

RESOLUTION NO. 2006-0017

Adopted by the Sacramento City Council

January 5, 2006

**APPROVING AN ADDENDUM TO A PREVIOUSLY APPROVED
NEGATIVE DECLARATION AND APPROVING THE MITIGATION
MONITORING PLAN FOR THE DEL PASO NUEVO PHASE IV
PROJECT, LOCATED IN THE DEL PASO NUEVO SPECIAL PLANNING
DISTRICT IN AN AREA BOUNDED BY SOUTH AVENUE TO THE
NORTH, TAYLOR STREET TO THE EAST, ARCADE CREEK TO THE
SOUTH AND NORWOOD AVENUE TO THE WEST, IN NORTH
SACRAMENTO, SACRAMENTO, CALIFORNIA.
(P05-083 AND M05-096) (APN: VARIOUS)**

BACKGROUND

The Environmental Coordinator has prepared an Addendum to a previously adopted Negative Declaration for the above identified project; and

- A. On November 10, 2005, the City Planning Commission found that a previous Negative Declaration was prepared and ratified by the Sacramento Housing and Redevelopment Agency on December 15, 2004 for the Del Paso Nuevo Phase IV project, and that pursuant to the CEQA Guidelines (Section 15162 and 15164) an Addendum to a previously ratified Negative Declaration is required. The City Planning Commission found that:
 - a. Only minor technical changes or additions are necessary (CEQA Guidelines Section 15164); and
 - b. None of the following findings necessary to prepare a Subsequent Negative Declaration have been made pursuant to CEQA Guidelines Section 15164:
 1. No substantial changes are proposed to the project, which will require major revisions of the previous Negative Declaration.
 2. No substantial changes have occurred with respect to the circumstances under which the project was undertaken which will require major revisions of the previous Negative Declaration;
 3. No new information of substantial importance has been found that shows any of the following:
 - (a) The project will have one or more significant effects not discussed in the previous Negative Declaration;
 - (b) Significant effects previously examined will be substantially more severe than shown in the previous Negative Declaration;

- (c) Mitigation measures previously found to be infeasible would in fact be feasible and would substantially reduce one or more significant effects of the project; or
- (d) Mitigation measures which are considerably different from those analyzed in the previous Negative Declaration would substantially reduce one or more significant effects on the environment.

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

- Section 1. The City Council ratifies the Addendum to a previously adopted Negative Declaration for Del Paso Nuevo IV (P05-083 and M05-096).
- Section 2. The City Council approves the Mitigation Monitoring Plan for the Del Paso Nuevo IV project (P05-083 and M05-096) 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;

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Exhibit A: Mitigation Monitoring Plan – 6 Pages

Adopted by the City of Sacramento City Council on January 5, 2006 by the following vote:

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

Noes: None.

Abstain: None.

Absent: None.



Mayor Heather Fargo

Attest:

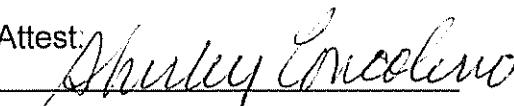


Exhibit A

**DEL PASO NUEVO PHASE IV (P05-083)
MITIGATION MONITORING PLAN**

FOR
John Griffin

**TYPE OF ENVIRONMENTAL DOCUMENT:
ADDENDUM TO THE DEL PASO NUEVO PHASE IV
NEGATIVE DECLARATION**

**PREPARED FOR:
CITY OF SACRAMENTO, DEVELOPMENT SERVICES DEPARTMENT**

DATE:
October 13, 2005

**ADOPTED BY:
CITY OF SACRAMENTO
PLANNING COMMISSION**

DATE:

ATTEST:

Del Paso Nuevo IV (P05-083) Mitigation Monitoring Plan

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

SECTION 1: PROJECT IDENTIFICATION

Project Name / File Number: Del Paso Nuevo IV P05-083
Owner/Developer- Name: Griffin Industries
Address: 4200 Duckorn Drive
Sacramento, CA 95834 (916) 515-0171

Project Location / Legal Description of Property (if recorded):

The subject property consists of 6.36± net acres bounded by South Avenue to the north and Hayes Avenue to the south, between Norwood Avenue and Taylor Street. (Assessor's Parcel Number 225-0140-005, 006, 007, 008, 009, 021, 022, 023, 024, 026, 028, 039, 040, 041, 042)

Project Description:

The proposed project consists of an application for the necessary entitlements to allow for a development of 84 single-family alternative homes (45'x73' and 34'x73') on 6.36± net acres lots in the North Sacramento Community Plan area. The site was designated Low Density Residential under the Sacramento General Plan, Low Density Residential (7-15) under the North Sacramento Community Plan, and zoned (R-1A-SPD) zone

SECTION 2: GENERAL INFORMATION

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

The MMP describes the actions that must take place to implement each mitigation measure, the timing of those actions, and the entities responsible for implementing and monitoring the actions. The developer will be responsible for fully understanding and effectively implementing the mitigation measures contained with the MMP. The City of Sacramento will be responsible for ensuring compliance.

