

RESOLUTION NO. 2006-209

Adopted by the Sacramento City Council

March 21, 2006

APPROVING THE NEGATIVE DECLARATION AND APPROVING THE MITIGATION MONITORING PLAN FOR THE PATTERSON SUBDIVISION PROJECT, LOCATED AT MARYSVILLE BOULEVARD AND DRY CREEK ROAD IN NORTH SACRAMENTO, SACRAMENTO, CALIFORNIA. (P05-105) (APN: 237-0091-003, -004)

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 approves the Negative Declaration for the Patterson Subdivision project (P05-105).
- Section 2. The City Council approves the Mitigation Monitoring Plan for the Patterson Subdivision (P05-105) 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 – 13 Pages

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

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

Noes: None.

Abstain: None.

Absent: None.

Heather Fargo

Mayor Heather Fargo

Attest:

Shirley Concolino

Shirley Concolino, City Clerk

EXHIBIT A

MITIGATION MONITORING PLAN

FOR:
PATTERSON SUBDIVISION (P05-105)

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 19, 2005

ADOPTED BY:
CITY OF SACRAMENTO
PLANNING COMMISSION

DATE:

ATTEST:

PATTERSON SUBDIVISION (P05-105) 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: Patterson Subdivision (P05-105)

Owner/Developer:
Steve Cruz
Syamore Ventures LLC
2020 Hurley Way Ste 150
Sacramento Ca 95825
(916) 925-7559

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 located in the North Sacramento Community Plan Area, north of Interstate 80, between Marysville Boulevard and Dry Creek Road. The site is also located approximately 700 feet south of the Marysville Boulevard/Dry Creek Road Intersection, and approximately 195 feet north of Bell Avenue. The project site includes 2 parcels (APNs 237-0091-003, and -004).

Project Components

The proposed project consists of entitlements to develop 63 single family units on approximately 7.1 net acres in the proposed Single Family Alternative zone (R-1A). Specific Entitlements include:

- **General Plan Amendment** to amend the designation of approximately 7.1 net acres from Heavy Commercial or Warehouse to Low Density Residential (4-15du/ha);
- **Rezone** of approximately 7.1 net acres from the Light Industrial Review (M-1S-R) zone to the Single Family Alternative (R-1A) zone;
- **Tentative Subdivision Map** to subdivide two parcels into 63 lots on approximately 7.1 net acres in the proposed Single Family Alternative (R-1A) zone; and
- **Special Permit** to construct 53 single family units and 10 half-plex units on approximately 7.1 net acres in the proposed Single Family Alternative (R-1A) zone
- **Inclusionary Housing Plan**

SECTION 2: GENERAL INFORMATION

The Mitigation Monitoring Plan (MMP) includes mitigation for Biological Resources, Cultural Resources, and Noise. 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
PATTERSON SUBDIVISION PROJECT (P05-105)**

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
BIOLOGICAL RESOURCES					
BR-1a The wetlands identified as potential habitat for federal-listed brachio pods (vernal pool fairy shrimp and vernal pool tadpole shrimp) are presumed occupied by these brachio pods, unless the applicant provides written documentation from the U.S. Fish and Wildlife Service that the negative results of protocol surveys have been accepted. Therefore, prior to issuance of a grading permit, the following measures shall be included on all grading and improvement plans:	Applicant	City of Sacramento – Development Services Department; US Fish and Wildlife Service (USFWS)	Proof of USFWS acceptance of protocol-level surveys or issuance of take permit by USFWS	Measure shall be implemented prior to issuance of a grading permit and during construction activities.	

