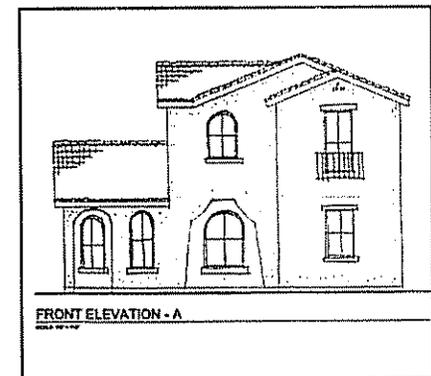
Lot coverage shall not exceed 50 percent for single and two story homes, given the following allowances/incentives:

-Covered porches in the front or street side do not count toward the maximum lot coverage.

-Attached or detached garages that are recessed a minimum of four feet from the living area of the home (not the porch) count 50 percent toward the maximum lot coverage.



Typical Paseo Front Façade



Typical Paseo Front Façade

Single Family Housing

LOW AND MEDIUM DENSITY RESIDENTIAL

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-At the homeowner's discretion, an additional 100 square feet of accessory structure(s) may be built on the lot

HALF-PLEX HOMES

Description:

Co-joined homes located on corners within single-family neighborhoods. They are similar in scale and design as the single-family units located adjacent to these units. Their corner orientation mandates high levels of detailing on both the front and street-facing elevations. Typical lot size is 45' x 105', although dimensions may vary. Unit sizes range from 1,250 to 1,850 sf.

Duplex/Halfplex development within Natomas Central is subject to Zoning Code requirements.

Duplex/Halfplex development may be approved with a Planning Director Special Permit.

Minimum Setbacks:

Subject to minimum setbacks for non-conventional shape lots.

Entries:

Entries for each unit of the half-plex shall be on different streets.

Driveways:

The driveways shall be located away from the intersection of the streets.

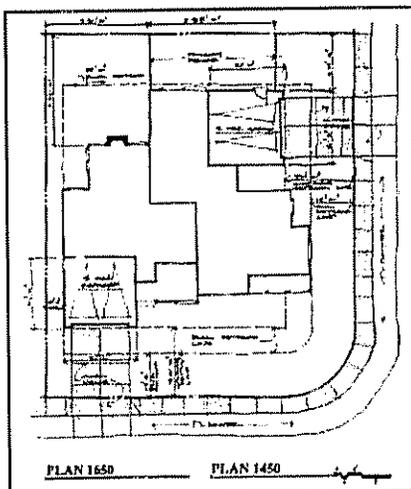
Coverage:

Lot coverage shall not exceed 50 percent for single and two story homes, given the following allowances/incentives:

-Covered porches in the front or street side do not count toward the maximum lot coverage.

-Attached or detached garages that are recessed a minimum of four feet from the living area of the home (not the porch) count 50 percent toward the maximum lot coverage.

-At the homeowner's discretion, an additional 100 square feet of accessory structure(s) may be built on the lot.



Half Plex Lot

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Cottage Housing

GENERAL GUIDELINES

Description:

Cottage lots provide alternative housing opportunities through the use of small lots, common open space and detached, clustered parking. Two-story homes are offered. Home size ranges from 750 to 1,300 sf. Homes may have a zero-lot line configuration.

Minimum Setbacks

Porch:

0' from property line

Front of Building:

0' from property line

Side Yard:

3'-0" minimum on each side, with the exception of zero-lot line conditions, which shall be 5'-0" and 0". Garages and/or accessory dwelling units which are recessed a minimum of 50' from the street may have a 0'-0" side yard setback.

Rear Yard:

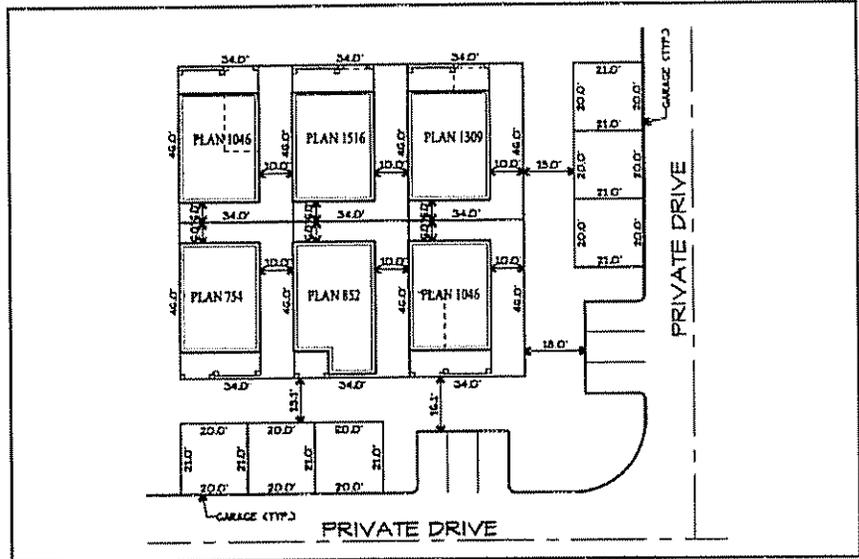
5' 0" minimum

Garage Setbacks:

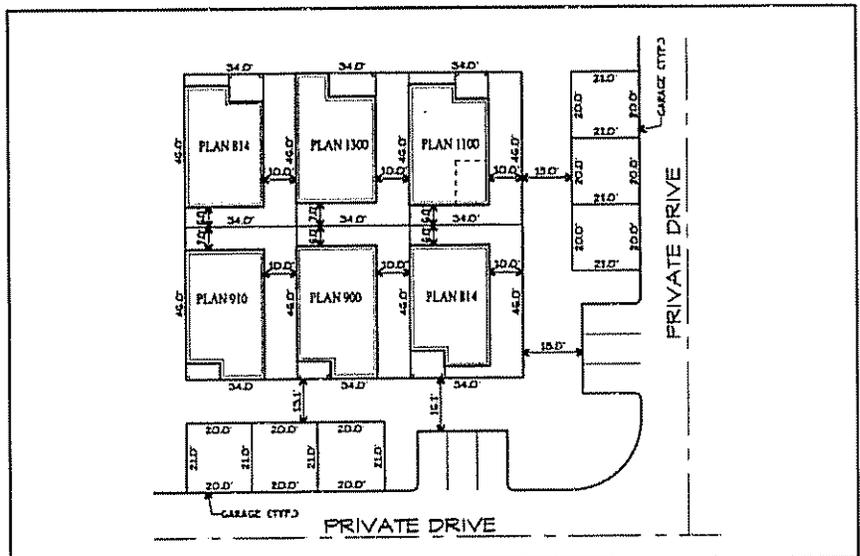
Not applicable

Accessory Structures:

Subject to Building Code, accessory structures, detached garages and carports shall be permitted.



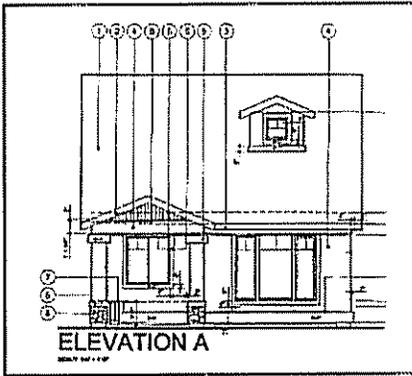
Cottage Lots



Hathaway Lots

Cottage Housing

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Typical Front Façade

Projection and Bays:

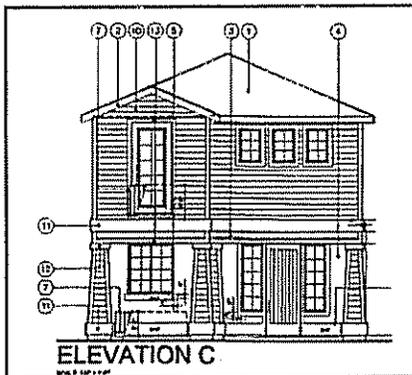
Bays and projections will be permitted to encroach up to 3'-0" into the front yard setback, and up to 2'-0" into the side yard setback and 3'-0" into the rear yard setback.

Maximum Height:

35'-0"

Garage/Parking:

A carport or garage shall be provided for each unit, and may be clustered in groups. Carports and/or garages shall be of the same architectural vocabulary as the buildings. Guest parking shall be located in close proximity to each unit.



Typical Front Façade

Coverage:

Lot coverage shall not exceed 75 percent for single and two story homes, given the following allowance/incentive:

- Covered porches in the front or street side do not count toward the maximum lot coverage.

Materials:

Primary building material shall be stucco. Accent materials include stone veneer, lap siding, clay tile, and stucco. Roofing is typically concrete tile or composition shingle.

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H igh Density Housing

GENERAL GUIDELINES

High density housing within Natomas Central consists of four parcels totaling approximately 30 acres in size. Target densities for high density residential is 22 du/ac. Age restricted developments and zoned high density may have densities up to 36 du/ac.

The City of Sacramento's Multi-Family Residential Principles provide the underlying guidelines for this section and should be consulted when planning and designing high-density housing in the City. The guidelines provided below shall take precedence over the City's, if in conflict.

General

- All visible elevations shall be made interesting by means of articulation of facades, varied roof lines, window placement and shape, and variety in exterior colors, finishes and detailing.
- Architectural styles may depart from that of single family development.
- Multi-family developments along El Centro Road and Del Paso Road may be gated with the approval of a Planning Commission Special Permit (Code Section 17.76.05B).

Minimum Building and Landscape Setbacks

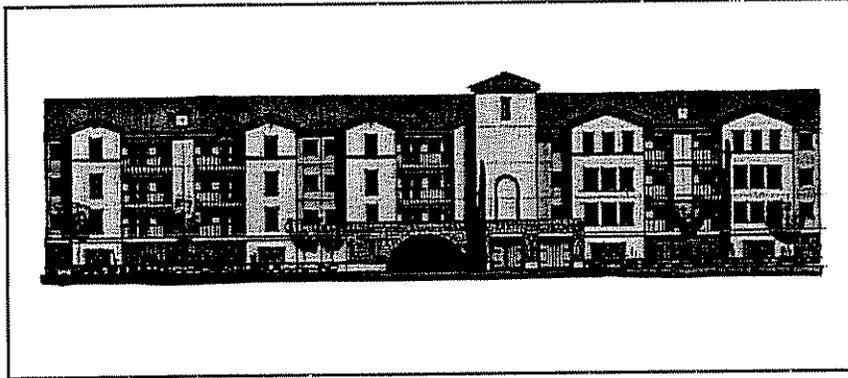
- 15' setback along street frontages.
- 5' at internal property lines. No setback is required between buildings, except as required by the building code. akjfljlkf
- Building and landscape setback requirements adjacent to single family residential development shall be determined upon the review and approval of a proposed development for a particular HDR site.

Heights

- Natomas Central HDR site should be consistent with Westborough PUD. Maximum of 3 stories and 35 feet. Architectural projections such as tower elements, chimneys, cupolas, may project an additional 10 feet.

H igh Density Housing

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The high density residential site located within the age-restricted community may exceed the standard height restriction of HDR zoning if developed with podium parking. In buildings where podium parking is provided, height may be measured from the top of the podium. Maximum height shall not exceed 50'-0".

Conceptual Elevation

Massing and Layout

- Open space amenities are encouraged as a means to help create a community within the greater Natomas Central community.
- Patios and courtyards are encouraged between buildings. Rooflines shall be varied. Entries shall be prominent from the street.

Articulated Elevations

- Enhanced side and rear elevations shall be required whenever those elevations face a public street, park, school, lake or other public space.
- Rear and side elevations must match front elevations in terms of window treatments, roof lines and materials.
- For historical architectural styles (i.e. Tudor, Spanish, etc.) details and articulation must match the character of that period.

Materials

- Building materials may consist of stucco, cement plaster, wood, metal and glazing. Accent materials may be wood, glazing, canvas, metals, brick, and stone.

H igh Density Housing

- Roofing may be concrete tile, or flat with parapet walls.
- T-111 siding is prohibited.

Colors

- Colors will be determined at the time of project review.

Garage/Parking

- Open structured parking is permitted, either as an integral part of a building or as a stand-alone structure. Grouped, clustered, and surface parking is allowed. Tandem parking is permitted.
- Parking required for Seniors High Density Residential is one parking space per unit, plus guest parking at one per 15 units.
- Refer to the City of Sacramento standards for required parking for multi-family housing.

Enclosed Yards

- On street-facing elevations, no fencing or walls shall be allowed between buildings and the street. Fencing and screen walls are allowed between buildings.
- Each dwelling unit shall have a usable outdoor space designed for the exclusive use of that dwelling unit. The outdoor space may be at grade or provided as a balcony. Patios and balconies should be directly accessible from buildings and be of such size as to offer a reasonable outdoor living opportunity.
- Patios and balconies shall not be used for permanent storage. Temporary storage must be screened from public view.

Landscaping

- All non-paved areas shall be landscaped.

H igh Density Housing

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Lighting

- Light fixtures and poles shall be consistent throughout the HDR zone.
- Building illumination and architectural lighting shall be indirect. Floodlights are prohibited.
- Use of low level lighting to enhance architecture, landscape or other features is encouraged.
- Architectural lighting should articulate the building design as well as provide functional lighting for the safety of pedestrian movement.

Storage, Refuse, Loading and Service Areas

- Storage, refuse, loading and service areas shall be screened from public view.
- Service areas shall be screened from view by building design, layout, and masonry walls or by a combination of walls, landscape and berms.
- Refuse collection areas are to be designed to ensure that refuse and refuse containers are not visible from public viewing areas – streets, entries and amenity areas.
- Refuse collection areas shall be designed with the same materials, finishes, and colors as the adjacent building(s). Solid metal gates shall be provided.

Trash enclosures shall not be permitted within the street side setback.

Utility Screening

- All ground mounted utilities shall be screened through the use of walls, plant materials, or berms. Specific clearances must be followed as required by each utility.

Public Facilities

INTRODUCTION

Public facilities including an elementary school, fire station, active adult recreation center, and parks are provided within Natomas Central. These facilities address health, safety and welfare aspects of the community.

As these public facilities are important places within the community, the design of these facilities should be bold in form with entries embracing the street. Awnings, pergolas, roof overhangs and other shade-creating devices are encouraged.

SCHOOL

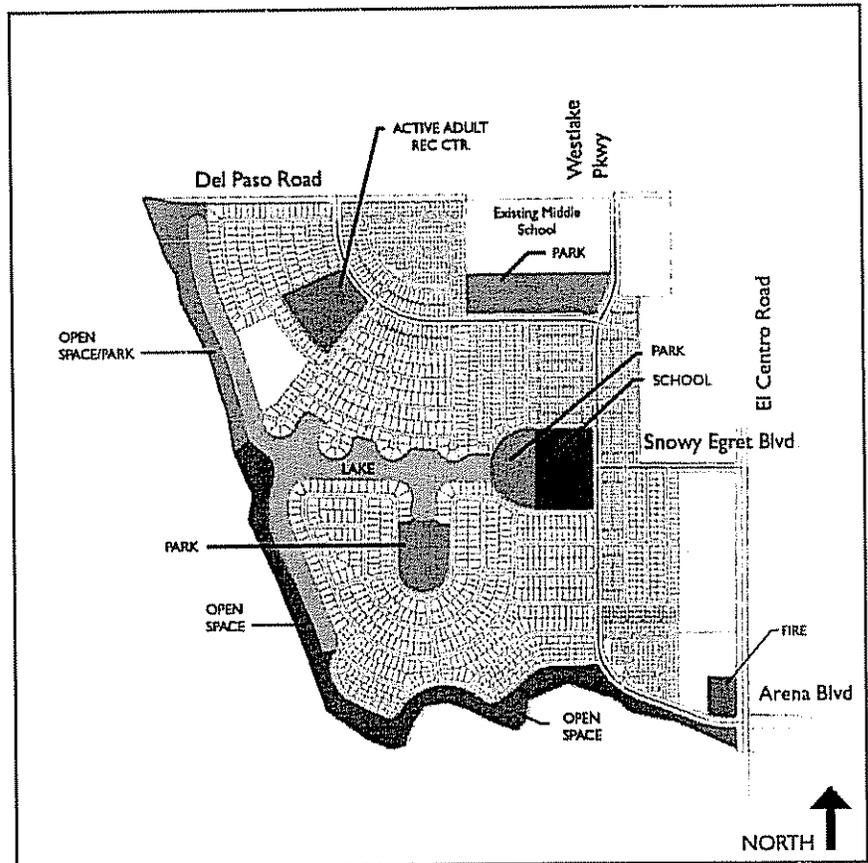
A 8.0 acre site is reserved for an elementary school. The Natomas Unified School District is encouraged to work closely with the Natomas Central Design Review Committee and the City's Department of Parks and Recreation when designing this facility.

