

**RESOLUTION NO. 2005-302**

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF **MAY 03 2005**

**A RESOLUTION ADOPTING THE NEGATIVE DECLARATION AND ADOPTING THE MITIGATION MONITORING PLAN FOR RIVERDALE NORTH, FOR PROPERTY LOCATED IN NORTH NATOMAS, NORTH OF INTERSTATE 80, WEST OF INTERSTATE 5 AND SOUTH OF SAN JUAN ROAD, SACRAMENTO, CALIFORNIA.**

(APN: 225-0220-094, 095, 101, 102) (P02-138)

**WHEREAS**, the Environmental Coordinator has prepared an Initial Study and Mitigated Negative Declaration for the above identified project;

**WHEREAS**, the Initial Study and Mitigated Negative Declaration was prepared and circulated for the above-identified project pursuant to the requirements of CEQA;

**WHEREAS**, the proposed Negative Declaration and comments received during the public review process were considered prior to action being taken on the project;

**WHEREAS**, based upon the Negative Declaration and the comments received during the public review process, there is no substantial evidence that the project will have a significant effect on the environment, provided that mitigation measures are added to the above identified project;

**WHEREAS**, this Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis;

**WHEREAS**, 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

**WHEREAS**, 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;

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

1. The Negative Declaration for Riverdale North (P02-138) shall be adopted.
2. The Mitigation Monitoring Plan is approved for the proposed Riverdale North project based upon the following findings:
  - a. One or more mitigation measures have been added to the above identified project;
  - b. 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 1.

HEATHER FARGO

\_\_\_\_\_  
MAYOR

ATTEST:

SHIRLEY CONCOLINO

\_\_\_\_\_  
CITY CLERK

P02-138

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RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: **MAY 03 2005**

**EXHIBIT 1 – Mitigation Monitoring Plan**

**MITIGATION MONITORING PLAN**

**FOR:**  
RIVERDALE NORTH (P02-138)

**PREPARED BY:**  
CITY OF SACRAMENTO  
DEVELOPMENT SERVICES DEPARTMENT  
ENVIRONMENTAL PLANNING SERVICES  
ERIK DE KOK  
808-2022

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

**DATE:**  
February 25, 2005

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

**DATE:**  
\_\_\_\_\_

**ATTEST:**  
\_\_\_\_\_

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DATE ADOPTED: MAY 03 2005

**EXHIBIT 1 – Mitigation Monitoring Plan**

**RIVERDALE NORTH PROJECT (P02-138)  
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, 1231 I Street, Room 300, Sacramento, CA 95814, pursuant to CEQA Guidelines Section 21081.6.

**SECTION 1: PROJECT IDENTIFICATION**

**Project Name/File Number:** Riverdale North Project (P02-138)  
**Owner/Developer:** Bret Hogge  
River West Investments  
7700 College Town Drive, Suite 109  
Sacramento, CA 95826  
(916) 379-0955  
**City of Sacramento Contact:** Erik de Kok, Associate Planner  
Environmental Planning Services  
Development Services Dept  
1231 I Street, Room 300  
Sacramento, CA 95814  
(916) 808-2022

**Project Location:**

The proposed project is located in the North Natomas Community Plan (NNCP) area immediately north and west of the intersection of Interstate Highways 5 and 80, immediately south of San Juan Road, and east and south of Buchman Circle, within the Riverview Planned Unit Development (PUD) Unit 5.

**Project Description:**

Entitlements to develop a 537-unit residential development on 46.6± acres within the River West Planned Unit Development, Council District 1. APN: 225-0220-094, 095, 101, 102. **A. Environmental Determination: Mitigated Negative Declaration; B. Mitigation Monitoring Plan; C. Inclusionary Housing Plan; D. General Plan Amendment** amending 48.5± acres of Mixed Use and 9.4± acres of Community/Neighborhood Commercial and Offices to 12.7± acres of Low Density Residential, 33.9± acres of Medium Density Residential, 4.7± acres of Community/Neighborhood Commercial and Offices, and 6.6± acres Parks, Recreation and Open Space; **E. Community Plan Amendment** amending 48.5± acres of Employment Center 50, and 9.4± acres of Village Commercial to 46.6± acres of Medium Density Residential, 4.7± acres of Village Commercial, and 6.6± acres of Parks/Open Space; **F. Rezone** of 48.5± acres of Employment Center 50 PUD (EC-50 PUD) zone and 9.4± acres of Limited Commercial PUD (C-1 PUD) zone to 12.7± acres of Single Family Alternative PUD (R-1A PUD) zone, 22.5± acres of Multi-Family PUD (R-2A PUD) zone, 11.4± acres of Multi-Family PUD (R-2B PUD) zone, 4.7± acres of Limited Commercial PUD (C-1 PUD) zone, and 6.6± acres Agriculture-Open Space PUD (A-OS PUD) zone; **G. Planned Unit Development Guidelines Amendment** to include development standards for alternative single family residential within the River View/Parkview Planned Unit Development; **H. Planned Unit Development Schematic Plan Amendment** to re-designate the uses on the property to include 537 single family residential units and a recreation