DEL PASO NUEVO PHASE IV (P05-083)
MITIGATION MONITORING PROGRAM CHECKLIST

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	VERIFICATION OF COMPLIANCE		
			Compliance Standards	Timing	Verification of Compliance (Initials/Date)
Biological: IV-1 Mitigation Measure 3.11.2 of the DPN EA/IS shall be implemented as follows: <ol style="list-style-type: none"> 1. If construction activities (including grading) are scheduled to occur between August 15 and March 1, no Swainson's hawks surveys are required, as the birds would not normally be present at the nesting territories during that period; OR 2. If construction activities (including grading) are scheduled to occur between March 1 and August 15, a two-phase pre-construction survey (at intervals of 30 days prior to, and 14 days prior to, commencement of construction activities) of areas within $\frac{1}{4}$ mile of the site shall be performed by a qualified raptor biologist (acceptable to the City and DFG, and funded by the project sponsor). Based on the results of this survey, the following measures will be implemented: <ol style="list-style-type: none"> a. If no active Swainson's hawk nests are found, no further actions are required. Nests of the year (those nests determined to be active Swainson's hawk nests) will be considered inactive if young have fledged (usually during July), or the nesting effort is abandoned due to other factors not associated with this project, and no further action will be required after these events. b. If an active Swainson's hawk nest is found within $\frac{1}{4}$ mile of the project site but not in a direct line of sight to the project site, the biologist shall observe the birds for one 	The project applicant /developer				

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<p>week, recording any observable responses to potentially disruptive stimuli (e.g. loud noises, other construction project, disturbance from humans). Considering these observations, the biologist shall make an assessment of whether or not project construction poses a substantial risk of disrupting the nesting effort. If the assessment is that the risk is not substantial, the biologist's report shall be forwarded to the City and DFG. Construction may begin upon approval by DFG. If the assessment is that the risk is substantial, then monitoring as described below in (c) shall be performed.</p> <p>c. If an active Swainson's hawk nest is found within ¼ mile of the site and in a direct line of sight to the project site, then the biologist shall observe the nest as long as it is active and whenever construction is proceeding, recording any observable responses to potentially disruptive stimuli (e.g. loud noises, other construction project, increases in construction activities). These observations shall occur daily during the first week, tapering off to weekly observations. If construction activities increase, the frequency of observations should increase correspondingly.</p> <p>If at any time after the first month of monitoring, the biologist finds that the birds are exhibiting no significant reactions indicating that the construction poses a substantial risk of nest disruption, the biologist shall prepare a report documenting those conclusions with a recommendation to stop monitoring or reduce the intensity of monitoring. The report shall be forwarded to</p>					

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the City and DFG. The recommendation shall be adopted upon approval by DFG.				
During the construction period (until August 15 or fledging), unless other recommendations have been adopted per the preceding paragraph, the project sponsor shall allow the biologist to stop any contractor's work causing adverse reaction by a Swainson's hawk (e.g. startle, flushing). Any work on the project site may continue as long as the biologist sees that the birds are not exhibiting an adverse reaction to that type of work.				
Weekly reports during the first month, and as needed thereafter, shall be submitted to the City and DFG while the above monitoring is underway, and either agency may observe the biologist's work in the field at any time.				
3. Hacking as a substitute for avoidance of impacts during the nesting period may be used in unusual circumstance after review and approval of a hacking plan by DFG Environmental Services Division and DFG Wildlife Management Division. Proponents who propose hacking will be required to fund the full costs of the effort, including any telemetry work specified by the Department of Fish and Game.				
IV-2 A tree survey shall be conducted to the satisfaction of the City Arborist. If heritage trees are identified, mitigation measure 3.11.1 of the DPN EA/SIS shall apply as follows:				
1. To the extent feasible, existing heritage trees shall be	Before construction	The project applicant /developer		

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MITIGATION MONITORING PROGRAM CHECKLIST

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	VERIFICATION OF COMPLIANCE	
				Timing	Verification of Compliance (Initials/Date)
retained and incorporated into the proposed development and/or landscaping plans; or,					
2. If heritage trees cannot be avoided and will likely be removed, a certified arborist should conduct a tree survey to identify the diameter at breast height (DBH), height, location, and health of the trees to be removed. This information is required for a permit to remove the trees. Recommendations for tree planting/replacement rates and appropriate planting sites would also be included in this report.					
Cultural Resources:	During construction	The project applicant /developer			
If subsurface archaeological, or pre-historical, or historical remains (including unusual amounts of bones, stones, or shells) are discovered during excavation or construction of the site, work shall stop immediately and a qualified archaeologist and a representative of the Native American Heritage Commission shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less-than-significant level before construction continues.	In the event human remains are discovered during excavation, work must stop immediately and the county coroner must be contacted. Section 5097.94 and 5097.98 of the Public Resources Code require consultation with the Native American Heritage Commission, protection of Native American remains, and notification of most likely descendants. SB 447 (Chapter 404, Statute of 1987) also protects Native American remains or associated grave goods.	Prior and during construction	Dept. of Utilities and Contractor		