5

**MITIGATION MONITORING PLAN
PATTERSON SUBDIVISION PROJECT (P05-105)**

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
occupied by or assumed to be occupied by federally listed brachio pods to exclude construction equipment until the applicant provides the City of Sacramento evidence that the U.S. Fish and Wildlife Service has either accepted negative results of protocol surveys or has issued a Biological Opinion to authorize the take of the listed species.					
BR-1b If no protocol-level survey results are submitted, or if protocol-level surveys indicate the presence of special-status brachio pods, the applicant shall provide compensatory mitigation as required by the U.S. Fish and Wildlife Service for federally listed brachio pods and shall submit a copy of the bill of sale mitigation credits to City of Sacramento Development Services Department, prior to issuance of building permits.	Applicant	City of Sacramento – Development Services Department; USFWS	Proof of purchase of mitigation credits to the satisfaction of USFWS	Measure shall be implemented prior to issuance of a grading permit.	
BR-1c During Section 7 consultation process with the U.S. Fish and Wildlife Service, the applicant will be required to prepare a mitigation plan for submittal to U.S. Fish and Wildlife Service. The mitigation plan will be required to include the following components for direct and indirect impacts:	Applicant	City of Sacramento – Development Services Department; USFWS	Submittal of mitigation plan approved by USFWS	Measure shall be implemented prior to issuance of a grading permit.	

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PATTERSON SUBDIVISION PROJECT (P05-105)**

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<ul style="list-style-type: none"> Avoidance Component. Demonstrate how the project has been designed to minimize impacts to federally-listed vernal pool crustaceans and their habitat (e.g. Environmentally Sensitive Areas, biological monitor, and special-status species training for construction personnel). Preservation Component. For every acre of habitat directly or indirectly affected, at least two (2) vernal pool credits will be dedicated within a U.S. Fish and Wildlife Service-approved ecosystem preservation bank (2:1 ratio). Conservation Component. For every acre of habitat directly affected, at least one (1) vernal pool creation credit will be dedicated within a U.S. Fish and Wildlife Service-approved habitat mitigation bank. In the event that preservation or conservation credits are not available for purchase at the time of mitigation implementation, the deposit of funds into a Species Fund in lieu fee program, the amount of money to be deposited determined by the U.S. Fish and Wildlife Service, shall be acceptable to satisfy both the preservation and conservation components of the mitigation 					

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PATTERSON SUBDIVISION PROJECT (P05-105)**

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plan.					
BR-2	<p>Prior to issuance of a grading permit, the Applicant shall provide evidence to the Development Services Department that the mitigation plan for federally listed brachiopods has been reviewed and approved by the US Fish and Wildlife Service.</p> <p>Prior to issuance of a grading permit, the applicant shall submit a copy of a Botanical Survey Report to the City of Sacramento. The Botanical Survey shall be conducted by a qualified botanist in April or May to determine presence or absence of dwarf Downingia, Boggs Lake hedge-hyssop, and legenere. If the Botanical Survey indicates the presence of any of the above-listed special-status plants, then the following additional mitigation measures shall be implemented:</p> <ul style="list-style-type: none"> • Prior to issuance of a grading permit, all grading and improvement plans shall indicate that no grading shall occur within ten feet of wetlands occupied by these species until the applicant provides the City of Sacramento a copy of a mitigation plan approved by the Department of Fish and Game. The mitigation plan would 	<p>Applicant</p> <p>City of Sacramento – Development Services Department; California Department of Fish and Game (DFG)</p>	<p>Submittal of a Botanical Survey Report</p>	<p>Measure to be implemented prior to issuance of grading permit.</p>	

**MITIGATION MONITORING PLAN
PATTERSON SUBDIVISION PROJECT (P05-105)**

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
document the transplantation of the plants to a wellland mitigation site approved by DFG. If take of Boggs lake hedgehyssop will occur, the applicant shall provide evidence to the City of Sacramento that compensatory mitigation has been implemented in accordance with an Incidental Take Permit issued by DFG.	Applicant		Permit must be provided		
• Grading and improvement plans shall state: "It is the Contractor's responsibility to comply with all applicable state and federal laws and regulations including the endangered species acts and the Clean Water Act."		City of Sacramento – Development Services Department	Indicated on grading and improvement plans	Measure to be implemented prior to issuance of grading permits.	
BR-3 Prior to issuance of grading permits, the project applicant shall be required to purchase compensatory Swainson's hawk foraging habitat credits for each developed acre, at a ratio of 0.75:1, from an approved mitigation bank, or develop other arrangements acceptable to and approved by the CDFG.	Applicant	City of Sacramento – Development Services Department; DFG	Proof of purchase of mitigation credits or implementation of other arrangement with DFG	Measure to be implemented prior to issuance of grading permits.	
BR-4 Prior to issuance of a grading permit, the Building Department shall verify that all grading and improvement plans state: "It is the Contractor's responsibility to comply with all applicable state and federal laws and regulations	Applicant	City of Sacramento – Development Services Department	Indicated on all grading and improvement plans	Measure to be implemented prior to issuance of grading permits.	