FIRE

A site on El Centro Road is set aside for a fire station. Like the school, the fire station serves an important civic and safety role in the community. Reflecting their role in the community, the design of this facility should impart both a sense of respect and openness.

ACTIVE ADULT RECREATION CENTER

The active adult recreation center will be located within the active adult community.



Public Facilities Locations

Public Facilities

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Community Park

PARKS

These parks, totaling 32 acres, are proposed for Natomas Central. Two of the parks are located adjacent to Lago Natomas and the third is located adjacent to the existing middle school at the north end of Natomas Central. Although not dedicated as a park, approximately 24 acres of perimeter buffer open space is also provided.

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Landscape Development

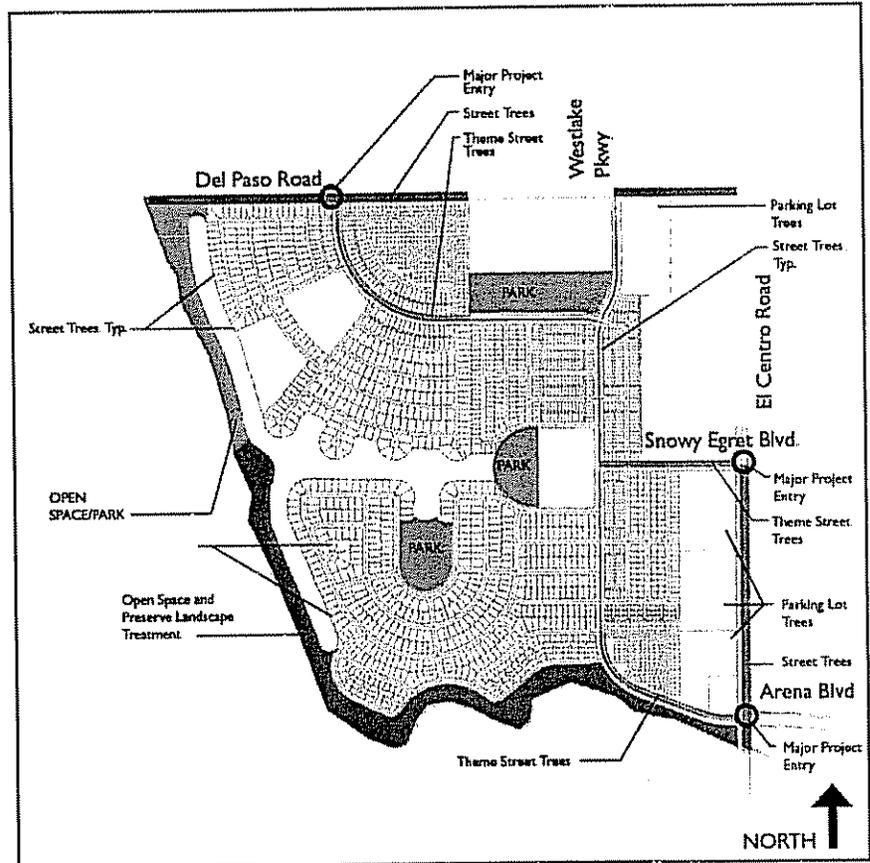
The Guidelines recognize that a mature landscape is of great importance to the unity and character of Natomas Central. Landscaping shall be one of the primary unifying elements within Natomas Central.

LANDSCAPE MASTER PLAN

The elements of a comprehensive landscape master plan are discussed below.

GENERAL LANDSCAPE PRINCIPLES

- The landscape theme, particularly at entries, shall reflect the overall Mediterranean architectural theme of Natomas Central.
- Themed tree plantings along major streets and at entries shall provide visual reference within the community.
- Landscaping along the west and south perimeters shall be a combination of native and non-native species and will provide a transition between the Natomas Basin Habitat Conservation Plan area and residential uses.
- All landscaping shall be continuously preserved and maintained – watering, weeding, fertilizing, spraying, pruning, root aeration and irrigation repair.
- Use of drought tolerant and native plantings shall be encouraged, particularly along the perimeter of Natomas Central, in medians and along pathways.
- Residents are encouraged to use native and drought tolerant plantings to provide habitat and to reduce water consumption.



Landscape Master Plan

Landscape Development

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PERIMETER PLANTINGS

Two types of perimeters exist at Natomas Central – adjacent to the Natomas Basin Habitat Conservation Plan (NBHCP) area and street frontages along El Centro Road, Del Paso Road and, briefly, along Snowy Egret Boulevard.

Preserve Area

Perimeter plantings adjacent to the NBHCP area are intended to convey the sense of transition between the habitat area and housing contained within Natomas Central. As such, the plantings are a mixture of native and non-native species.

The predominant species of trees shall be those native to riparian areas of the Sacramento area – California Sycamore (*Platanus racemosa*), Western Cottonwood (*Populus fremontii*) and Valley Oak (*Quercus lobata*).

The pedestrian pathway located within the perimeter between housing and the NBHCP area is a convenient and schematic division between the “native” and introduced plant species. West and south of the pathway, all plantings shall be, as much as possible, native. East and north of the pathway plantings shall be a combination of plants native and drought tolerant species not necessarily native to the area.

The ground surface west and south of the pathway shall be planted in native prairie grasses while the area east and north of the pathway shall be planted in a combination of the native grasses used on the west and south sides as well as sprays of drought tolerant species that attract birds and wildlife.

Turf and lawn grasses are discouraged within the perimeter lots, adjacent to the NBHCP area.

Roadway Perimeters

Street trees along El Centro Road and Del Paso Road shall be Zelkova trees *Zelkova serrata* with stretches of Flowering Pear (*Pyrus calleryana*) as accent trees. These trees are selected to reinforce the importance of both roads within the North Natomas area.

Landscape Development

The street tree for Snowy Egret Boulevard and the entry street through the Active Adult Community shall be the London Plane (*Platanus acerifolia* 'Columbia'). Ground level plantings of low mounding, drought tolerant shrubs and native grasses are encouraged. Turf grass may be used only as an extension of turf grass plantings on property adjacent to perimeter plantings.

STREET TREES – INTERNAL STREETS

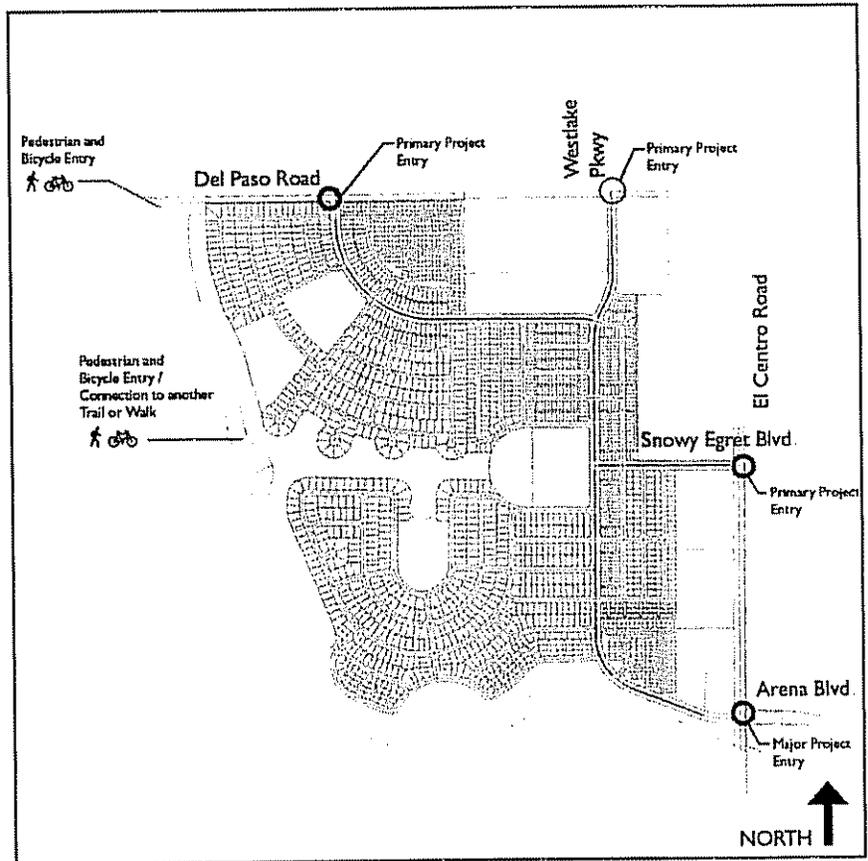
A plan noting street trees to be used along internal streets shall be included as part of special permit package.

COMMUNITY ENTRIES – MAJOR AND SECONDARY

Major entries are located along Del Paso Road and on El Centro Road at the intersections of Snowy Egret Boulevard and Arena Boulevard. A secondary entry is located on Del Paso road, west of the existing school.

Enhanced landscape treatment is required at all entries into and out of Natomas Central. The enhanced landscape treatment shall compliment Natomas Central street tree plantings, signage and overall design themes. The Fruitless Olive (*Olea europaea* 'Wilsoni') shall be the theme tree at entries.

All landscaping and plantings shall conform to City of Sacramento standards for sight line requirements at intersections and driveways.



Entry Locations

Walks and Trails

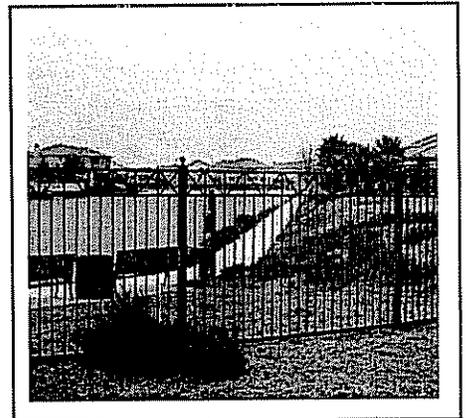
Pedestrian and bicycle circulation is an important community-serving component of Natomas Central. Internal circulation that is efficient, safe and attractive contributes to the well-being of the community by offering opportunities for interaction among community members as well as providing opportunities for walking, running and bicycling within, among and adjacent to residential areas, community facilities and employment areas.

PERIPHERAL TRAIL

The peripheral trail in the setback area between Natomas Central residential areas and the Natomas Basin Habitat Conservation Plan area shall be constructed as per the City's Multi-Use Trail Design Guidelines. The multi-use trail shall be a total of sixteen (16) feet wide including twelve (12) feet of asphalt pavement with a two (2) foot wide decomposed granite shoulder on each side or as determined by the City PPDD. The trail shall be located as close to roadways on the south and the detention basin on the west as possible, with some landscaping between the trail and the streets.

LAKE EDGE

A concrete walk, fifteen (15) feet in width, shall ring the perimeter of Lago Natomas. A portion of the trail shall be publicly accessible and connect to on-street sidewalks. Fencing is permitted on the housing side of the walk only and shall be subject to the guidelines provided in the Fencing and Walls section of these guidelines. The duration of lighting along the lake walk shall be determined by the community association(s) and posted directly adjacent to the lake walk.



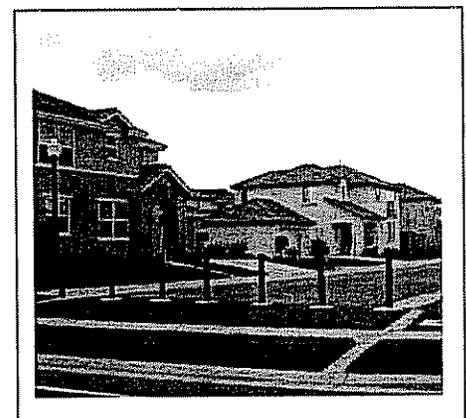
Lake Edge Walk

SIDEWALKS

Sidewalks, designed in accordance with City of Sacramento design standards shall be provided on all public streets

INTERNAL WALKS

Internal walks and street access points allowing access to Lago Natomas and city streets in the senior community shall be constructed in accordance with the City's Multi-Use Trail Design Guidelines. The multi-use trail shall be a total of sixteen (16) feet wide including twelve (12)



Emergency Vehicle Access Points

W alks and Trails

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feet of asphalt pavement with a two (2) foot wide decomposed granite shoulder on each side or as determined by the City's PPDD. Internal walks shall be lighted for pedestrian safety.

Signage

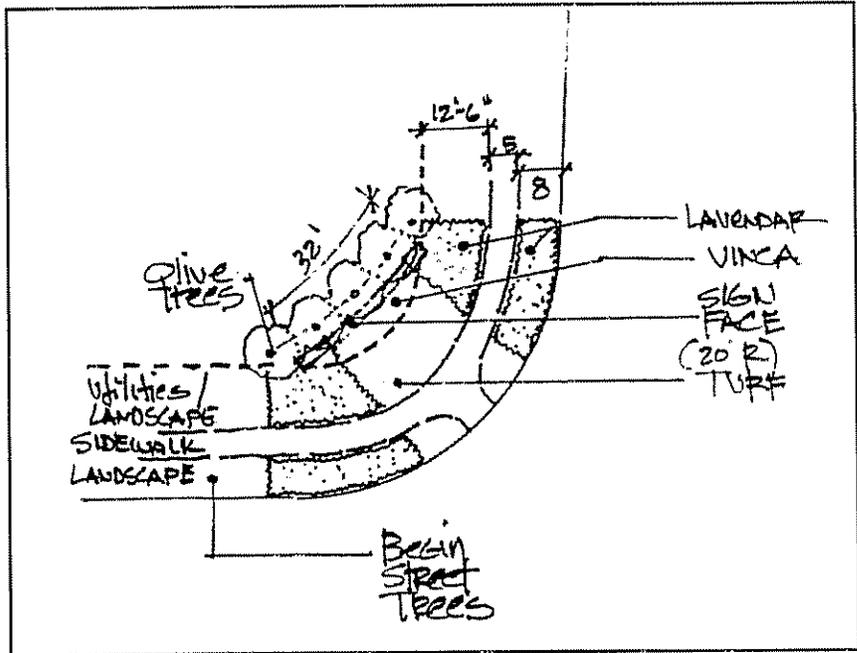
The purpose of signage guidelines is to create a family and vocabulary of signage appropriate for Natomas Central. A comprehensive signage design package shall be approved by the Planning Director.

ALLOWABLE SIGNAGE

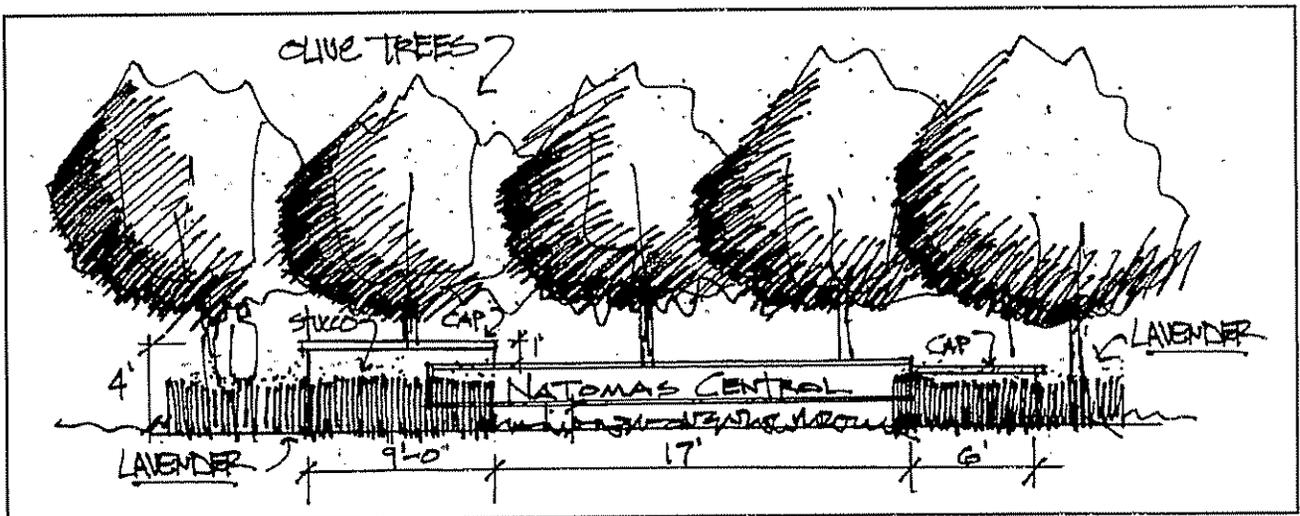
Allowable major signage in Natomas Central includes Project Identification Monuments, Village Identification Signage and Directional Signage. Project signage for community facilities, high density housing, and directional signage are also permitted.

