

RESOLUTION NO. 2000-485

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF AUG 15 2000

**RESOLUTION APPROVING THE MITIGATION MONITORING PLAN
FOR THE DEL PASO NUEVO SPECIAL PLANNING DISTRICT
DEVELOPMENT GUIDELINES RELATING
TO PROCESSING AMENDMENTS, CARROLL AVE.
CROSS SECTION AND STREET TREE PLANTING (P00-044)**

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
SACRAMENTO THAT:**

- A. Prior Environmental Document Prepared: The City Planning Commission finds that a previous Environmental Document was prepared and ratified by the City of Sacramento on May 2, 2000 (SHRA Project) for Del Paso Nuevo Phase 2 Project and that pursuant to the CEQA Guidelines (Section 15162, and 15164), for the reasons set forth below, no additional environmental review is required and an Addendum to this prior Negative Declaration has been prepared.
 - 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; and
 - 3. No new information of substantial importance has been found that shows any of the following:
 - a. Significant effects previously examined will be substantially more severe than shown in the previous Negative Declaration;
 - b. The project will have one or more significant effects not discussed in the previous Negative Declaration;

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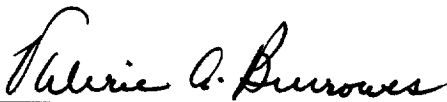
- c. Mitigation measures previously found to be infeasible would in fact be feasible and would substantially reduce one or more significant effects of the project; or
- d. Mitigation measures which are considerably different from those analyzed in the previous Negative Declaration would substantially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

B. Mitigation Monitoring Plan: The Mitigation Monitoring Plan is approved 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 1A;
- 3. The Mitigation Monitoring Plan meets the requirements of Public Resources Code Sec. 21081.6.
- 4. The Mitigation Monitoring Plan is approved, and the mitigation measures shall be implemented and monitored as set forth in the Plan.


MAYOR

ATTEST:


CITY CLERK

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EXHIBIT 1A

Recording
Not
Required

-
-
-
-
-

MITIGATION MONITORING PLAN

FOR

Del Paso Nuevo Tentative Map I/ P00-044

Type of Environmental Document:
Negative Declaration

Prepared By:
Sacramento Housing and Redevelopment Agency

Adopted By:
City of Sacramento, City Council

Date:

AUG 15 2000

Attest:

City Clerk

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MITIGATION MONITORING PLAN

**DEL PASO NUEVO PROJECT
PHASE 2**

**SACRAMENTO HOUSING AND
REDEVELOPMENT AGENCY**

630 I Street
Sacramento, CA 95814
(916) 440-1330

**CITY OF SACRAMENTO
NEIGHBORHOODS, PLANNING AND DEVELOPMENT
DEPARTMENT**

1231 I Street
Sacramento, CA 95814
(916) 264-5381

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MITIGATION MONITORING PLAN DEL PASO NUEVO PROJECT

The California Environment Quality Act (CEQA) as amended by Chapter 1232 (California 1988: implementing AB 3180, 1988) provides that a decision making body "shall adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment".

The purpose of this mitigation monitoring plan (MMP) is to ensure compliance with and effectiveness of the mitigation measures set forth in the Mitigated Negative Declaration for the Del Paso Nuevo Project.

The requirements of this MMP run with the real property that is the subject of the project and successive heirs, and assigns of this real property are bound to comply with all of the requirements of the adopted MMP. Prior to any lease, sale, transfer, or conveyance of any portion of the real property that is the subject of the project, any developer subject to the provisions of this MMP shall provide a copy of the adopted MMP to the prospective lessee, buyer, transferee, or one to whom the conveyance is made. The developer shall not be relieved of its obligations under the MMP if the developer conveys any interest in the site unless the Agency or City agrees in writing to relieve the developer's obligations.

The Environmental Coordinators of the Sacramento Housing and Redevelopment Agency and the City of Sacramento will be responsible for maintaining records of compliance with this program for the Agency and the City. Where specified, a developer shall provide the appropriate documentation necessary to comply with this MMP.

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BIOLOGICAL RESOURCES

Impact 3.1: The project will remove or develop around trees that are regulated under the City of Sacramento Heritage Tree Ordinance.

Mitigation Measure

The applicant will hire an ISA (International Society of Arboriculture) certified arborist to review the design and assess any impacts and mitigation requirements. The arborist will review the plan for trees # 1 & #2 to determine if these trees can be preserved because of the fill required around both of these oaks.