9

**MITIGATION MONITORING PLAN
PATTERSON SUBDIVISION PROJECT (P05-105)**

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
Including the Federal Endangered Species Act and Clean Water Act. The City Grading Permit does not authorize Contractor to conduct activities not permitted by applicable State and federal laws in areas subject to State and federal jurisdiction."					
BR-5 Prior to issuance of a grading permit, the project applicant shall submit a wetland mitigation and monitoring plan to the City. The mitigation and monitoring plan shall meet the following requirements:	Applicant	<p>City of Sacramento – Development Services Department; US Army Corps of Engineers.</p> <ul style="list-style-type: none"> • The mitigation plan shall be prepared in accordance with the requirements of the Corps of Engineers • 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. • A copy of the bill of sale for the purchase of wetland mitigation credits shall be submitted to the City. 	<p>Welland 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-6 Prior to issuance of a grading permit the Building Department shall ensure that the Grading plan indicates that no construction activities shall occur within 50 feet	Applicant	<p>City of Sacramento – Development Services Department;</p>	Grading Plan indicates 50-foot buffer around any jurisdictional wetland until	Measure shall be implemented prior to issuance of grading permits	

10

**MITIGATION MONITORING PLAN
PATTERSON SUBDIVISION PROJECT (P05-105)**

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
of any swale, seasonal wetland, or vernal pool until the applicant provides the City of Sacramento with documentation that the applicant has satisfied the mitigation plan through the construction of wetlands or a bill of sale for the purchase of mitigation credits. In addition, the grading plan shall require temporary fencing to be installed around the 50-foot buffer to exclude construction equipment until the applicant provides the City of Sacramento with documentation that the applicant has satisfied the mitigation plan through the construction of wetlands or a bill of sale for the purchase of mitigation credits.	US Army Corps of Engineers	US Army Corps of Engineers	Proof of Section 404 compliance is provided to the City of Sacramento Development Services Department	during construction activities.	
BR-7 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 50-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	Verify location of wetlands and water quality control measures in SWPPP	Measure shall be implemented prior to issuance of grading permits and during construction activities.	
NOISE N-1 Prior to issuance of occupancy permits, a six-foot high solid noise	Applicant	City of Sacramento –	Construction of wall	Prior to issuance of occupancy	

11

**MITIGATION MONITORING PLAN
PATTERSON SUBDIVISION PROJECT (P05-105)**

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
barrier shall be constructed along property lines adjacent to Marysville Boulevard. The barrier shall run the entire length of Lots 18, 19, 36, and 37. The barrier shall be continuous except at the intersection of the property lines of lots 37 and 38 with the Street "A" right-of-way, and the intersection of lots 18 and 19 with the cul-de-sac right-of-way at Street "B". The north end of the recommended noise barrier for Lot 37 should lie into the required wall along the north property line (separating the residential and commercial land uses).	Development Services Department			permits	
CULTURAL RESOURCES	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.	

12

**MITIGATION MONITORING PLAN
PATTERSON SUBDIVISION PROJECT (P05-105)**

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
<p>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.</p> <p>CR-1b If a Native American site is discovered, the evaluation process shall include consultation with the appropriate Native American representatives.</p> <p>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.</p> <p>In the event that no such Native American is available, persons who represent tribal governments and/or organizations in the locale in which resources could be affected shall</p>					

13

**MITIGATION MONITORING PLAN
PATTERSON SUBDIVISION PROJECT (P05-105)**

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