MAJOR ENTRY MONUMENTS

Major entries are located along Del Paso Road and on El Centro Road at the intersections of Snowy Egret Boulevard and Arena Boulevard.



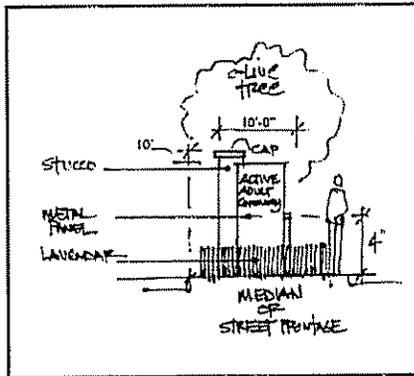
Major Entry Monument- Plan View



Major Entry Monument- Elevation

Signage

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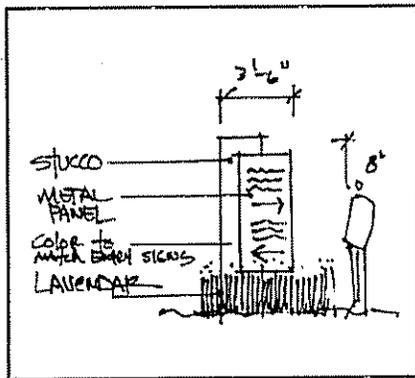
Project Identification Signage

INDIVIDUAL PROJECT IDENTIFICATION SIGNAGE

Individual projects within Natomas Central may have 1 ground mounted sign at each primary entry. Signs shall not exceed ten (10) feet in height and ten (10) feet in length. Sign face may not exceed 100 feet in size. Innovative lighting and design is encouraged.

DIRECTIONAL SIGNAGE

Directional signage is to be located at or near intersections. Directional signage shall consist of internally lit pylons, columns or panels with attached plates bearing the name and direction of the destination. The maximum height of the directional signs may not exceed eight (8) feet in height. The columns, pylons or panels may be internally lighted or from ground-mounted lights.



Directional Signage

L ighting

Lighting serves multiple purposes within Natomas Central. The primary uses are for public safety, place marking of important buildings, features and entries, way finding and as part of design aesthetics for landscapes, buildings and signage.

PEDESTRIAN AREAS

All paved pedestrian areas shall be lighted. Lighting within pedestrian areas shall be of the same design style. Pedestrian lighting may be accomplished by light standards, not exceeding 15 feet in height, bollards or suspended overhead lights. Pole mounted lighting shall be the Nyhavn Post Pole style, manufactured by Louis Poulsen. The bollard shall be the Waterfront bollard, also manufactured by Louis Poulsen. The aesthetic goal of the pedestrian lighting is to create horizontal bands of light winding through the landscape. Pole and fixture color to be white.

PARKING LOTS

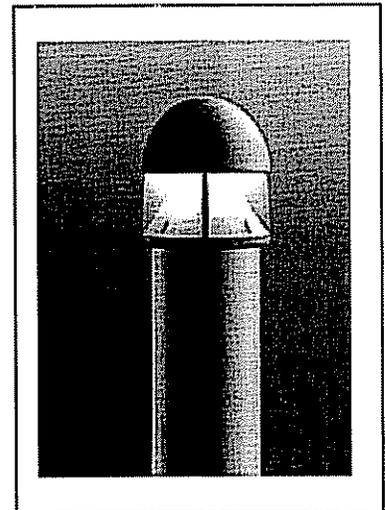
All parking lot lighting shall be metal halide. Parking lot light standard and fixtures and standards shall be consistent along El Centro Road. Lighting height may vary and will be determined with the project special permit.

ENTRY FEATURES

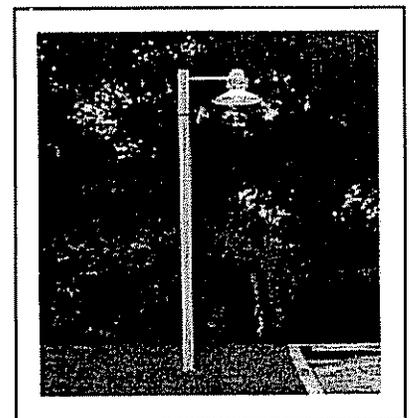
Entry features feature ground-mounted and internal light sources.

BUILDING LIGHTING

Security lighting in the High Density Housing areas may not extend above the fascia or roofline of the building. Security lighting is not to be substituted for pedestrian or parking lot lighting.



Bollard Light



Pedestrian Light

L ighting

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Fencing and Walls

PERIMETER WALLS

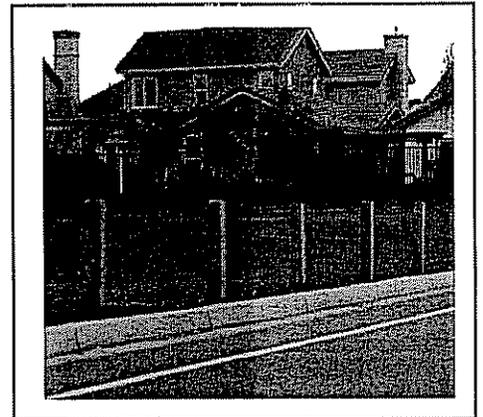
Perimeter walls can be erected behind single family housing El Centro and Del Paso Roads. The walls shall be a maximum of six (6) feet in height and shall be built of integrally-colored split-face masonry block and shall be divided along its length by columns or pilasters not more than 100 feet on center. A wall cap shall be provided. Painting of these walls is discouraged. Graffiti abatement steps such as landscaping or the application of a sacrificial coating may be applied.

LAKE EDGE FENCING

Semi-transparent fencing made of painted tubular steel is required for the rear lot lines of all residences and uses fronting Lago Natomas. The fencing, four feet in height, shall be mounted on a low concrete wall, two (2) feet in height, for a total height of six (6) feet. A painted tubular steel gate and steps or a ramp shall be provided for each property. Fence and gate color shall be painted black. No opaque surfaces other than landscaping may block visibility through the fence.

PARK PERIMETER FENCING

- Four-foot tubular steel fencing shall be required for park areas fronting streets and Lago Natomas.
- Vertical curbs shall be required for all park areas fronting streets.
- Split-face masonry block walls shall be required on all residential lots backing or siding on park sites.
- Fencing adjacent to parks and open space shall be reviewed and approved by Parks and Recreation Department of the City of Sacramento.



Park Perimeter Fencing

REAR YARD FENCING (TYPICAL)

Fencing materials for side and rear yards not visible from the street shall be provided by the builder. The design for perimeter fencing for high density housing and cottage lots shall be designed and submitted for design review approval at the time of special permit application. Wood fencing shall be stained where visible from the street.

Fencing and Walls

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ACTIVE ADULT COMMUNITY

The perimeter of the seniors' community facing Del Paso Road shall have a perimeter wall as described in "Perimeter Walls" in this section.

The perimeter fencing for properties fronting the open space buffer area to the west of Natomas Central shall be six (6) foot tall tubular steel fencing. The fencing shall be painted black, to match the lake edge fencing. Gates not are permitted adjacent to the open space buffer area.

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A p p e n d i x

PLANT MATERIALS

Large Trees (50'-100')

Water Usage	Botanical Name	Common Name
Medium	<i>Acer saccharum</i>	Sugar Maple
Medium	<i>Acer platanoides</i>	Norway Maple
High	<i>Alnus rhombifolia</i>	White Alder
Medium	<i>Araucaria heterophylla</i>	Norfolk Island Pine
Medium	<i>Catalpa speciosa</i>	Western Catalpa
Low	<i>Celtis australis</i>	European Hackberry
Medium	<i>Ginkgo biloba</i>	Maidenhair Tree
Medium	<i>Gleditsia triacanthos</i>	Honey locust
Medium	<i>Magnolia grandiflora</i>	Southern Magnolia
High	<i>Picea abies</i>	Norway Spruce
High	<i>Picea pungens</i>	Colorado Spruce
Medium	<i>Pinus canariensis</i>	Canary Island Pine
Low	<i>Pistachia chinensis</i>	'Keith Davey' Chinese Pistache
Medium	<i>Platanus acerifolia</i>	London Plane Tree
Medium	<i>Platanus racemosa</i>	California Sycamore
Medium	<i>Populus nigra 'Italica'</i>	Lombardy Poplar
Low	<i>Quercus lobata</i>	Valley Oak
Low	<i>Quercus suber</i>	Cork Oak
Low	<i>Quercus wislizenii</i>	Interior Live Oak
Medium	<i>Quercus robur</i>	English Oak
Medium	<i>Quercus rubra</i>	Red Oak
Medium	<i>Quercus wilensii</i>	Interior Live Oak
Low	<i>Sequoia sempervirens</i>	Coast Redwood
Medium	<i>Ulmus parvifolia</i>	Chinese Elm
Medium	<i>Zelkova serrata 'Green Vase'</i>	Green Vase Zelkova

Medium Trees (30'-50')

Water Usage	Botanical Name	Common Name
Medium	<i>Alnus cordata</i>	Italian Alder
High	<i>Betula jacquemontii</i>	Himalayan Birch
Medium	<i>Carpinus betulus</i>	European Hornbeam
Low	<i>Celtis sinensis</i>	Chinese Hackberry
Low	<i>Ceratonia siliqua</i>	Carob
Low	<i>Cercidum floridum</i>	Blue Palo Verde
Low	<i>Cercis canadensis</i>	Eastern Redbud
Medium	<i>Liquidambar styraciflua</i>	Sweet Gum

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Medium	Magnolia grandiflora	'St. Marys' Southern Magnolia
Medium	Maytenus boaria	Mayten Tree
Medium	Morus alba 'Fruitless'	Fruitless Mulberry
High	Nyssa sylvatica	Sour Gum
Low	Pinus halepensis	Aleppo Pine
Low	Pinus eldarica	Afghan Pine
Medium	Pinus sylvestris	Scotch Pine
Low	Quercus ilex	Holly Oak
Medium	Sapium sebiferum	Chinese tallow tree
Low	Schinus molle	California Pepper Tree
Medium	Sophora japonica	Pagoda Tree
High	Tilia cordata	Linden
Medium	Umbellularia californica	California Bay

Small Trees (15'-30')

Water Usage	Botanical Name	Common Name
Low	Acacia baileyana	Bailey Acacia
High	Acer ginnala	Amur Maple
High	Acer palmatum	Japanese Maple
Low	Albizia julibrissin	Silk Tree
Medium	Arbutus unedo	Strawberry Tree
Low	Cercis occidentalis	Western Redbud
High	Cornus florida	Eastern Dogwood
Medium	Crataegus laevigata 'Paul's Scarlet'	English Hawthorn
Medium	Crategus phaenopyrum	Washington Hawthorn
Medium	Eriobotrya deflexa	Bronze Loquat
Medium	Geijera parviflora	Australian Willow
Medium	Koelreuteria paniculata	Golden Rain Tree
Low	Lagerstroemia indica (Indian series)	Crape Myrtle
High	Magnolia soulangiana	Saucer Magnolia
High	Magnolia stellata 'Jane Platt'	Star Magnolia
High	Malus spp.	Snow Crabapple
High	Malus floribunda	Flowering Maple
Medium	Olea europaea 'Wilsoni'	Fruitless Olive
High	Podocarpus gracilior	Fern Pine
High	Prunus serrulata	Flowering Cherry
Low	Prunus lyonii	Catalina Cherry
Medium	Prunus blieriana	Flowering Plum
Medium	Prunus cerasifera	Purple Leaf Plum
Medium	Prunus caroliniana	Carolina Laurel Cherry

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Medium	<i>Pyrus kawakami</i>	Evergreen Pear
Low	<i>Raphiolepis</i> x 'Majestic Beauty'	ncn
Low	<i>Rhus lancea</i>	African Sumac

Large Shrubs (6'-15')

Water Usage	Botanical Name	Common Name
High	<i>Abelia grandiflora</i>	Glossy Abelia
Low	<i>Acacia baileyana</i>	Bailey Acacia
High	<i>Aucuba japonica</i>	Japanese Aucuba
Low	<i>Callistemon citrinus</i>	Lemon Bottlebrush
High	<i>Camellia japonica</i>	Camellia
Low	<i>Ceanothus thyrsiflorus</i>	Blue Blossom
High	<i>Cocculus laurifolius</i>	Laurel-leaf Snail seed
High	<i>Cornus stolonifera</i>	Red Twig Dogwood
Low	<i>Cotoneaster lacteus</i>	Parney Cotoneaster
High	<i>Cyperus papyrus</i>	Umbrella Plant
Low	<i>Diosma album</i>	White Breath of Heaven
Low	<i>Diosma pulchrum</i>	Pink Breath of Heaven
Low	<i>Dodonea viscosa</i>	Hopseed Bush
Low	<i>Dodonea viscosa</i> 'Purpurea'	Purple Hopseed Bush
Medium	<i>Escallonia rubra</i>	Escallonia
Low	<i>Euonymus alata</i>	Burning Bush
Medium	<i>Feijoa sellowiana</i>	Pineapple Guava
Medium	<i>Forsythia intermedia</i>	Golden Bells
Medium	<i>Grevillea</i> 'Canberra'	Canberra Grevillea
Low	<i>Heteromeles arbutifolia</i>	Toyon
High	<i>Ilex altaclarensis</i>	Wilson Holly
High	<i>Ilex aquifolium</i> 'San Gabriel'	San Gabriel Holly
Low	<i>Lagerstroemia indica</i>	Crape Myrtle
Low	<i>Laurus nobilis</i>	Grecian Laurel
High	<i>Magnolia stellata</i>	Star Magnolia
Low	<i>Mahonia lomarifolia</i>	Burmese Grape
Medium	<i>Olea europaea</i>	Olive
Medium	<i>Osmanthus fragrans</i>	Sweet Olive
Medium	<i>Phormium tenax</i>	New Zealand Flax
Medium	<i>Photinia fraseri</i>	Red-leaf Photinia
Medium	<i>Photinia serrulata</i>	Chinese Photinia
Medium	<i>Pittosporum crassifolium</i>	ncn
Medium	<i>Pittosporum eugenioides</i>	Tarata
Medium	<i>Pittosporum tobira</i>	Mock Orange
Medium	<i>Pittosporum tenuifolium</i>	Towhiwhi
Medium	<i>Pittosporum undulatum</i>	Victorian Box
Medium	<i>Podocarpus macrophyllus</i>	Yew Pine

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Medium	<i>Prunus cistena</i>	Sand cherry
Medium	<i>Prunus caroliniana</i> 'Bright n' Tight'	Carolina Cherry
Medium	<i>Prunus caroliniana</i> 'Compacta'	Carolina Cherry
Low	<i>Rhamnus alternus</i>	Italian Buckthorn
Low	<i>Rosmarinus officinalis</i>	Rosemary
Medium	<i>Syzygium paniculatum</i>	Brush Cherry

Medium Shrubs (3'-6')