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center on 46.6± acres, a 4.7± acre Village Commercial parcel, a 3.6± acre park site and 3.0± acres of open space within the River View/Parkview Planned Unit Development; **I. Tentative Map** to subdivide four parcels into 537 single family lots, 1 village commercial lot, 1 park lot, 1 recreation center lot, 1 open space lot, 13 landscape lots, and 12 private drive/public utility easement lots; **J. Subdivision Modifications** to allow non-standard elbow design on a street, dead-end streets, non-standard intersections, a ten foot radius corner, private streets, lots with less than 20 feet of street frontage, and thru lots; **K. Special Permit** to construct 537 residential dwelling units on 46.6± acres in the Single Family Alternative PUD (R-1A PUD), Multi-Family PUD (R-2A PUD) and Multi-Family PUD (R-2B PUD) zones; **L. Special Permit** to construct a 2,217± square foot recreation center within the Riverdale North development; and **M. Revocation of Special Permit** to revoke the Buchman Circle Apartment Special Permit (P02-076) approved on August 14, 2003.

**SECTION 2: GENERAL INFORMATION**

The MMP includes mitigation for Air Quality, 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.

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**MITIGATION MONITORING PLAN  
RIVERDALE NORTH PROJECT (P02-138)**

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
<p><b>Air Quality:</b></p> <p>AIR-1: All grading and excavation will conform to city grading approvals.</p> <p>AIR-2: Water exposed soils twice daily to control wind borne dust.</p> <p>AIR-3: Enclose, cover, or water twice daily any exposed piles of dirt, sand, gravel, or other construction debris.</p> <p>AIR-4: At a minimum of three times per week, remove from all neighborhood streets, all dirt and mud which has been generated from or deposited by construction equipment going to and from the construction site.</p> <p>AIR-5: Construction activities shall comply with SMAQMD Rule 403 on dust and condensed fumes, so that emissions do not exceed hourly levels as regulated per processing weight.</p> <p>AIR-6: On-site vehicle speed shall be limited to 15 miles per hour on unpaved surfaces.</p> <p>AIR-7: The loads on all haul/dump trucks shall be covered securely or at least two feet of freeboard shall be maintained on trucks hauling loads.</p> <p>AIR-8: Vehicle trips shall be reduced via carpool, transit, and other alternative</p>	Applicant	City of Sacramento – Development Services Department; and Sacramento Metropolitan Air Quality Management District (SMAQMD)	Measures shall be included on all construction plans and within the Standard Construction Specifications.	Measures shall be implemented prior to issuance of grading permits, and/or during construction activities, as applicable.	

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<p>modes.</p> <p>AIR-9: Compliant asphalt materials (Rule 453) and architectural coatings (Rule 442) shall be used.</p> <p>AIR-10: Reduced-emission heavy-duty equipment for all diesel powered off-road construction activities shall be utilized. This equipment should be used for clearing, grading, and other earthmoving operations.</p> <p>AIR-11: The following shall be included to ensure a construction mitigation of 20 percent NOx reduction and 45 percent particulate reduction compared to the most recent California Air Resources Board fleet average:</p> <p>Category 1: Reducing NOx emissions from off-road diesel powered equipment.</p> <p>The project shall provide a plan for approval by the City of Sacramento and the SMAQMD demonstrating that the heavy-duty (&gt;50 horsepower) off-road vehicles to be used in the construction project, including owned, leased, and subcontractor vehicles, will achieve a project wide fleet average 20 percent NOx reduction and 45 percent particulate reduction compared to the most recent CARB fleet average; and</p>					

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<p>The project representative shall submit to the City of Sacramento and SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used in an aggregate of 40 or more hours during any portion of the construction project. The inventory shall include the horsepower rating, engine production year, and house of use of fuel throughout for each piece of equipment. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs. At least 48 hours prior to the use of subject heavy-duty off-road equipment, the project representative shall provide SMAQMD with the anticipated construction timeline including start date, and name and phone number of the project manager and on-site foreman.</p> <p>And:</p> <p>Category 2: controlling visible emissions from off-road diesel powered equipment.</p> <p>The project shall ensure that emissions from all off-road diesel powered equipment used on the project site do not exceed 40 percent opacity for more</p>					

