

## **RESOLUTION NO. 2006-126**

Adopted by the Sacramento City Council

February 21, 2006

### **APPROVING THE NEGATIVE DECLARATION AND APPROVING THE MITIGATION MONITORING PLAN FOR THE DEL PASO NUEVO PHASE V PROJECT, LOCATED SOUTH OF FORD ROAD, EAST OF TAYLOR STREET IN NORTH SACRAMENTO, SACRAMENTO, CALIFORNIA. (P05-095) (APN: 250-0220-019, -020; 250-0230-001, -006, -007, -008, -009, -010, -011, -012, -013, -014, -037, -041, -043, -047, -051, -054, -055, -059, -063, -064, -065, -068, -069, -071, -073, -075; 250-0250-022; 250-0260-001, -018)**

#### **BACKGROUND**

- A. The Environmental Coordinator has prepared a Negative Declaration for the above identified project; and
- B. The proposed project Negative Declaration finds that the proposed project will not have a significant effect on the environment provided that mitigation measures are added to the above identified project;
- C. The Environmental Coordinator has prepared a Mitigation Monitoring Plan for ensuring compliance and implementation of the mitigation measures as prescribed in the Initial Study for the above identified project; and
- D. 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 ratifies the Negative Declaration for the Del Paso Nuevo Phase V project (P05-095).
- Section 2. The City Council approves the Mitigation Monitoring Plan for the Del Paso Nuevo Phase V project (P05-095) 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:**

Adopted by the City of Sacramento City Council on February 21, 2006 by the following vote:

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

Noes: None.

Abstain: None.

Absent: Councilmember McCarty.

Heather Fargo

Mayor Heather Fargo

Attest:

Shirley Concolino  
Shirley Concolino, City Clerk

Exhibit A: Mitigation Monitoring Plan – 12 Pages

**Exhibit A**

## **MITIGATION MONITORING PLAN**

**FOR:**  
DEL PASO NUEVO PHASE 5 (P05-095)

**PREPARED BY:**  
CITY OF SACRAMENTO  
DEVELOPMENT SERVICES DEPARTMENT  
ENVIRONMENTAL PLANNING SERVICES  
MIKE PARKER  
808-7483

**TYPE OF ENVIRONMENTAL DOCUMENT:**  
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

**DATE:**  
DECEMBER 6, 2005

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

**DATE:**

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**ATTEST:**

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## DEL PASO NUEVO PHASE 5 (P05-095) 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 . Ste 200. Sacramento, CA 95834, pursuant to CEQA Guidelines Section 21081.6

### SECTION 1: PROJECT IDENTIFICATION

**Project Name/File Number:** Del Paso Nuevo Phase 5 (P05-095)

**Owner/Developer:**  
Allen Warren  
Nuevo Partners, LLC  
1825 Del Paso Blvd.  
Sacramento, CA 95815  
(916) 929-6402

**City of Sacramento Contact:**  
Mike Parker, Assistant Planner  
Environmental Planning Services  
Development Services Dept  
2101 Arena Blvd., Ste. 200  
Sacramento, CA 95834  
(916) 808-7483

#### **Project Location**

The proposed project site is irregularly shaped and is bounded on the north by Ford Road and on the south by the Arcade Creek levee. The project site is also generally located between Altos Avenue, east of the site, and Taylor Street, west of the site (although the site crosses the Taylor Street right-of-way in two locations). The project site consists of 31 parcels, which include the following: 250-0220-019, -020; 250-0230-001, -006, -007, -008, -009, -010, -011, -012, -013, -014, -037, -041, -043, -047, -051, -054, -055, -059, -063, -064, -065, -068, -069, -071, -073, -075; 250-0250-022; 250-0260-001, -018

#### **Project Components**

The proposed project consists of the following entitlements:

- A. **Rezone** from Special Planning District Standard Single-Family (R-1-SPD) to Special Planning District Single-Family Alternative (R-1A-SPD) to allow a minimum lot width of 35 feet (R-1-SPD allows a minimum lot width of 45 feet)
- B. **Tentative Subdivision Map** to subdivide 31 existing parcels totaling approximately 16.33 gross acres (10.29 net acres) into 98 lots (95 single family lots, 2 open space lots, and 1 remnant lot)
- C. **Special Permit** for the development of 95 single-family residential units

## **SECTION 2: GENERAL INFORMATION**

The Mitigation Monitoring Plan (MMP) includes mitigation for 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 mitigation measures have been taken verbatim from the Initial Study and are assigned the same number they have in the document. The MMP describes the actions that must take place to implement each mitigation measure, the timing of those actions, and the entities responsible for implementing and monitoring the actions. The developer will be responsible for fully understanding and effectively implementing the mitigation measures contained within the MMP. The City of Sacramento, along with other applicable local, state or federal agencies, will be responsible for ensuring compliance.