Water Usage	Botanical Name	Common Name
High	<i>Abelia grandiflora</i> 'Sherwoodi'	Pink Abelia
Low	<i>Agapanthus orientalis</i> 'Alba'	Lily-of-the Nile
Low	<i>Arbutus unedo</i> 'Compacta'	Dwarf Strawberry Tree
Low	<i>Berberis</i> spp	Barberry
Medium	<i>Chaenomeles japonica</i>	Flowering Quince
High	<i>Choisya ternata</i>	Mexican Orange
Low	<i>Cistus purpureus</i>	Orchid Rockrose
Low	<i>Citrus limon</i>	Lemon
Low	<i>Echium fastuosum</i>	Pride of Madeira
Medium	<i>Escallonia</i> 'Fradesii'	Escallonia
Medium	<i>Euonymus alata</i> 'Compacta'	Compact Winged Euonymus
High	<i>Gardenia jasminoides</i> 'Mystery'	Mystery Gardenia
Medium	<i>Grevillea</i> 'Noelii'	ncn
High	<i>Ilex crenata</i>	Japanese Holly
Low	<i>Mahonia aquifolium</i>	Oregon Grape
Medium	<i>Myrsine africana</i>	African Boxwood
Low	<i>Nandina domestica</i> 'Compacta'	Dwarf Heavenly Bamboo
Low	<i>Nandina domestica</i>	Heavenly Bamboo
Medium	<i>Phormium tenax</i> 'Maori Chief'	New Zealand Flax
Medium	<i>Pittosporum tobira</i> 'Variegata'	Tobira
High	<i>Potentilla fruticosa</i>	Cinquefoil
High	<i>Prunus laurocerasus</i> 'Zabeliana'	Zabel's Cherry Laurel
Medium	<i>Prunus glandulosa</i>	Flowering Almond
Low	<i>Raphiolepis indica</i>	India Hawthorn
High	<i>Rosa californica</i>	Rose
Low	<i>Rosmarinus officinalis</i>	Rosemary
Low	<i>Salvia clevelandii</i>	ncn
Low	<i>Salvia greggii</i>	ncn
Low	<i>Salvia leucantha</i>	Mexican Bush Sage
Medium	<i>Sarcococca ruscifolia</i>	ncn

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Medium	<i>Spirea bumalda</i>	ncn
Medium	<i>Spirea thunbergii</i>	ncn
Medium	<i>Spirea vanhouttei</i>	ncn
Medium	<i>Strelitzia nicolai</i>	Giant Bird of Paradise
Medium	<i>Strelitzia reginae</i>	Bird of Paradise
Low	<i>Viburnum tinus</i> 'Spring Bouquet'	ncn
Low	<i>Xylosma congestum</i> 'Compacta'	Shiny Xylosma

Small Shrubs (below 3')

Water Usage	Botanical Name	Common Name
High	<i>Abelia grandiflora</i> 'Prostrata'	White Abelia
Low	<i>Agapanthus orientalis</i> 'Peter Pan'	Dwarf Lily-of-the Nile
High	<i>Azalea indica</i>	Azalea
Low	<i>Eriogonum fasciculatum</i>	California Buckwheat
High	<i>Gardenia jasminoides</i> 'Little Gem'	Gardenia
High	<i>Iris douglasiana</i>	Douglas Iris
Low	<i>Lavandula</i> spp	Lavender
Medium	<i>Limonium perezii</i>	Statice
Low	<i>Mahonia aquifolium</i> 'Compacta'	Dwarf Oregon Grape
Low	<i>Myrtus communis</i> 'Compacta'	Dwarf Roman Myrtle
Low	<i>Nandina domestica</i> 'Harbor Dwarf'	Dwarf Heavenly Bamboo
Medium	<i>Phormium tenax</i> 'Jack Spratt'	New Zealand Flax
Medium	<i>Pittosporum tobira</i> 'Wheeler's Dwarf'	ncn
Medium	<i>Spirea nipponica</i>	
Low	<i>Teucrium chamaedrys</i>	ncn
Low	<i>Tulbaghia violacea</i> 'Variegata'	Society Garlic

Ground Covers

Water Usage	Botanical Name	Common Name
Low	<i>Arctostaphylos</i> 'Emerald Carpet'	ncn
Medium	<i>Arctotheca calendula</i>	Cape Weed
High	<i>Campanula poscharskyana</i>	Bellflower
Low	<i>Cerastium tomentosum</i>	Snow-In-Summer
Medium	<i>Ceratostigma plumbaginoides</i>	

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Low	Cotoneaster apiculatus	
Low	Cotoneaster horizonatalis	Rock Cotoneaster
Medium	Euonymus fortunei 'Minima'	
Medium	Euonymus fortunei	
Low	Festuca californica	
Low	Festuca ovina 'Glauca'	
High	Fragaria chiloensis	Ornamental Strawberry
Low	Gazania	
Medium	Hemerocallis sp	Daylily
High	Liriope muscari	Blue Lily Turf
High	Liriope spicata	Creeping Lily Turf
High	Lonicera japonica 'Halliana'	Hall's Honeysuckle
Low	Lysimachia nummularia	Moneywort
Low	Nandina domestica 'Harbor Dwarf'	Dwarf Heavenly Bamboo
High	Ophiopogon japonicus	Mondo Grass
Medium	Osteospermum fruticosum	African Daisy
High	Potentilla verna Spring	Cinquefoil
Low	Rosmarinus officinalis	Rosemary
Low	Santolina virens	
Low	Santolina chamaecyparissus	Lavender Cotton
Low	Thymus citriodorus	
Medium	Trachelospermum asiaticum	Asian Jasmine
Medium	Trachelospermum jasminoides	Star Jasmine
Medium	Verbena	
High	Veronica spicata 'Red Fox'	
Low	Vinca minor 'Bowles'	

Vines

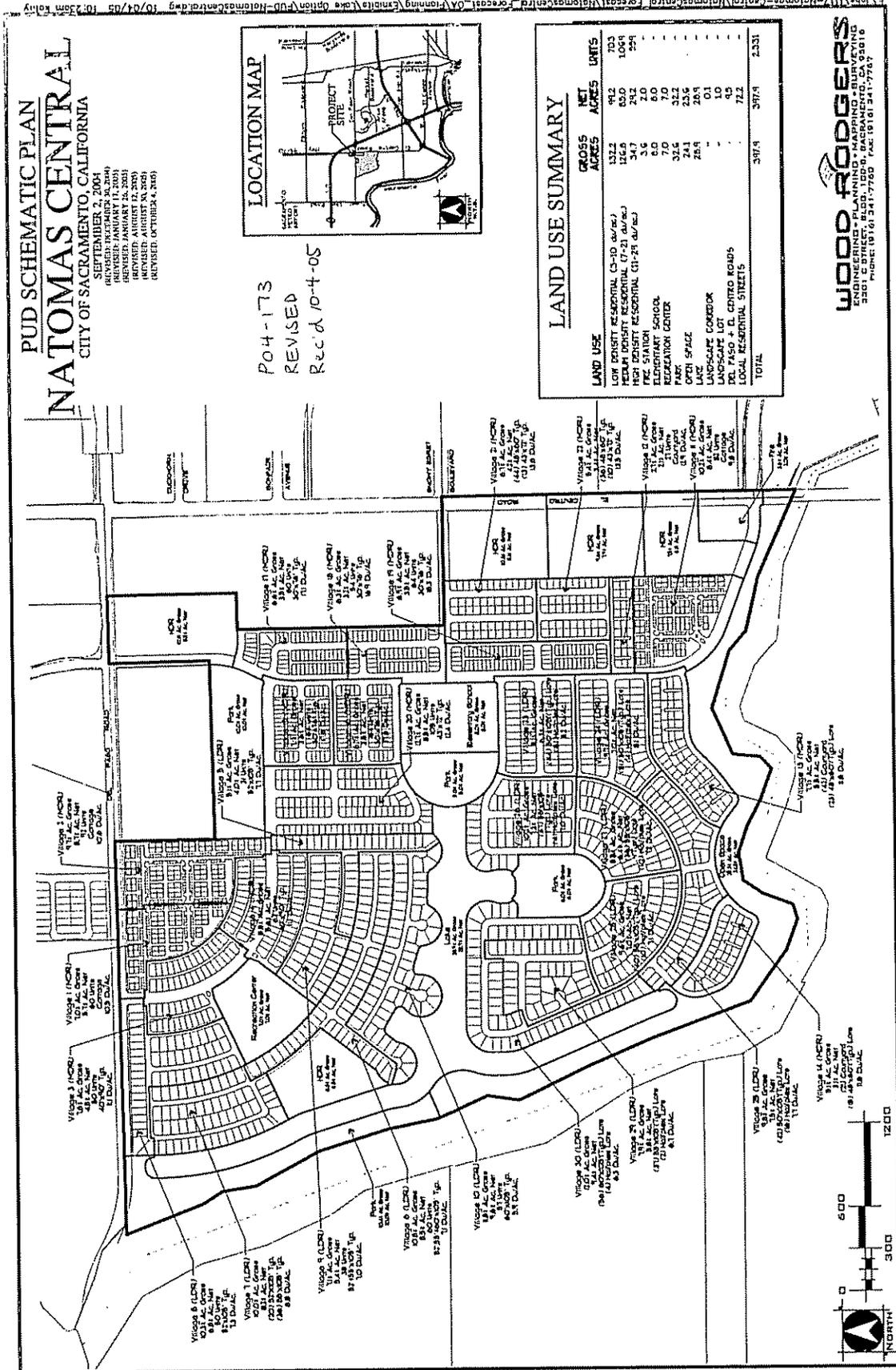
Water Usage	Botanical Name	Common Name
High	Ficus pumila	Creeping Fig
Medium	Gelsemium sempervirens	Carolina Jessamine
Medium	Hardenbergia violacea	ncn
Medium	Jasminum polyanthum	Pink Jasmine
Medium	Lonicera japonica 'Purpurea'	Purple Honeysuckle
Medium	Lonicera japonica 'Halliana'	Hall's Honeysuckle
Medium	Mandevilla laxa	Chilean Jasmine
Medium	Parthenocissus tricuspidata	Boston Ivy
Medium	Parthenocissus quinquefolia	Virginia Creeper
Medium	Passiflora pfordtii	Blue Crown Passion Flower
Medium	Rosa banksiae 'Alba Plena'	Bank's White Rose
Medium	Rosa banksiae 'Lutea'	Bank's Yellow Rose

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Medium	<i>Trachelospermum jasminoides</i>	Star Jasmine
Medium	<i>Wisteria sinensis</i> 'Blue'	Chinese Wisteria

Native and Ornamental Grasses

Water Usage	Botanical Name	Common Name
Medium	<i>Acorus</i>	Sweet Flag
Medium	<i>Arrhenatherum elatius bulbosum</i> 'Variegatum'	Rattlesnake Grass
Medium	<i>Calamagrostis acutifolia</i> 'Stricta'	Feather Reed Grass
Medium	<i>Carex</i> spp.	Carex
Low	<i>Festuca</i> spp.	Fescue
Medium	<i>Helictotrichon sempervirens</i>	Blue Oat Grass
Medium	<i>Miscanthus sinensis</i>	Eulalia
Low	<i>Muhlenbergia capillaris</i>	Hairy Awn Muhly
Low	<i>Muhlenbergia rigens</i>	Deer Grass
Medium	<i>Pennisetum</i> spp.	Fountain Grass
Medium	<i>Stipa gigantea</i>	Giant Feather Grass
Medium	<i>Stipa pulchra</i>	Purple Needle Grass



RESOLUTION NO.

Adopted by the Sacramento City Council

October 25, 2005

A RESOLUTION ADOPTING THE NOTICE OF DECISION AND FINDINGS OF FACT FOR THE NATOMAS CENTRAL PROJECT AND APPROVING THE TENTATIVE MASTER PARCEL MAP, TENTATIVE SUBDIVISION MAP, AND SUBDIVISION MODIFICATIONS, AND DENYING THE SPECIAL PERMIT FOR GATES, LOCATED IN THE NATOMAS CENTRAL PLANNED UNIT DEVELOPMENT, IN NORTH NATOMAS, SOUTHWEST OF THE INTERSECTION OF DEL PASO ROAD AND EL CENTRO ROAD. (P04-173) (APN: 225-0080-002, -003, -004, -015 thru -018, -062 & -064)

BACKGROUND

- A. On October 13, 2005, the City Planning Commission approved the Tentative Master Parcel Map, Tentative Map, and Subdivision Modifications, with conditions and denied the Special Permit for gates; and
- B. On October 25, 2005, the City Council heard and considered evidence in the above-mentioned matter.

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

- Section 1. At the regular meeting of October 25, 2005, the City Council heard and considered evidence in the above entitled matter. Based on verbal and documentary evidence at said hearing, the City Council took the following actions for the location listed above:
 - A. Approved the Tentative Master Parcel Map to subdivide 397.9+/- acres into residential, park, open space, and school parcels;
 - B. Approved the Tentative Map to subdivide 397.9+/- gross acres into 1,693+/- single family lots, four (4) parcels for multi-family development, a 6.0+/- acre park, a 5.0+/- net acre park, an 13.0+/- net acre joint park/school site, a 7.0+/- net acre private recreation center, a 25.9+/- net acre detention basin/lake, a 2.0+/- net acre fire station site, and 27.7+/- acres of open space;
 - C. Denied the Special Permit for a gated development; and

- D. Approved the Subdivision Modifications to create private streets, to allow alleys in single-family development, to allow non-standard elbows and non-standard intersection spacing, and to allow R-1 zoned residential parcels less than 52-feet wide and to allow corner parcels less than 62-feet wide.

These actions were made based upon the following findings of fact and subject to the following conditions:

FINDINGS OF FACT

A. Tentative Master Parcel Map: The **Tentative Master Parcel Map** to subdivide 397.9+/- acres into residential, park, open space, and school parcels is hereby **approved** based on the following findings of fact:

1. None of the conditions described in Government Code Section 66474, subsection (a) through (g), inclusive, exist with respect to the proposed subdivision;
2. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the City General Plan, and Chapter 16 of the City Code, which is a Specific Plan of the City. The proposed City General Plan designation for the subject site is Low Density Residential (4-15 du/na), Medium Density Residential (16-29 du/na), Parks-Recreation-Open Space, and Water;
3. The discharge of waste from the proposed subdivision into the existing community sewer system will not result in a violation of the applicable waste discharge requirements prescribed by the California Regional Water Quality Board, Central Valley Region, in that existing treatment plants have a design capacity adequate to service the proposed subdivision; and
4. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

B. Tentative Map: The **Tentative Map** to subdivide 397.9+/- gross acres into 1,693+/- single family lots, four (4) parcels for multi-family development, a 6.0+/- acre park, a 5.0+/- net acre park, an 13.0+/- net acre joint park/school site, a 7.0+/- net acre private recreation center, a 25.9+/- net acre detention basin/lake, a 2.0+/- net acre fire station site, and 27.7+/- acres of open space is hereby **approved** based on the following findings of fact:

1. None of the conditions described in Government Code Section 66474, subsection (a) through (g), inclusive, exist with respect to the proposed subdivision;
2. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the City General Plan, and Chapter 16 of

the City Code, which is a Specific Plan of the City. The proposed City General Plan designation for the subject site is Low Density Residential (4-15 du/na), Medium Density Residential (16-29 du/na), Parks-Recreation-Open Space, and Water;

3. The discharge of waste from the proposed subdivision into the existing community sewer system will not result in a violation of the applicable waste discharge requirements prescribed by the California Regional Water Quality Board, Central Valley Region, in that existing treatment plants have a design capacity adequate to service the proposed subdivision; and
 4. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities
- C. Special Permit: The **Special Permit** for a gated development is hereby **denied** based upon the following findings of fact:
1. Granting the Special Permit will impede public access to a public resource or interfere with existing or planned traffic circulation patterns;
 2. Granting the Special Permit is inconsistent with city regulations and guidelines relating to the establishment of gated developments;
 3. Granting the Special Permit is inconsistent with the objectives of the General Plan, the Community Plan, or other local plan for the area in which the project is to be located; and
 4. Granting the Special Permit will be detrimental to the public health, safety or welfare, or result in the creation of a nuisance.
- D. Subdivision Modifications: The **Subdivision Modifications** to create private streets, to allow alleys in single-family development, to allow non-standard elbows and non-standard intersection spacing, and to allow R-1 zoned residential parcels less than 52-feet wide and to allow corner parcels less than 62-feet wide are hereby **approved** based on the following findings of fact:
1. The property to be divided is of such size or shape, or is affected by such topographic conditions, or that there are such special circumstances or conditions affecting the property that it is impossible, impractical, or undesirable in the particular case to conform to the strict application of these regulations;
 2. The cost to the subdivider, of strict or literal compliance with the regulation, is not the sole reason for granting the modification;
 3. The modification will not be detrimental to the public health, safety, or welfare or be injurious to other properties in the vicinity; and

4. Granting the modification is in accord with the intent and purposes of these regulations and is consistent with the General Plan and with all other applicable specific plans of the City.

