

RESOLUTION NO. 2008-047

Adopted by the Sacramento City Council

January 29, 2008

ADOPTING THE MITIGATED NEGATIVE DECLARATION AND THE MITIGATION MONITORING PLAN FOR THE LEISURE VISTAS PUD PROJECT (P99-094) (APN: 226-0061-020, 028)

BACKGROUND

- A. On September 27, 2007, the City Planning Commission conducted a public hearing on, and forwarded to the City Council a recommendation to approve with conditions Leisure Vistas.
- B. On December 11, 2007, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Sections 16.24.097, 17.180.050(D), 17.204.020(C), 17.208.020(C), and 17.200.010(C)(2)(a), (b), and (c), and received and considered evidence concerning Leisure Vistas.

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

Section 1. The City Council finds as follows:

- A. The Project initial study identified potentially significant effects of the Project. Revisions to the Project made by or agreed to by the Project applicant before the proposed mitigated negative declaration and initial study were released for public review were determined by City's Environmental Planning Services to avoid or reduce the potentially significant effects to a less than significant level, and, therefore, there was no substantial evidence that the Project as revised and conditioned would have a significant effect on the environment. A Mitigated Negative Declaration (MND) for the Project was then completed, noticed and circulated in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines and the Sacramento Local Environmental Procedures as follows:
 - 1. On July 11, 2007 a Notice of Intent to Adopt the MND (NOI) dated July 11, 2007 was circulated for public comments for 30 days. The NOI was sent to those public agencies that have jurisdiction by law with respect to the proposed project and to other interested parties and agencies, including property owners within 500 feet of the boundaries of the proposed project. The comments of such persons and agencies were sought.
 - 2. On July 11, 2007 the project site was posted with the NOI, the NOI was published in the Daily Recorder, a newspaper of general circulation, and the NOI was posted in the office of the Sacramento County Clerk.

- Section 2. The City Council has reviewed and considered the information contained in the MND, including the initial study, the revisions and conditions incorporated into the Project, and the comments received during the public review process and the hearing on the Project. The City Council has determined that the MND constitutes an adequate, accurate, objective and complete review of the environmental effects of the proposed project.
- Section 6. Based on its review of the MND and on the basis of the whole record, the City Council finds that the MND reflects the City Council's independent judgment and analysis and that there is no substantial evidence that the Project will have a significant effect on the environment.
- Section 7. The City Council adopts the MND for the Project.
- Section 8. Pursuant to CEQA section 21081.6 and CEQA Guidelines section 15074, and in support of its approval of the Project, the City Council adopts a Mitigation Monitoring Program to require all reasonably feasible mitigation measures be implemented by means of Project conditions, agreements, or other measures, as set forth in the Mitigation Monitoring Program.
- Section 9. Upon approval of the Project, the City's Environmental Planning Services shall file or cause to be filed a Notice of Determination with the Sacramento County Clerk and, if the project requires a discretionary approval from any state agency, with the State Office of Planning and Research, pursuant to section 21152(a) of the Public Resources Code and section 15075 of the State EIR Guidelines adopted pursuant thereto.
- Section 10. Pursuant to Guidelines section 15091(e), the documents and other materials that constitute the record of proceedings upon which the City Council has based its decision are located in and may be obtained from, the Office of the City Clerk at 915 I Street, Sacramento, California. The City Clerk is the custodian of records for all matters before the City Council.

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Exhibit A: Mitigation Monitoring Program


Adopted by the City of Sacramento City Council on January 29, 2008 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:



Shirley Concolino, City Clerk

Exhibit A: Mitigation Monitoring Plan

MITIGATION MONITORING PLAN

FOR:
LEISURE VISTAS (P99-094)

PREPARED BY:
CITY OF SACRAMENTO
DEVELOPMENT SERVICES DEPARTMENT
ENVIRONMENTAL PLANNING SERVICES
ROCHELLE HALL
808-5914

TYPE OF ENVIRONMENTAL DOCUMENT:
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

DATE:
July 6, 2007

ADOPTED BY:
CITY OF SACRAMENTO
City Council

DATE:

ATTEST:

**LEISURE VISTAS (P99-094)
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: LEISURE VISTAS (P99-094)

Owner/Developer/Applicant: Wayne Stoops
Capitol Eagle Investors
3616 Gold Creek
Sacramento, CA 95827

City of Sacramento Contact: Rocheile Hall, Assistant Planner
Environmental Planning Services
Development Services Dept
2101 Arena Blvd., Suite 200
Sacramento, CA 95834
Phone: (916) 808-5914

Project Location

The proposed project site is within an area that is included under the North Sacramento Community Plan (NSCP) and is bounded by Rio Linda to the east and Claire Avenue to the south (APN 226-0061-020 and APN 226-0061-028).