**MITIGATION MONITORING PLAN  
DEL PASO NUEVO PHASE 5 PROJECT (P05-095)**

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
<b>BIOLOGICAL RESOURCES</b>					
BR-1a If construction begins outside the 1 March to 15 September breeding season, preconstruction surveys, or other mitigation for active Swanson's hawk nests, are not necessary.	Applicant	City of Sacramento – Development Services Department	A copy of pre-construction surveys submitted to Development Services Dept	Measure shall be implemented prior to issuance of a grading permit and during construction activities.	
BR-1b If construction is scheduled to occur between March 1 and September 15 then the applicant shall hire a qualified biologist to conduct preconstruction surveys for raptor nests within a 0.25-mile radius of the construction site, not less than 30 days prior to construction. If no raptor nests are found, then no further mitigation measures are necessary.		California Department of Fish and Game	Proof of CDFG concurrence, where applicable		
BR-1c If an active Swanson's hawk nest is located within 250 ft of the construction site, a biologist will record the location(s) on a site map. A minimum 250 ft Environmentally Sensitive Area (buffer) will be established around the nest tree. A biologist shall delimit the Environmentally Sensitive Area with yellow caution tape, temporary flagging, or temporary exclusion fencing.					
BR-1d The construction contractor shall install stakes or temporary flagging, fencing, etc., at the edge of the buffer zone, if it occurs on the					

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Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
construction site. A qualified biologist will approve the proposed location of the buffer zone. The Environmentally Sensitive Area shall be maintained throughout the construction period. No disturbance shall occur within 250 ft of a nest tree during the breeding season.					
BR-1e If an active Swainson's hawk nest is located within 250 ft of the area under construction, a qualified biologist shall monitor nests weekly during construction to evaluate potential nesting disturbance caused by construction activities. The biological monitor shall have the authority to stop construction if construction appears to be adversely affecting a nesting raptor.	Applicant			Heritage Tree Preservation Plan approved by the City of Sacramento Urban Forest Services Division (if Heritage Trees are able to be preserved).	Measure shall be implemented prior to issuance of a grading permit.

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Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
<p>preservation plan for any and all trees identified for preservation. The preservation plan shall include, but not be limited to the following measures to prevent impacts to the trees during construction of the proposed project:</p> <ul style="list-style-type: none"> <li>The contractor shall hire an International Society of Arboriculture (ISA) certified arborist to perform any required pruning for equipment clearance. The contractor shall contact the City Arborist (Duane Goosen 808-4996) for a root inspection(s) for trenching activities within the dripline(s) of trees to be saved.</li> </ul>	Contractor	City of Sacramento – Development Services Department	Inspection by City Arborist of trenching near trees to be preserved	Measure to be noted on all construction plans and implemented during trenching activities near trees identified on Preservation Plan	
<ul style="list-style-type: none"> <li>If during excavation for the project, tree roots greater than two inches in diameter are encountered, work shall stop immediately until the City Arborist can perform an on-site inspection. All roots shall be cut clean and the tree affected may require supplemental irrigation/fertilization and pruning as a result of the root cutting. The contractor will be responsible for any costs incurred. Depending upon the amount of roots encountered and the time of year, wet burlap may be required along the sides of the trench.</li> </ul>	Contractor	City of Sacramento – Development Services Department	Work stopped until City Arborist notifies the contractor to proceed. Project sponsor responsible for costs incurred.	Measure to be noted on all construction plans and implemented during any ground-related construction activities	

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Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
<ul style="list-style-type: none"> <li>• The contractor shall be held liable for any damage to existing trees, i.e. trunk wounds, broken limbs, pouring of any deleterious materials, or concrete washout under the drip line of the trees. Damages will be assessed using the "Guide to Plant Appraisal" eighth edition, published by the International Society of Arboriculture. An appraisal report shall be submitted for review by the City Arborist.</li> <li>• Tree protection methods noted above shall be identified on all construction plans for the project.</li> </ul>	Contractor	<p>City of Sacramento – Development Services Department</p> <p>City of Sacramento – Urban Forest Services Division</p>	<p>Project sponsor responsible for costs incurred.</p> <p>Tree protection identified on all construction plans.</p>	<p>Measure to be noted on all construction plans and implemented during construction activities</p> <p>Measure to be implemented prior to approval of any construction plans</p>	
BR-3 For Heritage Trees (listed in the Arborist Report as numbers 82, 92, 93, 95, 99, 100, 101, 102, 104, 158, 163, 171, 172, and 173) that are unable to be preserved, prior to removal of these trees, the project applicant/developer shall coordinate with City of Sacramento Urban Forest Services Division to obtain the necessary permits for removal of	Applicant	<p>City of Sacramento – Development Services Department</p> <p>City of Sacramento – Urban Forest Services Division</p>	<p>Proof of Heritage Tree Mitigation Fees paid to the satisfaction of the City of Sacramento Urban Forest Services Division.</p>	Measure shall be implemented prior to issuance of grading permits.	