CONDITIONS OF APPROVAL

- A. The **Tentative Master Parcel Map** to subdivide 397.9+/- acres into residential, park, open space, and school parcels is hereby **approved** subject to the following conditions of approval:

NOTE: These conditions shall supersede any contradictory information shown on the Tentative Master Parcel Map or any contradictory provisions in the PUD guidelines approved for this project (P04-173). The design of any improvement not covered by these conditions or the PUD Guidelines shall be to City standard.

The applicant shall satisfy each of the following conditions prior to filing the Final Master Parcel Map unless a different time for compliance is specifically stated in these conditions. Any condition requiring an improvement that has already been designed and secured under a City Approved improvement agreement may be considered satisfied:

GENERAL: All Projects

- A1. In accordance with City Code Section 16.24.090(c)(1), approval of this map by the Planning Commission is contingent upon approval by the City Council of all required Plan Amendments (if any), Zoning changes, and the Development Agreement. The Final Map may not be recorded unless and until such time as the City Council approves such required Plan Amendments (if any), Zoning changes, and the Development Agreement.
- A2. The applicant shall participate in the North Natomas Financing Plan, adopted by Resolution No. 94-495 on August 9, 1994, and updated by Resolution No. 2002-373 on June 11, 2002, and shall execute any and all agreements, which may be required in order to implement this condition.
- A3. Execute a Development Agreement to the satisfaction of the City of Sacramento and comply with and meet all the requirements of the Agreement.
- A4. Comply with the North Natomas Development Guidelines and the PUD guidelines approved for this project (P04-173) to the satisfaction of the Planning Director and Development Engineering and Finance.
- A5. Comply with requirements included in the Mitigation Monitoring Plan developed by, and kept on file in, the Planning Division Office (P04-173).

- A6. Pay off existing assessments, or file the necessary segregation requests and fees to segregate existing assessments, in accordance with the Development Agreement.
- A7. Title to any property required to be dedicated to the City in fee shall be conveyed free and clear of all rights, restrictions, easements, impediments, encumbrances, liens, taxes, assessments or other security interests of any kind (hereafter collectively referred to as "Encumbrances"), except as provided herein. The applicant shall take all actions necessary to remove any and all Encumbrances prior to approval of the Final Map and acceptance of the dedication by City, except that the applicant shall not be required to remove Encumbrances of record, including but not limited to easements or rights-of-way for public roads or public utilities, which, in the sole and exclusive judgment of the City, cannot be removed and/or would not interfere with the City's future use of the property. The applicant shall provide title insurance with the City as the named beneficiary assuring the conveyance of such title to City.
- A8. Place the following note prominently on the master parcel map:

"THIS MASTER PARCEL MAP DOES NOT AUTHORIZE CONSTRUCTION OF ANY IMPROVEMENT ON THE LAND SUBJECT TO THE MAP; PRIOR TO ANY IMPROVEMENT OR CONSTRUCTION, ALL REQUIRED LAND USE ENTITLEMENTS, INCLUDING BUT NOT LIMITED TO A SPECIAL PERMIT, MUST BE APPLIED FOR AND APPROVED, AND ALL APPLICABLE CONDITIONS OF APPROVAL MUST BE SATISFIED"
- A9. Show all existing and proposed/required easements on the Final Master Parcel Map.
- A10. Multiple Final Maps may be recorded. Prior to recordation of any Final Map all infrastructure/improvements necessary for the respective Final Map must be in place to the satisfaction of the Departments of Utilities, Planning, and Public Works.
- A11. Obtain and comply with abandonment clearance letters for the abandonment's on the Final Map. Letters shall be provided to the Development Engineering and Finance.

Development Engineering and Finance: Streets

- A12. Streets shall be sized and dedicated as follows (the PUD Guidelines shall be revised to be consistent with these requirements). Del Paso Road shall be constructed as noted elsewhere in these conditions:

Street	from	to	Lanes	R/W	Min. Face Face/curb
El Centro Rd	Snowy Egret south	Property Line	4	100'	74'
Del Paso Rd	City Limits	El Centro Rd	4	100'	74'

NOTES: Dedication and construction of all streets shall be as required elsewhere in these conditions. Sidewalks may be omitted adjacent to parks and schools, as determined by the City. The minimum right-of-way for any street not mentioned above shall be 53'. The City will determine off-site improvement requirements prior to filing each subsequent map or phase. The 70' street section is a ("2+" Street) section unique to North Natomas and must have a center turn lane and bike lanes. The face/curb distance for the 70' street is 44' without parking and 59' with parking. All roadways may require additional dedication at intersections for turn lanes. On street bike lanes shall be provided along both sides of Del Paso Road and El Centro Road.

- A13. Multiple access points will be required for all phases of the Final Parcel Map to the satisfaction of the Development Engineering and Finance. Dead end streets must be less than 500' in length and must include a turn-around approved by the Development Engineering and Finance and Fire Departments. Certain exceptions may be considered by Development Engineering and Finance and the Fire Departments on a case-by-case basis.
- A14. Street shall be dedicated upon filing the first phase of the Final Master Parcel Map. Provide an Irrevocable Offer of Dedication (I.O.D.) for El Centro and Del Paso Roads.
- A15. All right-of-way and street improvement transitions that result from changing the right-of-way of any street shall be located, designed and constructed to the satisfaction of the Development Engineering and Finance. The center lines of such streets shall be aligned.
- A16. The design and placement of walls, fences, signs and Landscaping near intersections and driveways shall allow stopping sight distance per Caltrans standards and comply with City Code Section 12.28.010 (25' sight triangle). Walls shall be set back 3' behind the sight line needed for stopping sight distance to allow sufficient room for pilasters. Landscaping in the area required for adequate stopping sight distance shall be limited 3.5' in height. The area of exclusion shall be determined by the Development Engineering and Finance.

- A17. Streets adjacent to schools and parks shall provide additional right-of-way for on street parking, and vertical curb as determined by the Development Engineering and Finance.
- A18. The applicant shall make provisions for bus stops, shelters, transit centers, etc. to the satisfaction of Regional Transit.
- A19. The applicant shall dedicate (if necessary) and construct bus turn-outs for all bus stops adjacent to the subject site to the satisfaction of the Development Engineering and Finance Division.

FINANCE PLAN:

- A20. Provide, without cost to the City, in the form of an Irrevocable Offer of Dedication (IOD), all public land covered in the North Natomas Financing Plan Land Acquisition Program;

PRIVATE/PUBLIC UTILITIES:

- A21. Dedicate a standard 12.5 foot public utility easement (PUE) for underground facilities and appurtenances adjacent to all street rights of ways.
- A22. Dedicate a standard 12.5 foot public utility easement (PUE) for underground facilities and appurtenances adjacent to all Irrevocable Offers of Dedication.
- A23. Prior to recordation of the Final Map, Natomas Central Mutual Water Company shall be notified of map processing. Also, all assessments due on the property shall be paid and if the land use is other than agricultural, severance from the company is required. Pursuant to Company by-laws, severance from the Company requires execution of a stock cancellation agreement with Natomas Central Mutual Water Company, and severance fees must be paid.

CITY UTILITIES:

- A24. An assessment district, community facilities district or other financing mechanism approved in writing by the City must be formed for the purpose of construction of all common drainage facilities within the project area and any additional drainage capacity or facilities required to accommodate development of the subject area in accordance with the drainage master plan for the project area and other applicable drainage plans and criteria for North Natomas. For this purpose, "other financing mechanism" includes but is not limited to a fully executed agreement approved as to form by the City Attorney, which provides for funding and construction of the said facilities, and which provides for posting or depositing with the City unconditional security for performance of the

landowner's obligations, which security is adequate in the sole and exclusive discretion of the City, and which is in a form acceptable to the City Attorney.

- A25. The applicant and/or any successor shall fully participate in any financing mechanism, including but not limited to assessment districts, or community facilities districts formed for the purpose of financing the facilities specified in the previous condition, and any such mechanism formed for the purpose of financing the drainage facilities required under the North Natomas Comprehensive Drainage Plan. For this purpose, "fully participate" requires that the applicant and/or any successor shall, notwithstanding the provisions of Articles XIII C and/or XIII D of the California Constitution, or any other applicable federal or state law, rule or regulation, waive and relinquish any right to protest or vote against the formation of the mechanism and/or the levy of any assessment or tax pursuant thereto; actively participate in a positive manner in the proceedings for formation of the mechanism and/or the levy of any assessment or tax pursuant thereto; and pay all taxes, assessments and/or fees levied pursuant thereto.
- A26. Execute a drainage agreement with the City for the construction of common drainage facilities per the approved drainage plan. The drainage agreement shall be to the satisfaction of the Department of Utilities and the City Attorney. Common drainage facilities shall include, but are not limited to, storm drain pipes serving all master parcels or Villages including Lots M and N, drainage facilities within Lots M and N, pump station and discharge pipes, lake, detention basin, outfall structures and weir structure.
- A27. A drainage master plan for this site must be completed by the applicant and approved by the Department of Utilities (DOU). The 10-year and 100-year HGL's for this study shall be calculated using the City's SWMMM model. Drain inlets shall be 6- inches above the 10-year HGL. Building pad elevations shall be a minimum of 1.2 feet above the 100-year HGL and 1.5 feet above the local controlling overland flow release elevation, whichever is higher. Or, finished floor and finished garage elevations shall be a minimum of 1.50 feet above the 100-year HGL and shall be a minimum of 1.80 feet above the local controlling overland flow release elevation, whichever is higher. All drainage lines shall be placed within the asphalt section of public-right-of-ways as per the City's Design Procedures Manual, unless otherwise approved by the DOU. The drainage master plan is required to show the sizes of all common trunk lines in the street right-of-ways. A phasing plan for drainage infrastructure, if appropriate, shall be approved by the Department of Utilities and included in the final master drainage plan report.
- A28. A water master plan for this entire area must be completed by the applicant and approved by the Department of Utilities. This study shall

also determine if the existing water distribution system infrastructure is adequate to supply fire flow demands resulting from developing this project. All water mains shall be placed within the asphalt section of public street right-of-ways as per the City's Design and Procedures Manual, unless otherwise approved the DOU.

- A29. A sanitary sewer master plan for this project must be completed by the applicant and approved by Sacramento County Sanitation District No. 1 prior to recordation of the final master parcel map. The sewer master plan shall be provided to the Department of Utilities to assure that no conflicts with water or drainage facilities exist within the streets or easements. All sewer lines shall be placed within the asphalt section of public street right-of-ways as per the City's Design and Procedures Manual, unless otherwise approved by the Department of Utilities and Sacramento County Sanitation District No. 1.
- A30. Properly abandon under permit, from the County Environmental Health Division, any well or septic system located on the property.
- A31. All existing easements and all existing right-of-ways shall be shown on the Final Master Parcel Map.
- A32. Dedicate all necessary easements, right-of-way, fee title property, or IOD in fee title property on the final map as required to implement the approved drainage, water and sewer studies, per each approving agency requirements. Easements shall be dedicated for off-site water and storm drain main extensions. Street right-of-way shall be dedicated for common drainage pipes identified in the master drainage plan. All dedications shall be at no cost to the City and shall be to the satisfaction of the DOU.
- A33. The proposed development is located within the Reclamation District 1000 (RD 1000). The applicant shall comply with all RD 1000 requirements and pay all required fees.
- A34. Obtain approval from RD 1000 (or other governing agencies) for the abandonment and/or relocation of the existing canals.
- A35. The applicant is responsible for obtaining all necessary permits, easements and approvals from federal, state and local agencies for the construction of this project.
- A36. All dedications of property to the City for water or storm drainage facilities shall be in IOD fee/title on a City-approved form, or at the discretion of the DOU in fee/title and shall be free and clear of all encumbrances and liens.
- A37. The applicant shall develop a lake management plan subject to approval by the Department of Utilities. This management plans will address the

operation and maintenance of flood control, water quality and other items directly related to the drainage system.

- A38. The Homeowners Association (HOA) shall be responsible for maintaining the water quality, landscaping and aesthetics of the lake. The Department of Utilities shall be responsible for maintaining the outfall structures, weir structure, and pump station and discharge pipes. The lake water surface shall be maintained at an elevation determined solely by the Department of Utilities. Cleanup after a storm event is the responsibility of the HOA and property owners. The applicant shall execute an agreement with the City, which delineates the maintenance responsibilities of the HOA. This agreement shall include a provision, which, in the event of the HOA's failure to adequately perform their maintenance responsibilities, allows the Department of Utilities to perform maintenance and be reimbursed for such maintenance by the HOA. The agreement shall be to the satisfaction of the Department of Utilities and the City Attorney.
- A39. Dedicate Parcel 42 (Park), Parcel 43 (Open Space) and Parcel 44 (Lake) to the City. An easement shall be dedicated to the HOA for maintenance and access per the lake management plan.
- A40. The applicant shall provide for the grading, drainage, landscaping and irrigation of Parcels 42 and 43. The construction shall be to the satisfaction of the DOU and Parks.

SPECIAL DISTRICTS: Assessment Districts

- A41. With each phase of the Final Master Parcel Map dedicate to the City those areas identified on that phase of the Tentative Master Parcel Map as Landscape Corridors, Freeway Buffers, and Open Space areas. Annex the project area to the appropriate Landscape Maintenance District, or other financing mechanism acceptable to the City, prior to recordation of the Final Map. Design and construct landscaping and irrigation in dedicated easements or rights of way, to the satisfaction of the Public Works Department, Parks Planning, Design and Development (PPDD), and the Planning Division. Acceptance of the required landscaping and irrigation by the City into the Landscape Maintenance District shall be coordinated with the Department of Public Works (Special Districts and Development Services) and PPDD. The Developer shall maintain the landscaping and irrigation for two years or until acceptance by the City into the District (whichever is less). The two year period shall begin following the issuance of a notice of completion by the City for the landscaping and irrigation.

ADVISORY NOTES:

The following advisory notes are informational in nature and are not a requirement of this Tentative Map:

- A. Comply with Ch. 16.32.160 of the City Code regarding Master Parcel Map, Ordinance No.95-013, Dated March 1995.

- B. The **Tentative Map** to subdivide 397.9+/- gross acres into 1,693+/- single family lots, four (4) parcels for multi-family development, a 6.0+/- acre park, a 5.0+/- net acre park, an 13.0+/- net acre joint park/school site, a 7.0+/- net acre private recreation center, a 25.9+/- net acre detention basin/lake, a 2.0+/- net acre fire station site, and 27.7+/- acres of open space is hereby **approved** subject to the following conditions of approval:

NOTE: These conditions shall supersede any contradictory information shown on the Tentative Map or any contradictory provisions in the PUD guidelines approved for this project (P04-173). The design of any improvement not covered by these conditions or the PUD Guidelines shall be to City standard.

The applicant shall satisfy each of the following conditions prior to filing the Final Map unless a different time for compliance is specifically stated in these conditions. Any condition requiring an improvement that has already been designed and secured under a City Approved improvement agreement may be considered satisfied:

GENERAL: All Projects

- B1. In accordance with City Code Section 16.24.090(c)(1), approval of this map by the Planning Commission is contingent upon approval by the City Council of all required Plan Amendments (if any), Zoning changes, and the Development Agreement. The Final Map may not be recorded unless and until such time as the City Council approves such required Plan Amendments (if any), Zoning changes, and the Development Agreement.

- B2. The applicant shall participate in the North Natomas Financing Plan, adopted by Resolution No. 94-495 on August 9, 1994, and updated by Resolution No. 2002-373 on June 11, 2002, and shall execute any and all agreements, which may be required in order to implement this condition.

- B3. Execute a Development Agreement to the satisfaction of the City of Sacramento. Comply with and meet all requirements of said agreement.

- B4. Comply with the North Natomas Development Guidelines and the PUD guidelines approved for this project (P04-173) to the satisfaction of the Planning Director and Development Engineering and Finance Division.

- B5. Comply with requirements included in the Mitigation Monitoring Plan developed by, and kept on file in, the Planning Division Office (P04-173).