- a) The contractor shall hire an International Society of Arboriculture (ISA) certified arborist to do any required pruning for equipment clearance or root inspections.
- b) If during excavation for the project, tree roots greater than two inches in diameter, are encountered work shall stop immediately until the project 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 project sponsor will be responsible for any costs incurred.
- c) 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 dripline of the tree. Damages will be assessed using the "Guide to Plant Appraisal" eighth edition published by the International Society of Arboriculture. The project arborist will submit a report for review by the city arborist.
- d) Orange environmental fencing will be required around the dripline of existing trees. This fence can be modified where the dripline extend into the street construction area. No trenching, storage of materials or parking of vehicles will be allowed outside this fenced area.
- e) Supplemental irrigation may be required for trees as determined by project arborist.
- f) The trees to be preserved and the protection methods noted above shall be identified on all construction plans for this project.

MITIGATION PROCEDURE	VERIFICATION PROCEDURE
Submit arborist report to City Arborist for review and approval regarding trees #1 & #2. The trees to be preserved and the protection methods shall be identified on all construction plans for this project.	Review plans/tree survey and include copies of tree survey in the MMP file.
Checked: (initials) _____ (date) _____	Verified: (signature) _____ (date): _____

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Impact

- 3.11.2:** White-tailed kites, Swainson's hawks, and other raptor species may nest in the larger trees and riparian habitats on and near the project site. Burrowing owls could nest in the ruderal areas onsite. Active raptor nests are protected under Section 3503.5 of the State Fish and Game code. Construction activities during the breeding season could disturb nesting birds.

Mitigation Measures

Because construction activities during the breeding season could disturb nesting birds, the following measures should be implemented to ensure that birds are not disturbed:

- 3.11.2** 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 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:
- 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 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 week, recording any observable responses to potentially disruptive stimuli (e.g. loud noises, other construction projects, 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)(i) shall be performed.
 - c) If an active Swainson's hawk nest is found within 1/4 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

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responses to potentially disruptive stimuli (e.g. loud noises, other construction projects, 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.

If at any time after the first month of monitoring, the biologist finds that the birds are exhibiting no significant reactions indicating 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 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 circumstances 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.

Entities Responsible for Ensuring Compliance:

The City of Sacramento, Department of Planning and Development
The City of Sacramento, Department of Public Works
The State of California, Department of Fish and Game (DFG)

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Monitoring Program:

Mitigation Measure B:

If construction activities are scheduled to occur between August 15 and March 1, no Swainson's hawk surveys are required.

If construction activities are scheduled to occur between March 1 and August 15, then the following must occur:

1. Prior to the issuance of a Notice to Proceed by the Public Works Department and prior to the issuance of any Building Permit by the Building Division, the applicant shall provide a two-phase pre-construction Swainson's Hawk active nest survey per the above mitigation measure. If the survey indicates that no active nest sites are within 0.25 mile, then construction may proceed.

If the biologist determines that an active Swainson's Hawk nest site is within 0.25 mile of the project site and the nest may be impacted by certain noise generating construction activities (i.e., pile driving, certain grading operations, etc.), then the following must occur:

- A) The biologist shall make an assessment of whether or not project construction poses a substantial risk of disrupting the nesting effort. If the biologist assesses that the risk is not substantial, the biologist's report shall be forwarded to the City and the Department of Fish and Game. Construction activities may proceed upon approval by DFG.
 - B) If the biologist assesses that the risk is substantial, then additional monitoring as described in the mitigation measure above (and in the monitoring program below) shall be performed.
 - 1) The biologist shall observe the active nest while construction is proceeding and shall record all observations. If the biologist observes that the nest and birds are not being affected by construction activities, then a report shall be prepared which documents the observations and recommends to stop monitoring or reduce the intensity of monitoring. The recommendation shall be adopted upon approval by DFG.
2. During the construction period (until August 15 of fledging), unless other recommendations have been adopted per the biologists reports and DFG approval, the project sponsor shall allow the biologist to stop any work causing adverse reaction by a Swainson's hawk. 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.
 3. 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.
 4. A note shall be placed on the building permit plans (specifically site plans and structural drawings)

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indicating the need for a CDFG approved raptor biologist to be on site during construction activities.

5. If the project applicant proposes to utilize hacking as a substitute for avoidance, the project proponent must coordinate with the Department of Fish and Game (Environmental Services Division and Wildlife Management Division) and receive approval of a hacking plan. Prior to the issuance of a Notice to Proceed by the Department of Public Works and prior to the issuance of any building permit (including grading permit) by the Building Division, the applicant shall provide a copy of the approved hacking plan to the City of Sacramento. In addition, the applicant shall provide proof of funding the hacking effort to the satisfaction of the Department of Fish and Game; the proof of funding shall also be provided to the City of Sacramento. The timing of the hacking activity shall be specified in the hacking plan.

MITIGATION PROCEDURE	VERIFICATION PROCEDURE
See above.	See above.
Checked: (initials) _____ (date) _____	Verified: (signature) _____ (date): _____

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