Project Components

The proposed project includes entitlements to develop 835 residential units, a park, and a Commercial or a Detention Basin on approximately 35.47 acres. Specific entitlements include:

- A. General Plan Amendment** of 35.47 acres from Low Density Residential, Medium Density Residential, Community/Neighborhood Commercial and Offices, and Park/Recreation/Open Space to 22.57 acres of Medium Density Residential, 2.79 acres of Community/Neighborhood Commercial and Offices, and 5.48 acres of Open Space;
- B. North Sacramento Community Plan Amendment** of 35.47 acres from Residential 4-8 du/na, General Retail, Parks/Open Space, to 22.57 acres of Residential 11-29 du/na, 2.79 acres General Retail, and 5.48 acres of Parks/Open Space;

- C. **Rezone** from the existing designation to 22.57 acres of Multi-Family Residential PUD (R-2-PUD), 2.79 acres of General Commercial PUD (C-2-PUD), and 5.48 acres of Open Space (A-OS);
- D. **PUD Guidelines Amendment** to amend the Hansen Lakes PUD for Leisure Vistas development guidelines;
- E. **PUD Schematic Plan Amendment** for the Leisure Vistas Master Plan Layout; and
- F. **Tentative Master Parcel Map** to subdivide 35.47 acres into one 5.48 acre A-OS zoned parcel, one 2.79 acre C-2-PUD zoned parcel, and one 22.57 acre R-3-PUD zoned parcel.

SECTION 2: GENERAL INFORMATION

The Mitigation Monitoring Plan (MMP) includes mitigation for Water, Air Quality, Biological Resources, Noise, 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 AGREEMENT

PROJECT NAME / FILE NUMBER: Leisure Vistas (P99-094)

OWNER/DEVELOPER/APPLICANT: Wayne Stoops
Capitol Eagle Investors
3616 Gold Creek Lane
Sacramento, CA 95827

I, Wayne Stoops (owner/developer/applicant), agree to amend the project application P99-094 to incorporate the attached mitigation measures as identified in the Initial Study for the project. I understand that by agreeing to these mitigation measures, all identified potentially significant environmental impacts should be reduced to below a level of significance, thereby enabling the Environmental Coordinator to prepare a Mitigated Negative Declaration of environmental impact for the above referenced project.

I also understand that the City of Sacramento will adopt a Mitigation Monitoring Plan (Plan) for this project. This Plan will be prepared by the Development Services Department, pursuant to the California Environmental Quality Act Guidelines Section 21081.6 and pursuant to Article III of the City's Local Administrative Procedures for the Preparation of Environmental Documents.

I acknowledge that this project, P99-094, would be subject to this Plan at the time the Plan is adopted. This Plan will establish responsibilities for the monitoring of my project by various City Departments and by other public agencies under the terms of the agreed upon mitigation measures. I understand that the mitigation measures adopted for my project may require the expenditure of owner/developer funds where necessary to comply with the provisions of said mitigation measures.

Wayne Stoops
Signature (Owner/Developer/Applicant)

Managing General Partner
Title

July 9, 2007
Date

MITIGATION MONITORING PLAN LEISURE VISTAS				
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Sign-off
		<p><i>the top of the trailer).</i></p> <ul style="list-style-type: none"> • <i>Water soil piles three times daily.</i> 		
7. Biological Resources				
MM-3	The proposed project could result in adverse effects to special-status species.	<p><i>Any proposed tree removal shall be scheduled to avoid the nesting season, which extends from February through September. If demolition and construction cannot be scheduled to avoid the nesting season, prior to the issuance of grading permits, pre-construction surveys for nesting raptors shall be conducted by a qualified ornithologist or wildlife biologist to ensure that raptor nests are not disturbed during project implementation. A pre-construction survey shall be conducted no more than 14 days prior to the initiation of demolition/construction activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through September). During this survey, the qualified person shall inspect all trees in and immediately adjacent to the impact areas for raptor nests.</i></p> <p><i>If the above survey does not identify any</i></p>	Development Services Department	Prior to issuance of a grading permit