- B6. The design of any improvement not covered by these conditions or the PUD Guidelines shall be to City standard.
- B7. Pay off existing assessments, or file the necessary segregation requests and fees to segregate existing assessments, in accordance with the Development Agreement.
- B8. Show all existing and proposed/required easements on the Final Map.
- B9. Private reciprocal ingress, egress, maneuvering and parking easements are required for future development of the area covered by this Tentative Map. The applicant shall enter into and record an Agreement for Conveyance of Easements with the City stating that a private reciprocal ingress/egress, maneuvering, and parking easement shall be conveyed to and reserved from all appropriate parcels at no cost, at the time of sale or other conveyance of any parcel.
- B10. Obtain and comply with abandonment clearance letters for any abandonment proposed on the Tentative Map. Only letters executed by the appropriate recipients are acceptable. Letters shall be provided to the Development Engineering and Finance Division.
- B11. Title to any property required to be dedicated to the City in fee shall be conveyed free and clear of all rights, restrictions, easements, impediments, encumbrances, liens, taxes, assessments or other security interests of any kind (hereafter collectively referred to as "Encumbrances"), except as provided herein. The applicant shall take all actions necessary to remove any and all Encumbrances prior to approval of the Final Map and acceptance of the dedication by City, except that the applicant shall not be required to remove Encumbrances of record, including but not limited to easements or rights-of-way for public roads or public utilities, which, in the sole and exclusive judgment of the City, cannot be removed and/or would not interfere with the City's future use of the property. The applicant shall provide title insurance with the City as the named beneficiary assuring the conveyance of such title to City.
- B12. Pursuant to City Code Section 16.40.190, indicate easements on the Final Map to allow for the placement of centralized mail delivery units. The specific locations for such easements shall be subject to review and approval of the Development Engineering and Finance Division after consultation with the U.S. Postal Service.
- B13. Multiple Final Maps may be recorded. Prior to recordation of any Final Map all infrastructure/improvements necessary for the respective Final Map must be in place to the satisfaction of the Departments of Utilities, and Development Services.

Note: The applicant has already met with Development Engineering and Finance and a tentative improvement phasing plan has been worked out.

- B14. Prior to submittal of improvement plans for any phase of this project, the developer's design consultant(s) shall participate in a pre-design conference with City staff. The purpose of this conference is to allow City staff and the design consultants to exchange information on project design requirements and to coordinate the improvement plan review process. Contact the Development Engineering and Finance Division, Plan Check Engineer at 808-7915 to schedule the conference. It is strongly recommended that the conference be held as early in the design process as possible.

Development Engineering and Finance Division: Streets

- B15. Submit a Geotechnical Analysis prepared by a registered engineer to be used in street design. The analysis shall identify and recommend solutions for groundwater related problems, which may occur within both the subdivision lots and public right-of-way. Construct appropriate facilities to alleviate those problems. As a result of the analysis street sections shall be designed to provide for stabilized subgrades and pavement sections under high groundwater conditions;
- B16. Construct standard subdivision improvements as noted in these conditions pursuant to section 16.48.110 of the City Code. All improvements shall be designed and constructed to the satisfaction of the Development Engineering and Finance Division. Improvements required shall be determined by the city. The City shall determine improvements required for each phase prior to recordation of each phase. Any public improvement not specifically noted in these conditions or on the Tentative Map shall be designed and constructed to City standards. This shall include street lighting and the repair or replacement/reconstruction of any existing deteriorated curb, gutter and sidewalk per City standards to the satisfaction of the Development Engineering and Finance Division.
- B17. At its discretion, the City may require the inclusion of traffic calming devices along residential streets, to be constructed as part of the public improvements. These devices may include, but are not limited to, traffic circles, intersection portals, chicanes, undulations, etc. All traffic calming devices shall be reviewed and approved by the Department of Transportation.
- B18. The public alleys associated with this map require a subdivision modification and shall have 5' public utility easements (PUE) dedicated adjacent to both sides. A Street lighting system shall be installed within the PUE. Said alleys must be constructed out of concrete to the satisfaction of Development Engineering and finance. If the applicant

desires the alleys can be private and an additional Post Subdivision Modification to vary the material type can be requested.

- B19. The private streets must be shown as individual lots on the Final Map. A Homeowners Association must be formed to maintain the private streets.
- B20. Provide in the form of an Irrevocable Offer of Dedication an additional 5' of right-of-way adjacent to the 36' wide private streets. In the event that the Homeowners Association fails the City will accept the IOD and the streets will meet minimum City Standard.
- B21. Dedicate Del Paso Road between El Centro Road to the westerly City Limits as a North Natomas 100' 4-lane standard (50' half-street) section. Construction of Del Paso Road shall be per the following and to the satisfaction of the Development Engineering & Finance Division:
- a. The applicant shall construct the southern half of Del Paso Road to be consistent with the North Natomas 100-foot 4-lane standard. The limit of construction shall be from El Centro Road to the west side of Lot 2 of Village 8 as shown on the Tentative Map dated 10-04-2005. The applicant shall use best efforts, as determined by the City, to obtain an easement from the adjacent property owners for right-of-way along the southern portion of Del Paso Road, if not already dedicated. If offsite dedication is not obtained, the applicant shall construct Del Paso Road along all portions adjacent to the project site. The applicant is also responsible for any transitions, striping and signage that may be required to comply with this condition to the satisfaction of the Development Engineering and Finance Division.
 - b. From the western limits of the existing Westborough subdivision (P98-112), Del Paso Road shall transition from a 4-lane street to a 2-lane street (which shall be located on the southern half of Del Paso Road). This shall include all necessary striping & signage to accommodate the transition of travel lanes. At the western edge of the Natomas Central Subdivision (near lots 1 and 2 of Village 8), Del Paso Road shall transition from the newly constructed southern half to the existing portion of Del Paso Road.
- B22. Dedicate and construct El Centro, with the first phase of the map, between Snowy Egret (north end) to the property boundary as a North Natomas 100' 4-lane standard.
- B23. Streets adjacent to schools and parks shall provide additional right-of-way for on street parking, and vertical curb as determined by the Development Engineering and Finance.

- B24. Multiple access points will be required for all phases of the Final Subdivision Map to the satisfaction of the Development Engineering and Finance Division and the Fire Department. Dead end streets must be less than 500' in length and must include a turn-around approved by the Development Engineering and Finance Division and Fire Department. Certain exceptions may be considered by the Development Engineering and Finance Division and the Fire Department on a case-by-case basis.

Note: Dead ends less than 150' in length do not require a turnaround.

- B25. The design and placement of walls, fences, signs and Landscaping near intersections and driveways shall allow stopping sight distance per Caltrans standards and comply with City Code Section 12.28.010 (25' sight triangle). Walls shall be set back 3' behind the sight line needed for stopping sight distance to allow sufficient room for pilasters. Landscaping in the area required for adequate stopping sight distance shall be limited 3.5' in height. The area of exclusion shall be determined by the Development Engineering and Finance Division.
- B26. Provide additional right-of-way for expanded intersections at intersections to be signalized or where roundabouts are to be installed to the satisfaction of Development Engineering and Finance Division.
- B27. Developer is required to install permanent street signs to the satisfaction of the Development Engineering and Finance Division.
- B28. All right-of-way and street improvement transitions that result from changing the right-of-way of any street shall be located, designed and constructed to the satisfaction of the Development Engineering and Finance Division. The center lines of such streets shall be aligned.
- B29. Sidewalk may be waived on the south side of street 2 and street 32 where they abut the open space lots in favor of an off-street bike trail within the open space lots. DEF and PPDD approval required.
- B30. Any residential street (53' or lower) that intersects with a collector or arterial street must meet one of the following requirements:
- a. The residential street must be posted no parking for 100' prior to the intersection.
 - b. The residential street must be widened to allow parking without narrowing the traveled way for 100' prior to the intersection.
- B31. Construct traffic signal or a Round-about at the following intersections if not already in place. If signal/round-about is in place the applicant must make all appropriate modifications to the existing signal/round-about to the satisfaction of Development Engineering and Finance.

- a. Arena Boulevard/Street 2/EI Centro Road
- b. Snowy Egret/Street 3/EI Centro Road**
- c. Street 2 and Del Paso Road**
- d. Street 1 and Del Paso Road**

NOTE: The Development Engineering and Finance Division shall determine the need for signals, based on CalTrans signal warrants and known pending development projects prior to the issuance of any building permit. If required, signals shall be constructed as part of the public improvements. Signal design and construction shall be to the satisfaction of the Development Engineering and Finance Division and may be subject to reimbursement as set forth in the Development Agreement. The applicant shall provide all on-site easements and right-of-way needed for turn lanes, signal facilities and related appurtenances. The applicant shall install CCTV cameras and all necessary appurtenances if deemed necessary by and to the satisfaction of the Department of Transportation.

- B32. The applicant shall submit a signal design concept report (SCDR) per section 15.18 of the City's Design and Procedures Manual to the Development Engineering and Finance Division for review and approval prior to the submittal of any improvement plans involving traffic signal work. The SCDR provides crucial geometric information for signal design and should be started as early as possible to avoid delays during the plan check process.
- B33. The applicant shall make provisions for bus stops, shelters, transit centers, etc. to the satisfaction of Regional Transit.
- B34. The applicant shall dedicate (if necessary) and construct bus turn-outs for all bus stops adjacent to the subject site to the satisfaction of the Development Engineering and Finance Division.
 - B34a. The applicant shall modify the tentative map to reflect a minimum of 11.2 acre school site (Lot G) adjacent to the 5.0 acre joint use park site (Lot J). The revisions shall be to the satisfaction of the Development Services Department.
 - B34b. The applicant shall pay in-lieu fees for the design and construction of the portion of Del Paso Road between lot 2 of Village 8, and the west limit of the project site (Lot L).
 - B34c. The applicant shall record an avigation easement over the Natomas Central project site.

PRIVATE/PUBLIC UTILITIES:

B35. Dedicate a standard 12.5 foot public utility easement (PUE) for underground facilities and appurtenances adjacent to all street right of ways excepting where buildings are located or to the satisfaction of SMUD's facilities coordinator.

Qualification: When street right-of-way is adjacent to an established/proposed park site, location of appurtenances shall be coordinated with the PPDD and must be approved by the City Parks Director.

B36. Dedicate any private drive, ingress and egress easement, or Irrevocable Offer of Dedication and 12.5 feet adjacent thereto as a public utility easement (PUE) for underground facilities and appurtenances excepting where buildings are located or to the satisfaction of SMUD's facilities coordinator.

B37. Dedicate a 5 foot public utility easement for underground facilities and appurtenances adjacent to all public alley rights of way.

B38. Dedicate the private driveways and 5.00 feet adjacent thereto as a public utility easement for underground facilities and appurtenances.

B39. The owner/developer must disclose to future/potential owners the existing 69kV electrical facilities. SMUD has existing 69kV overhead facilities on the north side of Del Paso Road and on the east side of El Centro Road.

B40. Connection to the public sewer system shall be required to the satisfaction of CSD-1. Sacramento County Improvement Standards apply to sewer construction.

B41. Each lot and each building with a sewage source shall have a separate connection to the CSD-1 sewer system.

B42. CSD-1 shall require an approved sewer study prior to the approval of Final Map or submittal of improvement plans for plan check to CSD-1, whichever comes first.

B43. In order to obtain sewer service, construction of CSD-1 sewer infrastructure is expected to be required.

B44. Sewer easements will be required. All sewer easements shall be dedicated to CSD-1, in a form approved by the District Engineer. All CSD-1 sewer easements shall be at least 20 feet in width and ensure continuous access for installation and maintenance.

- B45. Any use of CSD-1 sewer easements, which is not compatible or interferes with the construction, reconstruction, operation, maintenance, or repair of the District's sanitary sewer(s), shall not be allowed. Each proposed use shall be reviewed and approved in writing by the District Engineer prior to the use of the easement by the Grantor. This includes, but is not limited to landscaping and water control infrastructure. CSD-1 is specifically concerned with a proposed sewer line between the lake and the RD-1000 drainage canal.
- B46. Provide a minimum 12-foot wide access road over all sewer easements not within a public or private roadway.
- B47. Gates across CSD-1 easements shall meet CSD-1 standards for accessibility.
- B48. The Homeowners Association By-Laws of the subject project shall include a provision to repair and/or replace all non-asphalt and/or enhanced surface treatments of streets and driveways damaged by CSD-1 maintenance and repair operations.
- B49. CSD-1 requires their sewers to be located 10 feet from other parallel utilities (water, drain, electrical, etc.). Prior to recording the Final Map, the applicant shall prepare a utility plan that will demonstrate that this condition is met.
- B50. All structures along private drives shall have a minimum 10-foot setback so that CSD-1 can properly maintain sewer services.
- B51. Private drives shall have structural street sections that meet City of Sacramento Improvement Standards. This will prevent pavement damage by CSD-1 maintenance and repair operations.
- B52. Prior to recordation of the Final Map, Natomas Central Mutual Water Company shall be notified of map processing. Also, all assessments due on the property shall be paid and if the land use is other than agricultural, severance from the company is required. Pursuant to Company by-laws, severance from the Company requires execution of a stock cancellation agreement with Natomas Central Mutual Water Company, and severance fees must be paid.

CITY UTILITIES:

- B53. If all phases of the Master Parcel Map have not been recorded then an assessment district, community facilities district or other financing mechanism approved in writing by the City must be formed for the purpose of construction of all common drainage facilities within the project area and any additional drainage capacity or facilities required to accommodate development of the subject area in accordance with the

drainage master plan for the project area and other applicable drainage plans and criteria for North Natomas. For this purpose, "other financing mechanism" includes but is not limited to a fully executed agreement approved as to form by the City Attorney, which provides for funding and construction of the said facilities, and which provides for posting or depositing with the City unconditional security for performance of the landowner's obligations, which security is adequate in the sole and exclusive discretion of the City, and which is in a form acceptable to the City Attorney.

- B54. If all phases of the Master Parcel Map have not been recorded then the applicant and/or any successor shall fully participate in any financing mechanism, including but not limited to assessment districts, or community facilities districts formed for the purpose of financing the facilities specified in the previous condition, and any such mechanism formed for the purpose of financing the drainage facilities required under the North Natomas Comprehensive Drainage Plan. For this purpose, "fully participate" requires that the applicant and/or any successor shall, notwithstanding the provisions of Articles XIII C and/or XIII D of the California Constitution, or any other applicable federal or state law, rule or regulation, waive and relinquish any right to protest or vote against the formation of the mechanism and/or the levy of any assessment or tax pursuant thereto; actively participate in a positive manner in the proceedings for formation of the mechanism and/or the levy of any assessment or tax pursuant thereto; and pay all taxes, assessments and/or fees levied pursuant thereto.
- B55. If all phases of the Master Parcel Map have not been recorded then execute a drainage agreement with the City for the construction of common drainage facilities per the approved drainage plan. The drainage agreement shall be to the satisfaction of the Department of Utilities and the City Attorney. Common drainage facilities shall include, but are not limited to, storm drain pipes serving all master parcels or Villages including Lots M and N, drainage facilities within Lots M and N, pump station and discharge pipes (if required), lake, detention basin, outfall structures and weir structure.
- B56. Prior to submittal of improvement plans, prepare a project specific drainage study for review and approval by the Department of Utilities (DOU). The 10-year and 100-year HGL's for this study shall be calculated using the City's SWMMM model. Drain inlets shall be 6-inches above the 10-year HGL. Building pad elevations shall be a minimum of 1.2 feet above the 100-year HGL and 1.5 feet above the local controlling overland flow release elevation, whichever is higher. Or, finished floor and finished garage elevations shall be a minimum of 1.50 feet above the 100-year HGL and shall be a minimum of 1.80 feet above the local controlling overland flow release elevation, whichever is higher. All drainage lines shall be placed within the asphalt section of public-right-of-ways as per the

City's Design Procedures Manual, unless otherwise approved by the DOU. Per City Code, the Subdivider may not develop the project in any way that obstructs, impedes, or interferes with the natural flow of existing off-site drainage which crosses the property. The project shall construct the required public and/or private infrastructure to handle off-site runoff to the satisfaction of the Department of Utilities. If private infrastructure is constructed to handle off-site runoff, the applicant shall dedicate the required private easements and/or, at the discretion of the DOU, the applicant shall enter into and record an Agreement for Maintenance of Drainage with the City, in a form acceptable to the City Attorney. Sufficient off-site and on-site spot elevations shall be provided in the drainage study to determine the direction of storm drain runoff. The drainage study shall include an overland flow release map for the proposed project.