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<p>than three minutes in any hour. Any equipment found to exceed 40 percent opacity shall be repaired immediately, and the City of Sacramento and SMAQMD shall be notified within 48 hours of identification of non-compliant equipment. A visual survey of all in-operation equipment shall be made at least weekly, and a monthly summary of the visual survey results shall be submitted throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey. The SMAQMD and/or other officials may conduct periodic site inspections to determine compliance. Nothing in this section shall supersede other SMAQMD or state rules or regulations.</p> <p>AIR-12: Prior to approval of improvement plans or the issuance of a grading permit, the proponent will submit proof that it has both paid the off-site air quality mitigation fee of \$44,134 to SMAQMD and has had its construction air quality mitigation plan, which is its construction equipment list, approved by SMAQMD. The fee was calculated based on pounds of mitigated daily NOx emissions over the 85 pound per day threshold, multiplied by the number</p>					

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<p>of days of the grading and construction phase, multiplied by the standard SMAQMD fee of \$13,600/ton of NOx, divided by 2000 lbs/ton.</p> <p><b>Biological Resources:</b>                      BIO-1: Within the Natomas Basin, all construction activity involving disturbance of habitat, such as site preparation and initial grading, is restricted to the period between May 1 and September 30. This is the active period for the giant garter snake and direct mortality is lessened, because snakes are expected to actively move and avoid danger.                      BIO-2: Pre-construction surveys for giant garter snake, as well as other NBHCP Covered Species, must be completed for all development projects by a qualified biologist approved by USFWS. If any giant garter snake habitat is found within a specific site, the following additional measures shall be implemented to minimize disturbance of habitat and harassment of giant garter snake, unless such project is specifically exempted by USFWS.                      BIO-3: Between April 15 and September 30, all irrigation ditches, canals, or other</p>	Applicant	City of Sacramento – Development Services Department; CA Dept. of Fish and Game; US Fish and Wildlife Service	Measures shall be included with construction specifications on all construction plans.	Construction specifications shall be included on the construction plans prior to the issuance of a grading permit. Measures shall be implemented prior to and/or during construction activities, as applicable.	

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Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
<p>aquatic habitat should be completely dewatered, with no puddled water remaining, for at least 15 consecutive days prior to the excavation or filling in of the dewatered habitat. Make sure dewatered habitat does not continue to support giant garter snake prey, which could detain or attract snakes into the area. If a site cannot be completely dewatered, netting and salvage of prey items may be necessary. This measure removes aquatic habitat component and allows giant garter snake to leave on their own.</p>					
<p><b>BIO-4:</b> For sites that contain giant garter snake habitat, no more than 24-hours prior to start of construction activities (site preparation and/or grading), the project area shall be surveyed for the presence of giant garter snake. If construction activities stop on the project site for a period of two weeks or more, a new giant garter snake survey shall be completed no more than 24-hours prior to the re-start of construction activities.</p>					
<p><b>BIO-5:</b> Confine clearing to the minimal area necessary to facilitate construction activities. Flag and designate avoided giant garter snake habitat within or adjacent to the project as Environmentally Sensitive Areas. This area shall be avoided by all construction personnel.</p>					

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<p>BIO-6: Construction personnel completing site preparation and grading operations shall receive USFWS approved environmental awareness training. This training instructs workers on how to identify giant garter snakes and their habitats, and what to do if a giant garter snake is encountered during construction activities. During this training an on-site biological monitor shall be designated.</p> <p>BIO-7: If a live giant garter snake is found during construction activities, immediately notify the USFWS and the project's biological monitor. The biological monitor, or his/her assignee, shall do the following:  Stop construction in the vicinity of the snake. Monitor the snake and allow the snake to leave on its own. The monitor shall remain in the area for the remainder of the work day to make sure the snake is not harmed or if it leaves the site, does not return. Escape routes for giant garter snake should be determined in advance of construction and snakes should always be allowed to leave on their own. If a giant garter snake does not leave on its own within 1 working day, further consultation with USFWS is required.</p> <p>BIO-8: Upon locating dead, injured or sick</p>					

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<p>threatened or endangered wildlife species, the Permittees or their designated agents must notify within 1 working day the Service's Division of Law Enforcement (2800 Cottage Way, Sacramento CA 95825) or the Sacramento Fish and Wildlife Office (2800 Cottage Way, Room W-2605, Sacramento, CA 95825, telephone 916 414-6600). Written notification to both offices must be made within 3 calendar days and must include the date, time, and location of the finding of a specimen and any other pertinent information.</p>					
<p>BIO-9: Fill or construction debris may be used by giant garter snake as an over-wintering site. Therefore, upon completion of construction activities remove any temporary fill and/or construction debris from the site. If this material is situated near undisturbed giant garter snake habitat and it is to be removed between October 1 and April 30, it shall be inspected by a qualified biologist to assure that giant garter snake are not using it as hibernaculæ.</p>					
<p><i>Measures to Reduce Take of Swainson's Hawk</i> BIO-10: The City of Sacramento has limited its Permit Area within the Swainson's Hawk Zone to the approximately 252 acres located within the North Natomas</p>					