MITIGATION MONITORING PLAN LEISURE VISTAS					
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		<p><i>nesting raptor species on the project site. Further mitigation is not required. However, should any raptor species be found nesting on the project site, the following mitigation measures shall be implemented.</i></p> <p><i>a. Prior to the issuance of grading permits, the following mitigation measures shall be completed for the project applicant, in consultation with CDFG, shall avoid all birds of prey nest sites located in the project site during the breeding season while the nest is occupied with adults and/or eggs or young. The occupied nest shall be monitored by a qualified raptor biologist to determine when the nest is no longer used. Avoidance shall include the establishment of a nondisturbance buffer zone around the nest site. The size of the buffer zone shall be determined in consultation with CDFG. Highly visible temporary construction fencing shall delineate the buffer zone.</i></p>	<p>Development Services Department</p> <p>California Department of Fish and Game</p>	<p>Prior to the issuance of grading permits</p>	

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MM-4	The proposed project may contain potential habitats for large branchiopods (fairly shrimp).	<p>b. If a legally protected species nest is located in a tree designated for removal, the removal shall be deferred until after September 30th, or until the adults and young are no longer dependent on the nest site, as determined by a qualified biologist.</p> <p>c. Prior to the issuance of grading permits, the project applicant shall consult with the City and the California Department of Fish and Game to determine the extent of mitigation necessary for the loss of Swainson's hawk foraging habitat. Specific replacement ratios and the location of the foraging habitat will be coordinated with, and approved by the California Department of Fish and Game.</p>	<p>Development Services Department</p> <p>Development Department and the California Department of Fish and Game</p>	<p>Prior to nest tree removal</p> <p>Prior to issuance of grading permits</p>	
		<p>Prior to the issuance of grading permits a City approved biologist shall conduct dry-season and wet-season sampling for vernal pool fairy shrimp (<i>Branchinecta lynchi</i>) and vernal pool tadpole shrimp (<i>Lepidurus packardii</i>), in accordance with the United States Fish and Wildlife Service Interim</p>	<p>Development Services Department</p> <p>USFWS</p> <p>ACOE</p>	<p>Prior to issuance of grading permits</p>	

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MM-7	Impacts to "Heritage Trees."	<p>with Section 12.56.090 of the City of Sacramento Tree Ordinance. A Tree Replacement Plan shall be submitted to the City Arborist for review and approval.</p> <p>The project applicant shall retain, where feasible, all Heritage Trees as defined by the City of Sacramento. Where possible, the following measures shall be followed to protect trees identified for protection:</p> <ol style="list-style-type: none"> For trees within the project area that are designated for preservation, a circle with a radius measurement from the trunk of the tree to the tip of its longest limb shall constitute the dripline protection area for each tree; Temporary protective fencing (chain link or other solid fencing type) shall be installed at least one foot outside the driplines of the protected trees prior to initiating construction in order to avoid damage to the tree canopies and root systems; Final Grading Plans shall show all protected trees, tree numbers, and each tree's protected dripline areas, and shall show the location of the 	Development Services Department	Prior to initiation of construction activities	

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		<p>required protective fencing;</p> <p>d. Any protected trees on the site that require pruning shall be pruned by a certified arborist prior to the start of construction work in the area. All pruning shall be in accordance with American National Standards Institute (ANSI) A3000 pruning standards and the International Society of Arboriculture (ISA) "Tree Pruning Guidelines;"</p> <p>e. No signs, ropes, cables (except those which may be installed by a certified arborist to provide limb support) or any other items shall be attached to the trees. Small metallic numbering tags for the purpose of preparing tree reports and inventories shall be allowed;</p> <p>f. No grading (grade cuts or fills) shall be allowed within the driplines of Heritage trees;</p> <p>g. Where soil compaction occurs within the dripline of a Heritage tree, take measures to restore soil condition, aeration, and permeability to water;</p> <p>h. Drainage patterns on the site shall not be modified so that water collects</p>			

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		<p>or stands within, or is diverted across, the dripline of any Heritage tree;</p> <p>i. No trenching shall be allowed within the dripline of Heritage trees. If it is absolutely necessary to install underground utilities within the dripline of a Heritage tree, the utility line shall be bored or jacked under the supervision of a certified arborist;</p> <p>j. The construction of impervious surfaces within the driplines of Heritage trees shall be stringently minimized. When it is absolutely necessary, a piped aeration system per City standard detail shall be installed under the supervision of a certified arborist;</p> <p>k. No sprinkler or irrigation system shall be installed in such a manner that it sprays water or requires trenching within the driplines of Heritage trees. An above ground drip irrigation system is recommended;</p> <p>l. During construction, normal watering frequency shall be</p>			