- B57. All lots shall be graded so that drainage does not cross property lines or private drainage easements shall be dedicated.
- B58. Street and gutter flow line elevations shall be designed so that runoff from the development overland releases to the proposed lake.
- B59. Prior to the submittal of improvement plans, prepare a project specific water study for review and approval by the Department of Utilities. The water distribution system shall be designed to satisfy the more critical of the two following conditions: (1) at maximum day peak hour demand, the operating or "residual" pressure at all water service connections shall be at least 30 pounds per square inch, (2) at average maximum day demand plus fire flow, the operating or "residual" pressure in the area of the fire shall not be less than 20 pounds per square inch. The water study shall determine if the existing and proposed water distribution system is adequate to supply fire flow demands for the project. A water supply test may be required for this project. Contact the Department of Utilities for the pressure boundary conditions to be used in the water study.
- B60. Two or more points of service for the water distribution system for this subdivision or any phase of this subdivision are required. All water lines shall be placed within the asphalt section of public right-of-ways as per the City's Design and Procedures Manual.
- B61. All water connections shall comply with the City of Sacramento's Cross connection Control Policy.
- B62. Construct 36-inch water transmission main in El Centro Road from River View Villages 3 and 4 to Arena Boulevard (aka Stadium Boulevard). The construction shall be to the satisfaction of the Department of Utilities. The construction is subject to reimbursement credits by the Department of Utilities.

- B63. Construct water pipes and appurtenances, construct storm drain pipes and appurtenances, and construct sanitary sewer pipes and appurtenances in Del Paso Road, El Centro Road, Streets 1-41 and the Private Drives in Villages 1, 2 and 11. The construction shall be to the satisfaction of the DOU and County Sanitation District 1 (CSD1).
- B64. Construct detention/water quality basin (proposed lake), construct pump station and discharge pipes (if required by the DOU), and construct inlet and outlet structures for the detention/water quality basin. The construction shall be to the satisfaction of the DOU. The applicant is responsible for obtaining all necessary permits, easements and approvals from federal, state and local agencies, and private land owners for the construction of these facilities. The easements shall be granted to the City, at no cost to the City, and shall be to the satisfaction of the DOU.
- B65. Construct storm drain and sanitary sewer stubs and water taps, meters and RP's for all Park Lots. The construction shall be to the satisfaction of the Department of Utilities and Parks Department.
- B66. The proposed development is located within Reclamation District 1000 (RD 1000). The applicant shall comply with all RD 1000 requirements and pay all required fees. The applicant shall contact RD 1000 to determine what facilities need to be constructed, e.g., access roads (along the toe of the levee) and access ramps.
- B67. Per Sacramento City Code, water meters shall be located at the point of service which is the back of curb for separated sidewalks or the back of walk for connected sidewalks or the back of curb where no sidewalk is constructed.
- B68. Place a 2-inch (minimum) sleeve under the sidewalks for each single family lot along all streets with separated curb and sidewalk for irrigation of the landscape planter. Sleeves shall be placed prior to construction of sidewalks.
- B69. Any new domestic water services shall be metered. Only one domestic water service is allowed per parcel. Excess services shall be abandoned to the satisfaction of the Department of Utilities.
- B70. Residential water taps and meters shall be sized per the City's Building Department onsite plumbing requirements (water taps and meters may need to be larger than the 1-inch depending on the length of the house service, number of fixtures units, etc.).
- B71. Public and private streets with City maintained water, City maintained drainage facilities or CSD1 maintained sewer facilities shall have a minimum paved width of 25-feet from lip of gutter to lip of gutter. Water mains shall not be located in the Alleys.

- B72. Surface and subsurface drainage facilities located within the Alleys shall be private facilities maintained by a homeowners association (HOA) or a privately funded maintenance district. Private easements shall be dedicated for these facilities. The responsible maintenance agency shall enter into and record an agreement with the City regarding the maintenance of these facilities. The agreement shall be to the satisfaction of the Department of Utilities and the City Attorney.
- B73. Within Lots 12A-12E, 13A-13G and 14A-14D dedicate private easements for water, sanitary sewer and drainage.
- B74. The proposed development is located within County Sanitation District No. 1 (CSD1). Satisfy all CSD1 requirements.
- B75. Provide standard subdivision improvements per Section 16.48.110 of the City Code. Construct water, sewer, and drainage facilities to the satisfaction of the Department of Utilities. Off-site main extensions may be required.
- B76. Properly abandon under permit, from the County Environmental Health Division, any well or septic system located on the property.
- B77. A grading plan showing existing and proposed elevations is required. Adjacent off-site topography shall also be shown to the extent necessary to determine impacts to existing surface drainage paths. No grading shall occur until the grading plan has been reviewed and approved by the Department of Utilities.
- B78. Post construction, storm water quality control measures shall be incorporated into the development to minimize the increase of urban runoff pollution caused by development of the area. Since the project is in an area that is served by a regional water quality control facility (proposed lake), only source control measures are required. Specific source controls are required for (1) commercial/industrial material storage, (2) commercial/industrial outdoor loading/unloading of materials, (3) commercial/industrial vehicle and equipment fueling, (4) commercial/industrial vehicle and equipment maintenance, repair and washing, (5) commercial/industrial outdoor process equipment operations and maintenance and (6) commercial/industrial waste handling. Storm drain message is required at all drain inlets. Improvement plans must include the source controls measures selected for the site. Refer to the latest edition of the "Guidance Manual for On Site Stormwater Quality Control Measures", for appropriate source control measures.
- B79. This project is greater than 1 acre, therefore the project is required to comply with the State "NPDES General Permit for Stormwater Discharges Associated with Construction Activity" (State Permit). To comply with the

State Permit, the applicant will need to file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) and prepare a Stormwater Pollution Prevention Plan (SWPPP) prior to construction. A copy of the State Permit and NOI may be obtained from www.swrcb.ca.gov/stormstr/construction.html. The SWPPP will be reviewed by the Department of Utilities prior to issuing a grading permit. The following items, but not limited to, shall be included in the SWPPP: (1) vicinity map, (2) site map, (3) list of potential pollutant sources, (4) type and location of erosion and sediment BMP's, (5) name and phone number of person responsible for SWPPP and (6) certification by property owner or authorized representative.

- B80. The applicant must comply with the City of Sacramento's Grading, Erosion and Sediment Control Ordinance. This ordinance requires the applicant to show erosion and sediment control methods on the subdivision improvement plans. These plans shall also show the methods to control urban runoff pollution from the project site during construction.
- B81. Dedicate all necessary easements, right-of-way, fee title property, or IOD in fee title property on the final map as required to implement the approved drainage, water and sewer studies, per each approving agency requirements. Easements shall be dedicated for off-site water and storm drain main extensions. All dedications shall be at no cost to the City and shall be to the satisfaction of the DOU.
- B82. The applicant shall enter into and record a Hold Harmless Agreement, in a form acceptable to the City Attorney, for all lots within the subdivision regarding the placement of water meters within driveways, walkways, hardscape and concrete or asphalt concrete (AC) flat work.
- B83. If required by the Department of Utilities, the applicant shall enter into and record an Agreement for Conveyance of Easements with the City, in a form acceptable to the City Attorney, requiring that private easements be granted, as needed, for drainage, water and sanitary sewer at no cost at the time of sale or other conveyance of any lot. A note stating the following shall be placed on the Final Map: "The lots created by this map shall be developed in accordance with recorded agreement for conveyance of easements # (Book____, Page____)."
- B84. The applicant is responsible for obtaining all necessary permits, easements and approvals from federal, state and local agencies for the construction of this project.
- B85. Drainage outfall structures shall be located where streets are adjacent to the lake or in lots (outfall lot) dedicated to the City in IOD/fee title on a City approved form. The width and location of outfall lots shall be to the satisfaction of the Department of Utilities. The minimum width of outfall lots measured perpendicular to the storm drain pipe shall be 30-feet. The

Homeowners Association (HOA) shall be responsible for maintaining the landscaping, irrigation system and paved surfaces within the outfall lots. The applicant shall execute a hold harmless agreement for improvements placed within the outfall lots. The agreement shall be to the satisfaction of the DOU and the City Attorney.

- B86. Construct access roads for outfall structures, weir structure, and pump station and discharge pipes (if required) from the public or private street to the facility. The minimum width of the access road shall be 12-feet and shall be constructed to the satisfaction of the DOU. Access roads shall be located in outfall lots, parks and open space lots.
- B87. If required by the DOU for 100 year flood plain, storage dedicate an easement into the rear of the lake frontage lots for the storage of storm water runoff and access for maintenance of outfall structures and weir structure. The easement shall be to the satisfaction of the Department of Utilities.
- B88. If all phases of the Master Parcel Map have not been recorded then the applicant shall develop a lake management plan subject to approval by the Department of Utilities. This management plans will address the operation and maintenance of flood control, water quality and other items directly related to the drainage system.
- B89. If all phases of the Master Parcel Map have not been recorded then the Homeowners Association (HOA) shall be responsible for maintaining the water quality, landscaping and aesthetics of the lake. The Department of Utilities shall be responsible for maintaining the outfall structures, weir structure, and pump station and discharge pipes (if required). The lake water surface shall be maintained at an elevation determined solely by the Department of Utilities. Cleanup after a storm event is the responsibility of the HOA and property owners. The applicant shall execute an agreement with the City, which delineates the maintenance responsibilities of the HOA. This agreement shall include a provision, which, in the event of the HOA's failure to adequately perform their maintenance responsibilities, allows the Department of Utilities to perform maintenance and be reimbursed for such maintenance by the HOA. The agreement shall be to the satisfaction of the Department of Utilities and the City Attorney.
- B90. If all phases of the Master Parcel Map have not been recorded then the applicant shall provide for the grading, drainage, landscaping and irrigation of Lots L and M. The construction shall be to the satisfaction of the DOU and Parks.
- B91. If all phases of the Master Parcel Map have not been recorded then dedicate Lot L (Park), Lot M (Open Space) and Lot N (Lake) to the City in IOD/fee title on a City approved form. An easement shall be dedicated to the HOA for maintenance and access per the lake management plan.

- B92. Private drives in Villages 1, 2 and 11 with City water mains, City storm drain mains and CSD1 sanitary sewers mains shall have a minimum paved (asphalt concrete – AC) width of 25-feet from lip of gutter to lip of gutter. Curb, gutter and storm drain inlets shall be constructed to City standards for residential streets. Private drives in Villages 1, 2 and 11 with City water mains, CSD1 sanitary sewers mains and surface drainage systems shall have a minimum paved (asphalt concrete – AC) width of 22-feet from lip of gutter to lip of gutter. Water, storm drain and sanitary sewer systems located in the common areas in Villages 1, 2, and 11 shall be private facilities maintained by the HOA. Private easements shall be dedicated for these facilities. The applicant shall enter into and record an agreement with the City regarding the maintenance of these facilities. The agreement shall be to the satisfaction of the Department of Utilities and the City Attorney.
- B93. Obtain approval from RD 1000 (or other governing agencies) for the abandonment and/or relocation of the existing canals.
- B94. Landscape/EVA lots which contain City maintained water or storm drain facilities shall be dedicated to the City in IOD/fee title on a City approved form. Or, at the discretion of the DOU an easement shall be granted for these facilities. The applicant shall execute a hold harmless agreement for private improvements placed within the lot or easement. The easement shall be to the satisfaction of the DOU.

PPDD: Parks

- B95. The Applicant shall comply with City Code 16.64 (Parkland Dedication) and dedicate the park sites identified as Lot I, Lot J, Lot K and Lot L on the Tentative Subdivision Map for Natomas Central; and/or, as determined by PPDD, request the City have prepared, at the applicants expense, a fair market value appraisal of the property to be subdivided and pay the required parkland dedication in lieu fees or, as an alternative to the appraisal process, pay the required parkland dedication in lieu fees based on the Community Planning Area "fixed market value " per acre of land as adopted by Sacramento City Council.
- B96. Prior to the recordation of a Final Subdivision Map which creates a park parcel (s) the applicant shall enter into an Agreement (Standard Public Improvement Agreement) for Construction of Public Improvements with the City stating that the developer shall construct all public improvements deemed necessary for the City's acceptance of the park site. The Developer shall maintain (weed abatement) on said park site for two years after the acceptance by the City of the public improvements or until construction of said park site is complete (whichever is less). The two-year period shall begin following the issuance of a notice of completion by the City for the public improvements.

B97. The applicant must provide proof they have initiated and completed the formation of a parks maintenance district (assessment or Mello-Roos special tax district), or annexed the project to an existing parks maintenance district prior to recording a Final (Parcel) Map. The applicant shall pay all city fees for formation of or annexation to special districts. The purpose of the district is to equitably spread the cost of neighborhood park maintenance on the basis of special benefit, in the case of an assessment district. In the case of a special tax district, the cost will be spread based upon the hearing report, which specifies the tax rate and method of apportionment. (Contact Development Services Department, Special Districts, Project Manager).

B98. When parkland is dedicated the applicant must submit a site plan and electronic file showing the location of all utilities on site to the PPDD for review and approval.

B99. As per City Code, the Applicant shall provide the following on a dedicated park site: Full street improvements including but not limited to curbs, gutters, accessible ramps, street paving, street lights, and sidewalks; and improved surface drainage through the site.

B100. The Applicant shall install a four foot high tubular steel fence, or an acceptable alternative as approved by City PPDD, TNBC and DSD, adjacent to the east boundary of Lot L and Lot M, the west side of Lot J and the north side of Lot K on the property lines separating the public parks and designated open space areas from the adjacent lake.

The applicant shall install a 6' tubular steel fence, or an acceptable alternative as approved by City PPDD, TNBC and DSD, on the west boundary of all residential lots contiguous to Lot L and Lot M.

The applicant will install an 6-foot high masonry wall or acceptable alternative adjacent to the west boundary of park site Lot I. The applicant shall install a stepped down masonry wall and landscaping on the south boundary of Lot 1 and 39 contiguous to park site Lot K. The masonry wall shall be split face block or similar material (to discourage graffiti) with decorative top cap and on-center pilasters, or as otherwise approved by PPDD.

B101. The Applicant shall install post-and-cable fencing between a designated park and any adjacent open space area as approved by PPDD. Refer to PPDD Post and Cable detail and specification.

B102. The Applicant shall, at his expense and as per City Code, install a concrete walkway and vertical curb along all street frontages that open onto a park. The sidewalk shall be contiguous to the curb unless otherwise approved by DOT and PPDD.

B103. The Applicant shall provide a storm drain stub and six inch (6") sanitary sewer stub to the back of the sidewalk at the proposed park site at a location approved by PPDD for future service. Storm Drain and Sewer stubs are to be marked with a 3' high, white 4" x 4" post indicating stub or service location. Requirements may be modified for Lot L at the discretion of PPDD.

B104. The Applicant shall install water taps for irrigation, water taps for drinking fountains, and electrical and telephone service to the proposed park site, quantity, size and location as approved by PPDD. Requirements may be modified for Lot L at the discretion of PPDD.

Water taps and telephone and electrical services shall be marked with a 3' high, white 4" x 4" post indicating stub or service location.

B105. The Applicant shall install a 10'-12' wide driveway (at the discretion of PPDD) into the park at a location approved by PPDD. The driveway is to provide future maintenance access to the park.

B106. The Applicant shall rough grade a proposed park as required by City Code to provide positive drainage as approved by PPDD.

B107. The Applicant shall ensure all dedicated park sites J, K, and I are free and clear of any wetland mitigation and/or development restrictions. The Applicant shall be responsible for any required mitigation costs or measures associated with the park site.

B108. Approval of the City of Sacramento Director of Parks and Recreation must be obtained prior to the location of any appurtenances within any portion of the PUE on park Lots M and N.

The applicant shall have park site amenities identified in the Natomas Central project environmental report. The amenities identified shall include those amenities listed in the Department of Parks and Recreation Master Plan, "Park Category Descriptions" for Neighborhood and Community Parks.

B109. The multi-use trail (s) and adjacent landscaping shall be constructed as specified below and in compliance with the PPDD "Multi-Use Trail Design Guidelines" available by contacting PPDD. The applicant must coordinate the design with PPDD and The Natomas Basin Conservancy (TNBC) prior to submitting improvement plans, which require their approval.