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<p>Community Plan that was designated for urban development in 1994 and, likewise, will not grant development approvals within the Swainson's Hawk Zone beyond this designated 252 acres. It should be noted that of these 252 acres of land in the Swainson's Hawk Zone, about 80 acres will be a 250 foot wide agricultural buffer along the City's side of Fisherman's Lake. Should either the City or the County seek to expand NBHCP coverage for development within the Swainson's Hawk Zone beyond that described above, granting of such coverage would require an amendment to the NBHCP and permits and would be subject to review and approval by the USFWS and the CDFG in accordance with all applicable statutory and regulatory requirements. Because the effectiveness of the NBHCP's Operating Conservation Program (OCP) adequately minimizes and mitigates the effects of take of the Swainson's hawk depends substantially on the exclusion of future urban development from the City's and Sutter County's portion of the Swainson's Hawk Zone, approval by the City of future urban development (i.e., uses not consistent with Agricultural Zoning) in the zone beyond the 170 (252 acres minus 80) acres identified above or approval by Sutter of any future urban development in the Swainson's Hawk</p>					

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<p>Zone would constitute a significant departure from the Plan's OCP and would trigger a reevaluation of the City's and/or Sutter's Permits and possible suspension or revocation of the City's and/or County's permits.</p> <p>BIO-11: Best management practices for the nearly 250 miles of canals within the Basin will seek to preserve vegetative cover which will provide food and protection for a productive prey base. This prey base will disperse onto adjacent habitats where it will be available as Swainson's hawk forage.</p> <p>BIO-12: Prior to the commencement of development activities at any development site within the NBHCP area, a pre-construction survey shall be completed by the respective developer to determine whether any Swainson's hawk nest trees will be removed onsite, or active Swainson's hawk nest sites occur on or within 1/2 mile of the development site. These surveys shall be conducted according to the Swainson's Hawk Technical Advisory Committee's (May 31, 2000) methodology or updated methodologies, as approved by the Service and CDFG, using experienced Swainson's hawk surveyors.</p> <p>BIO-13: If breeding Swainson's hawks (i.e. exhibiting nest building or nesting</p>					

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Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
<p>behavior) are identified, no new disturbances (e.g., heavy equipment operation associated with construction) will occur within 1/4 mile of an active nest between March 15 and September 15, or until a qualified biologist, with concurrence by CDFG, has determined that young have fledged or that the nest is no longer occupied. If the active nest site is located within 1/4 mile of existing urban development, the no new disturbance zone can be limited to the 1/4 mile versus 1/2 mile. Routine disturbances such as agricultural activities, commuter traffic, and routine facility maintenance activities within 1/4 mile of an active nest are not restricted.</p>					
<p>BIO-14: Where disturbance of a Swainson's hawk nest cannot be avoided, such disturbance shall be temporarily avoided (i.e., defer construction activities until after the nesting season) and then, if unavoidable, the nest tree may be destroyed during the non-nesting season. For purposes of this provision the Swainson's hawk nesting season is defined as March 15 to September 15. If a nest tree (any tree that has an active nest in the year the impact is to occur) must be removed, tree removal shall only occur between September 15 and February 1.</p>					
<p>BIO-15: If a Swainson's hawk nest tree is to be removed and fledglings are present,</p>					

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<p>the tree may not be removed until September 15 or until the California Department of Fish and Game has determined that the young have fledged and are no longer dependent upon the nest tree.</p> <p>BIO-16: if construction or other project related activities which may cause nest abandonment or forced fledging are proposed within the 1/4 mile buffer zone, intensive monitoring (funded by the project sponsor) by a Department of Fish and Game approved raptor biologist will be required. Exact implementation of this measure will be based on specific information at the project site.</p>					
<p><b>Cultural Resources:</b></p> <p>CULT-1: If subsurface archaeological or historical remains are discovered during construction, work in the area 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.</p> <p>CULT-2: If human burials are encountered, all work in the area shall stop immediately and the Sacramento</p>	Applicant	City of Sacramento – Development Services Department Native American Heritage Commission	Measures shall be included on all construction plans.	Construction specifications shall be included on construction plans prior to the issuance of a grading permit. Measures shall be implemented during construction activities, as applicable.	

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Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
<p>County Coroner's office shall be notified immediately. If the remains are determined to be Native American in origin, both the Native American Heritage Commission and any identified descendants must be notified and recommendations for treatment solicited (CEQA Section 15064.5); Health and Safety Code Section 7050.5; Public Resources Code Section 5097.94 and 5097.98.</p>					

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