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Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
<p>the trees in accordance with the Heritage Tree Ordinance (City Code 12.64). The City Arborist has calculated a mitigation value that totals \$60,300 for the removal of all trees (201 inches dbh x \$300/inch = \$60,300). This value would be used to provide planting and care of replacement trees. If some trees can be saved, this value will be reduced by the value of the tree to be saved as provided by the City Arborist. Additionally, the Landscape Plan may provide on-site mitigation, which will be credited at a rate of \$300 per planted 15 gallon tree subject to the following City of Sacramento Urban Forest Services conditions:</p> <ul style="list-style-type: none"> <li>• mitigation planting is limited to separated sidewalk planters (and planting that meets specifications listed in 11/10/05 Arborist comments on the Landscape Plan)</li> <li>• irrigation design and programming reviewed and approved by Urban Forest Services</li> <li>• review and approval of species by Urban Forest Services</li> <li>• inspection of nursery stock (prior to planting) by Urban Forest Services</li> <li>• post-planting inspection by Urban Forest Services.</li> </ul>					

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**MITIGATION MONITORING PLAN  
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Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
BR-4	Prior to issuance of a grading permit, the project applicant shall submit a wetland mitigation and monitoring plan to the City. The wetland mitigation and monitoring plan shall meet the following requirements:	<p>Applicant</p> <ul style="list-style-type: none"> <li>The mitigation plan shall be prepared in accordance with the requirements of the Corps of Engineers.</li> <li>The mitigation plan shall describe how the jurisdictional wetlands in the grading plan area will be mitigated. Mitigation may include the purchase of wetland mitigation credits at a Corps approved mitigation bank.</li> <li>A copy of the bill of sale for the purchase of wetland mitigation credits will be submitted to the City.</li> </ul>	<p>City of Sacramento – Development Services Department; US Army Corps of Engineers.</p>	<p>Wetland Mitigation and Monitoring Plan approved by City of Sacramento Development Services Department, including a copy of bill of sale for purchase of wetland mitigation credits</p>	Measures shall be implemented prior to issuance of grading permits.
BR-5	The grading plan shall indicate no grading activities within 10 feet of any jurisdictional wetland until the project applicant provides the City of Sacramento evidence that the discharge of fill into jurisdictional wetlands is authorized under Section 404 of the Clean Water Act. In addition, the grading plan shall require temporary fencing to be installed around the 10-foot buffer to exclude construction equipment.	Applicant	<p>City of Sacramento – Development Services Department; US Army Corps of Engineers</p>	<p>Grading Plan indicates 10-foot buffer around any jurisdictional wetland until proof of Section 404 compliance is provided to the City of Sacramento Development Services</p>	Measure shall be implemented prior to issuance of grading permits and during construction activities.

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Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
until the project applicant provides the City of Sacramento evidence that the discharge of fill into jurisdictional wetlands is authorized under Section 404 of the Clean Water Act.				Department	
BR-6 Prior to issuance of Grading permits, the Building Department shall verify that the Stormwater Pollution Prevention Plan (SWPPP) for the project indicates the location of the wetlands, including the 10-foot buffer, and includes water quality control measures to prevent any discharge of construction-related pollutants or sediment into the identified wetlands.	Applicant	City of Sacramento – Development Services Department; US Army Corps of Engineers	Verify location of wetlands and water quality control measures in	Measure shall be implemented prior to issuance of grading permits and during construction activities.	

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Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
CR-1a  archeologist to aid in determining the nature and integrity of the find. If the find is determined to be significant by the qualified archeologist, representatives of the City and the qualified archeologist shall coordinate to determine the appropriate course of action. All significant cultural materials recovered shall be subject to scientific analysis and professional museum curation. In addition, a report shall be prepared by the qualified archeologist according to current professional standards.					
CR-1b  If a Native American site is discovered, the evaluation process shall include consultation with the appropriate Native American representatives.  If Native American archeological, ethnographic, or spiritual resources are involved, all identification and treatment shall be conducted by qualified archeologists, who are certified by the Society of Professional Archeologists (SOPA) and/or meet the federal standards as stated in the Code of Federal Regulations (36 CFR 61), and Native American representatives, who are approved by the local Native American community as scholars of the cultural traditions.  In the event that no such Native					

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Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
American is available, persons who represent tribal governments and/or organizations in the locale in which resources could be affected shall be consulted. If historic archeological sites are involved, all identified treatment is to be carried out by qualified historical archeologists, who shall meet either Register of Professional Archeologists (RPA), or 36 CFR 61 requirements.					
CR-2	If a human bone or bone of unknown origin is found during construction, all work shall stop in the vicinity of the find, and the County Coroner shall be contacted immediately. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission, who shall notify the person most likely believed to be a descendant. The most likely descendant shall work with the contractor to develop a program for re-interment of the human remains and any associated artifacts. No additional work is to take place within the immediate vicinity of the find until the identified appropriate actions have taken place.	Applicant	City of Sacramento Development Services Department  Native American Heritage Commission	Measures shall be included on all grading plans.	Measures shall be implemented during construction activities, as specified.

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