Location of trail: The north/south multi-use trail, funded through the North Natomas Financing Plan – PFF, shall extend from Del Paso Road to El Centro Road along the east edge of the passive park area (Lot L) and open space area (Lot M) as defined in the, "Amendments to provisions in

the North Natomas Community Plan that pertain to the agricultural buffer adjacent to the East side of Fisherman's Lake".

The applicant shall design an on-street bike trail "detour" as short and direct as possible to be used when necessary for the segment of trail that may be closed during the Swainson's hawk nesting season.

The proposed multi-use trail is to be a total of 16' wide including 12' of asphalt pavement with a 2' decomposed granite shoulder on each side or as otherwise approved by PPDD. Landscaping should be provided adjacent to the trail where possible.

Trails shall be 3" asphaltic concrete over 6" min of Aggregate base, with a centerline stripe, refer to PPDD Trail detail and specification.

Gates and/or Fold-Down Bollards and signage shall be placed at the entrance to all access points to the trail or as approved by PPDD and TNBC; refer to PPDD fold-down bollard detail and specification.

Wherever possible and as approved by PPDD and the Department of Utilities, multi-use trails shall be designed as joint-use with utility service roads utilizing the service roads aggregate base as the trail's aggregate base course.

Where a multi-use trail is located adjacent to any embankment with a greater than 4:1 slope, the Applicant shall, at his expense, install a post-and-cable fence along the top of the embankment, between the embankment and the multi-use trail.

Applicant shall disclose the location of the planned multi-use trail to all future owners of parcels within the subdivision.

SPECIAL DISTRICTS: Assessment Districts

- B110. Dedicate to the City those areas identified on the Tentative Subdivision Map as Landscape Corridors, Freeway Buffers, and Open Space areas. Annex the project area to the appropriate Landscape Maintenance District, or other financing mechanism acceptable to the City, prior to recordation of the Final Map. Design and construct landscaping, irrigation and masonry walls or wood fences in dedicated easements or rights of way, to the satisfaction of the Development Engineering and Finance Division, and the Planning Division. Acceptance of the required landscaping, irrigation and walls or fences by the City into the Landscape Maintenance District shall be coordinated with the Development Engineering and Finance Division. The Developer shall maintain the landscaping, irrigation and walls for two years or until acceptance by the City into the District (whichever is less). The two year period shall begin following the issuance

of a notice of completion by the City for the landscaping, irrigation and walls or fences.

MISCELLANEOUS:

B111. City standard ornamental street lights (acorn style or alternate decorative style approved by the Planning and Electrical Divisions) shall be designed and constructed by the applicant in accordance with Electrical Division requirements.

ADVISORY NOTES:

The following advisory notes are informational in nature and are not a requirement of this Tentative Map:

- A. Prior to occupancy within the subject area, all sanitary sewer, storm drainage, water, and flood control improvements shall be in place, fully functioning, and a notice of completion shall be issued by Development Engineering and Finance.
- B. Prior to issuance of any building permits within the subject area all sanitary sewer, storm drainage, water, and flood control improvements shall be in place and fully functioning unless otherwise approved by the Department of Utilities.
- C. Portions of this project are located within an "Evacuation Area." This project shall comply with the policies set forth in the City of Sacramento Comprehensive Flood Management Plan, dated February, 1996.
- D. Subject property must complete annexation to both the Sacramento Regional County Sanitation District and County Sanitation District No. 1 of Sacramento County or execute a sanitary sewer service agreement with Sacramento Regional County Sanitation District and County Sanitation District No. 1 prior to issuance of building permits.
- E. Depending upon project phasing and the construction pace of surrounding development, developers in North Natomas may be required to construct water transmission mains (pipes greater than 12-inches). In such cases, reimbursement agreements between the City and developers will be negotiated.
- F. Many projects within the City of Sacramento require on-site booster pumps for fire suppression and domestic water systems. Prior to design of the subject project, the Department of Utilities suggests that the applicant request a water supply test to determine what pressure and flows the surrounding public water distribution system can provide to the site. This information can then be used to assist the engineers in the design of the on-site fire suppression systems.

- G. Should the Applicant elect to construct a turnkey park, the Applicant shall notify the City in writing of the Applicant's intent to construct a turnkey park. If the Applicant elects to construct a turnkey park, the Applicant shall enter into a City standard park development agreement to construct first phase park improvements to the satisfaction of the City's PPDD. The Applicant may receive credit from the City for the construction of the park against this subdivision's required Park Impact Fee as approved by the City in the development agreement. First phase park construction shall be completed by the time that occupancy permits have been issued to 50% of the residential units served by the park, unless otherwise stipulated in the development agreement
- H. The Applicant shall maintain all improvements to be accepted into the park maintenance financing district for a minimum of two years and until a minimum of 50% of the residential units to be served by the park have received occupancy permits –unless the City agrees to accept park maintenance into the District at an earlier date. The two year maintenance period shall begin following the issuance by the City of a notice of completion for the improvements.
- I. As per City Code, acreage within an existing or proposed drainage area, easement, public right-of-way, or areas with 10% and greater slopes shall not receive parkland dedication credit. Quimby parkland credit can be granted only to "buildable acres".
- J. Special consideration should be given during the design phase of a development project to address the benefits derived from the urban forest by installing, whenever possible, large shade trees and thereby increasing the shade canopy cover on residential lots and streets. Trees in the urban environment reduce air and noise pollution, furnish habitat for wildlife, provide energy- saving shade and cooling, enhance aesthetics and property values, and contribute to community image and quality of life.
- K. Gravity sewer service may not be available to entire project area.
- L. Trunk sewer design and construction may be reimbursed by CSD-1 under the terms of a Reimbursement Agreement. Collector sewer design and construction may qualify for reimbursement under the terms of a Collector Sewer Reimbursement Agreement. Prior to initiating design of any sewer facility, contact CSD-1 for details. It will be necessary to schedule a meeting to discuss reimbursement requirements with appropriate CSD-1 staff prior to any design. Failure to strictly comply with the provisions of the CSD-1 Ordinances may jeopardize all sewer reimbursement.
- M. Developing this property will require the payment of sewer impact fees. CSD-1 impact fees for single-family subdivision maps shall be paid prior to filing and recording the Final Map or issuance of Building Permits, which

ever comes first. Applicant should contact the Fee Quote Desk at 876-6100 for sewer impact fee information.

- N. Existing Sacramento Regional County Sanitation District (SRCSD) facilities serving this proposed project are capacity constrained. Ultimate capacity will be provided by construction of the Lower Northwest and Upper Northwest Interceptors, currently scheduled for completion in 2010. SRCSD is working to identify potential interim projects to provide additional capacity. SRCSD and County Sanitation District 1 (CSD-1) will issue sewer permits to connect to the system if it is determined that capacity is available and the property has met all other requirements for service. This process is "first come, first served". There is no guarantee that capacity will be available when actual requests for sewer service are made. Once connected, the property has the entitlement to use the system. However, its entitlement is limited to the capacity accounted for by the payment of the appropriate SRCSD fees.

- D. The **Subdivision Modifications** to create private streets, to allow alleys in single-family development, to allow non-standard elbows and non-standard intersection spacing, and to allow R-1 zoned residential parcels less than 52-feet wide and to allow corner parcels less than 62-feet wide are hereby **approved** subject to the following conditions of approval:
 - D1) The applicant shall comply with the conditions of approval on the Tentative Map (P04-173).

Table of Contents:

Exhibit A	Tentative Master Parcel Map Exhibit
Exhibit B	Tentative Map Exhibit (Page 1, North)
Exhibit C	Tentative Map Exhibit (Page 2, South)
Exhibit D	880' Walking Map Exhibit

Exhibit A Tentative Master Parcel Map Exhibit

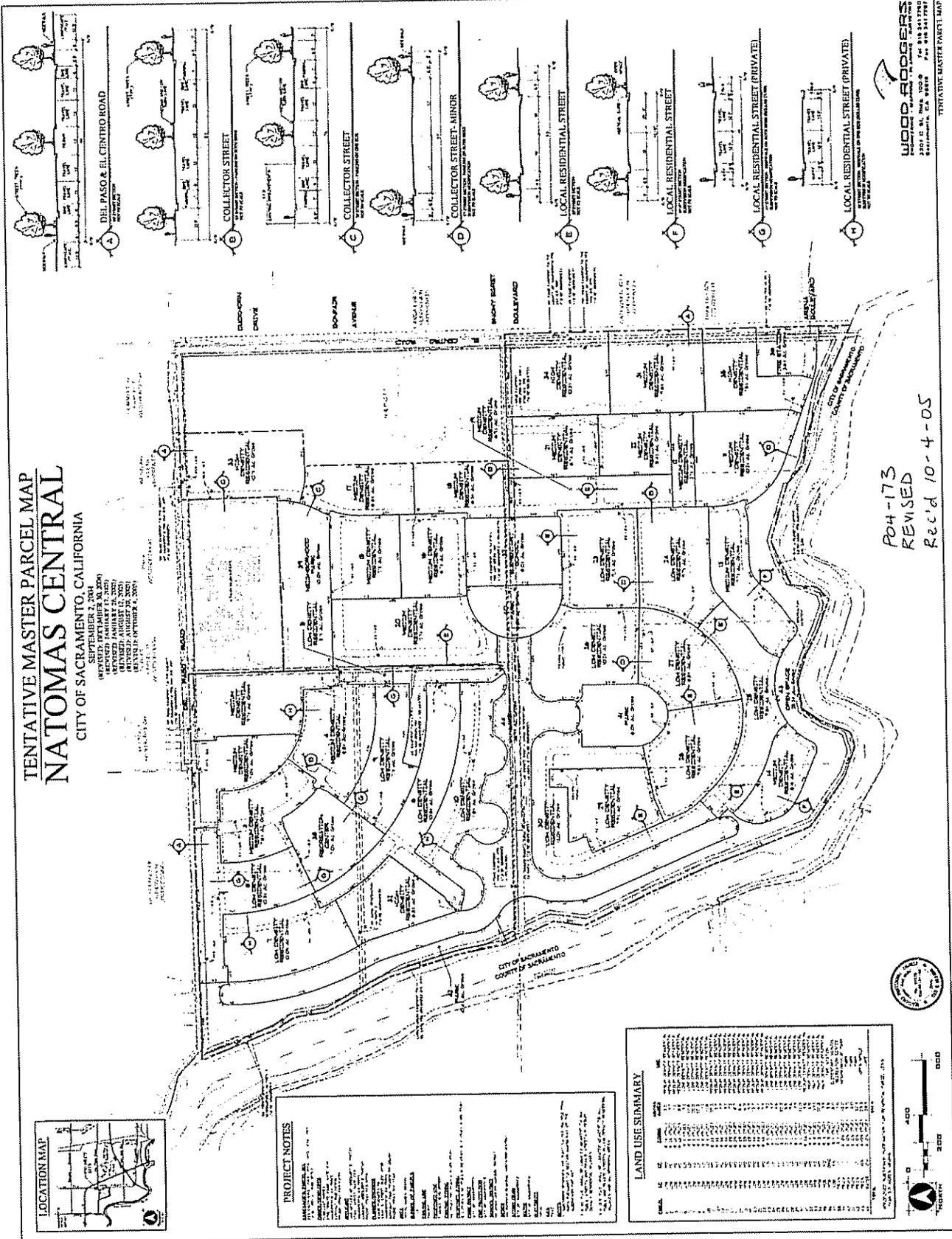
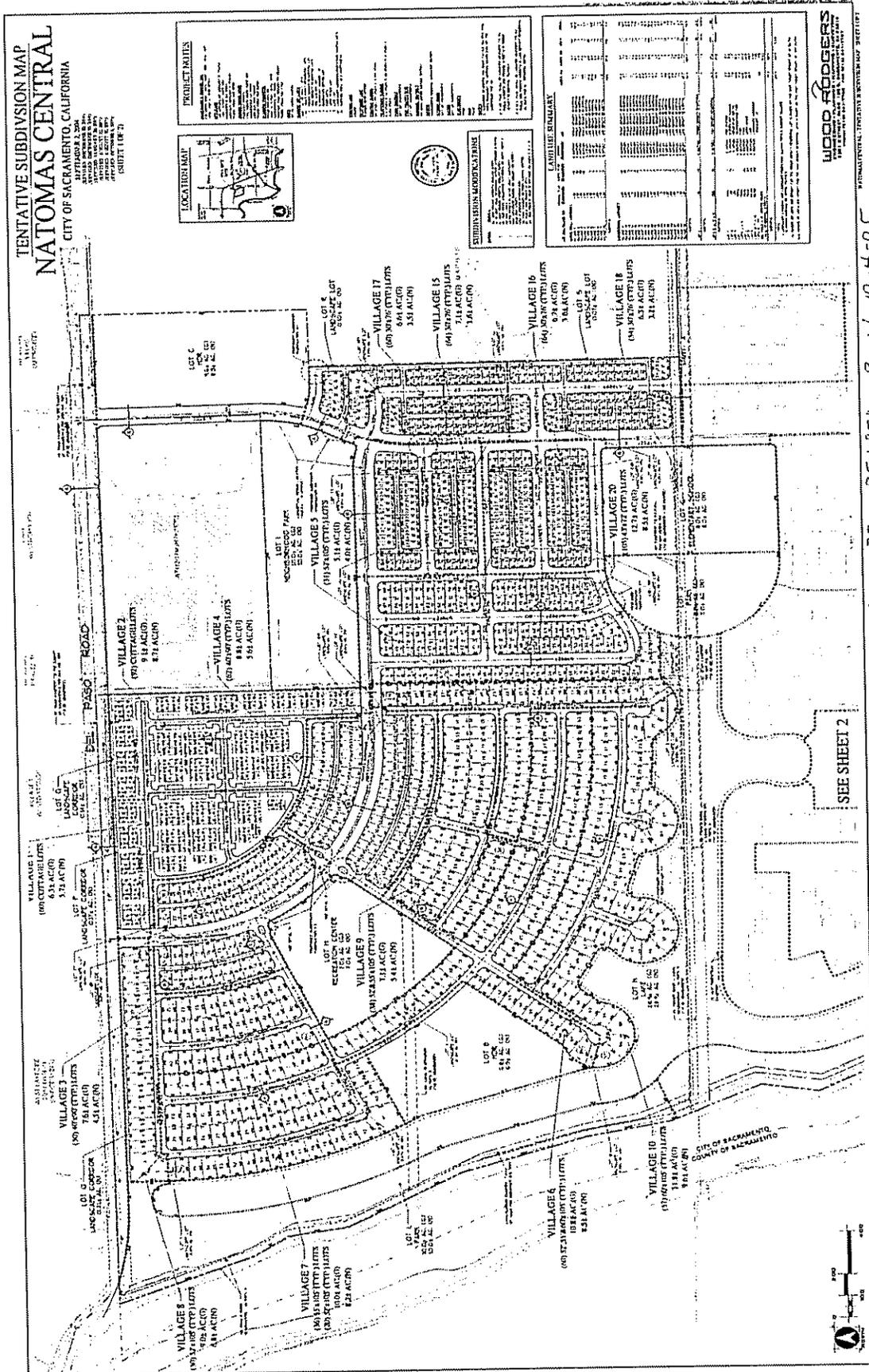


Exhibit B Tentative Map Exhibit (Page 1, North)



P04-173 REVISED Rec'd 10-4-05

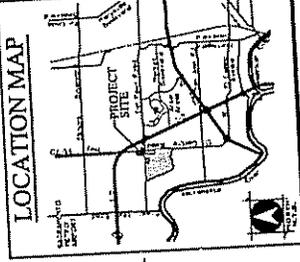
Subject: Natomas Central

Exhibit D 880' Walking Map Exhibit

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880' WALKING MAP NATOMAS CENTRAL CITY OF SACRAMENTO, CALIFORNIA

REVISED DECEMBER 2, 2004
REVISED JANUARY 29, 2005
REVISED MARCH 14, 2005
REVISED AUGUST 12, 2005
REVISED OCTOBER 4, 2005



P04-173
REVISED
Rec'd 10-4-05

LEGEND

- Park/Open Space Areas
- Lots + Residential Areas not within 880' walking distance of Park/Open Space Area

PROJECT ANALYSIS

Total Residential Lots	1,691
Total Lots Within 880' Walking Distance	1,527
Percentage of Lots Within 880' Walking Distance to Park/Open Space	90%

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