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		Permit from the ACOE. Mitigation requirements shall be coordinated with ACOE and the United States Fish and Wildlife Service (USFWS). Elimination of wetland habitats shall be mitigated at a 1 to 1 ratio (1 acre preserved/created for every 1 acre impacted) either through establishment of onsite wetland habitat, or by purchasing offsite credits from an ACOE approved wetland mitigation bank, or a combination of the two methods.	Fish and Wildlife Service	permits	
MM-9	Impacts to wetlands.	Prior to the issuance of grading permits, the project applicant shall acquire a Water Quality Certification (Section 401 Permit) from the Regional Water Quality Control Board.	Regional Water Quality Control Board	Prior to issuance of grading permits	
MM-10	Impacts to wetlands	Prior to the issuance of grading permits, the project applicant shall acquire from CDFG a Section 1602 Streambed Alteration Permit for impacts to the roadside ditch along Rio Linda Boulevard, and, if Alternative 2 of Option 2 is selected, for impacts associated with the new Robla Creek discharge point.	California Department of Fish and Game	Prior to issuance of grading permits	
10. Noise					
MM-11	Short-term Construction-induced noise impact.	Construction activities shall be scheduled to have the least impact on noise sensitive receptors in the area. Construction activity.	Department of Utilities	During construction activities	

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MM-12	Long-term Traffic-related noise impacts.	<p>shall be scheduled to occur during the least noise sensitive hours, between 7:00 A.M. and 6:00 P.M. on weekdays and Saturdays, and 9:00 a.m. and 6:00 p.m. on Sundays, as set forth in the City's Noise Ordinance. Allowable hours for construction activities shall be noted on the Construction Plans for the project.</p> <p>In conjunction with the submittal of a site plan for residential development on Parcel 2, the applicant shall submit an acoustical assessment for review and approval of the City of Sacramento. The acoustical assessment shall demonstrate that exterior and interior spaces of the proposed residential areas of the project would not be subjected to noise levels in excess of the standards set forth in the Sacramento General Plan Noise Element. The acoustical assessment shall include measures that would ensure that acceptable noise levels are achieved for the residential areas. These may include incorporation of appropriate rated windows, air conditioning, buffer areas, etc.</p>	Development Services Department	In conjunction with submittal of site plan for residential development on Parcel 2.	
MM-13	Exposure of people to aircraft noise.	The project applicant shall retain a qualified acoustical consultant to determine necessary noise insulation design features needed to	Development Services Department	Prior to submittal of residential site plan(s).	

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		<p><i>Additionally, the acoustical consultant shall prepare a report that provides the following:</i></p> <ul style="list-style-type: none"> <i>Information proving that residential structures have been designed to State limits for building type;</i> <i>Information on the topographical relationship of noise sources and the structure;</i> <i>Identification of noise sources and their characteristics;</i> <i>Predicted noise spectra at the exterior of the proposed structure considering present and future land uses;</i> <i>Basis for the prediction (measured or obtained from published data);</i> <i>Noise attenuation measures to be applied;</i> <i>Analysis of the noise insulation effectiveness of the proposed construction showing that the prescribed interior noise level requirements are met; and,</i> <i>Analysis of noise barriers' effectiveness, showing that the prescribed exterior noise levels are met.</i> 			

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MM-15	The project site has the potential to contain buried archaeological or historic artifacts that are unknown to date.	<p>14. Cultural Resources</p> <p><i>a: Prior to issuance of grading permits, the applicant/developer shall submit plans to the Development Services Department for review and approval which indicate (via notation on the improvement plans) that if subsurface archaeological or historical remains (including unusual amounts of bones, stones, or shells) are discovered during excavation or construction of the site, the applicant shall stop work 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.</i></p> <p><i>b: If Native American archaeological, ethnographic, or spiritual resources are discovered, all identification and treatment shall be conducted by qualified archaeologists who are either</i></p>	Development Services Department	Prior to issuance of grading permits	

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		<p>certified by the Society of Professional Archaeologists (SOPA) or who meet the federal standards as stated in the Code of Federal Regulations (36 C.F.R.61), and Native American representatives who are approved by the local Native American community as scholars of their cultural traditions. 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 be consulted. When historic archaeological site or historic architectural features are involved, all identification and treatment is to be carried out by historical archaeologists or architectural historians. These individuals shall meet either SOPA or 36 C.F.R. 61 requirements. Identified cultural resources should be recorded on DPR 523 (A-J) historic resource recordation forms.</p> <p>c. If human bone or bone of unknown origin is found during construction, all work shall stop in the vicinity of the</p>			

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		<p><i>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 it believes to be the most likely 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 been carried out</i></p>			