

**RESOLUTION NO. 2005-237**

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF APR 14 2005

**A RESOLUTION APPROVING THE ADDENDUM TO A PREVIOUSLY ADOPTED NEGATIVE DECLARATION AND APPROVING THE MITIGATION MONITORING PLAN FOR THE WESTLAKE PARCEL 31 PROJECT, LOCATED NORTHEAST OF THE INTERSECTION OF DEL PASO ROAD AND WYNDVIEW DRIVE, IN NORTH NATOMAS, SACRAMENTO, CALIFORNIA**

(APN: 225-1480-031 AND -051) (P04-151)

**WHEREAS**, Environmental Planning Services has prepared an Addendum to the Negative Declaration adopted by City Council on October 26, 1999 for the Westborough Planned Unit Development (P98-112);

**WHEREAS**, on the basis of the whole record before it, the City has determined that there is no substantial evidence that the project, with implementation of the mitigation measures as identified in the Addendum, would have a significant effect on the environment;

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

**WHEREAS**, the City Council has considered the Negative Declaration with the Addendum and determined that the environmental impacts of the proposed Westlake Parcel 31 project are within the scope of analysis contained in the Negative Declaration. Only technical changes as noted in the Addendum are necessary;

**WHEREAS**, The City Council conducted a public hearing on January 25, 2005 to consider the Westlake Parcel 31 project, and based on documentary and oral evidence submitted at said public hearing, the City Council hereby finds the adoption of the Westlake Parcel 31 project is consistent with the General Plan and the North Natomas Community Plan, as proposed.

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

1. The Addendum for Westlake Parcel 31 (P04-151) is approved.
2. The Mitigation Monitoring Plan is approved for the proposed Westlake Parcel 31 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;

The Mitigation Monitoring Plan meets the requirements of Public Resources Code Sec. 21081.6.

HEATHER FARGO

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MAYOR

ATTEST:

SHIRLEY CONCOLINO

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CITY CLERK

P04-151

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EXHIBIT 1 - MITIGATION MONITORING PLAN

**WESTLAKE PARCEL 31 PROJECT (P04-151)  
MITIGATION MONITORING PLAN**

**FOR**

**TYPE OF ENVIRONMENTAL DOCUMENT:**  
INITIAL STUDY/ NEGATIVE DECLARATION AS AMENDED BY AN ADDENDUM

**PREPARED FOR:**  
CITY OF SACRAMENTO, DEVELOPMENT SERVICES DEPARTMENT

**DATE:**  
November 17, 2004

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

DATE:  
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ATTEST:  
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**WESTLAKE PARCEL 31 PROJECT (P04-151)  
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:** Westlake Parcel 31 Project (P04-151)  
**Owner/Developer- Name:** Phoenix LLC/John Laing Homes  
**Address:** 7700 College Town Drive, Suite 101  
Sacramento, CA 95826

**Project Location / Legal Description of Property (if recorded):**  
The ± 11.2-acre gross (10- acre net) Westlake – Parcel 31 property is located on the northeast corner of Del Paso Road and Wyndview Drive in the Planned Unit Development (PUD). The Assessor Parcel Numbers are 225-1480-031 and -051.

**Project Description:**  
The proposed project involves obtaining the entitlements to allow the development of cluster single-family homes in the Westborough PUD.

**SECTION 2: GENERAL INFORMATION**

The Plan includes mitigation for Air, Water, Biological, Transportation/Circulation, 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 will be responsible for ensuring compliance.

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**WESTLAKE PARCEL 31 PROJECT (P04-151)  
MITIGATION MONITORING PLAN**

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	VERIFICATION OF COMPLIANCE		
			Compliance Standards	Timing	Verification of Compliance (Initials/Date)
<p><b>Air</b></p> <p>Mitigation Measure #1: The Applicant shall comply with the NNCPE requirement to prepare an Air Quality Mitigation Strategy that reduces ROG emissions by 50 percent project-wide. The Developer shall comply with the components of the Amended Residential Air Quality Plan for the project.</p>	Developer	City of Sacramento, Development Services Dept., and SMACMD	Submittal of an Air Quality Mitigation Strategy Plan.	Prior to the issuance of a grading permit.	

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<p><b>Water</b></p> <p><b>Mitigation Measure #2</b> A Drainage Agreement coordinating the provision of storm-water drainage with all the property owners must be executed prior to recordation of the Master Parcel Map. The final storm-water drainage plan shall be designed to the satisfaction of the City Utilities Director prior to recordation of the Master Parcel Map. Construction of the drainage facilities shall be commenced prior to issuance of a building permit. Construction of the drainage facilities shall be completed prior to issuance of a certificate of occupancy for any building on the site.</p> <p><b>Mitigation Measure #3</b> The project shall comply with the applicable Residential and Non-Residential Development Guidelines in the adopted Comprehensive Flood Management Plan to the satisfaction of the Director of Development Services, Planning Division, including:</p> <ul style="list-style-type: none"> <li>▪ Provide multiple access points in subdivisions that are 10 acres or larger in size to facilitate evacuation and other emergency services;</li> <li>▪ New residential subdivisions shall either identify refuge areas to the satisfaction of the City Development Services Department or ensure that at least 50 percent of all residential units shall have a top plate above the base flood elevation;</li> <li>▪ Major projects (40,000 square feet or larger) shall have second story construction or roof access and a top plate above the base flood elevation in order to provide adequate refuge areas. Refuge areas at private structures should be required to accommodate employees only;</li> <li>▪ All residential and non-residential structures must be</li> </ul>	Developer	City of Sacramento, Development Services Dept.	<p>Submission of a drainage plan identifying the facilities.</p> <p>Submission of plans identifying the specifics in Mitigation Measure #3.</p>	<p>Prior to the issuance of a building permit.</p> <p>Prior to the issuance of a building permit.</p>	

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<p>anchored to their foundations per regulations in the City Building Code:</p> <ul style="list-style-type: none"> <li>• Gas valve shut-off keys must be attached in a visible location for all residential and commercial gas water heaters; and</li> <li>• Special facilities, such as hospitals and elder care facilities, shall be required to implement flood safety measures in their designs to the satisfaction of the City Development Services Department</li> </ul>				
				Verification of Compliance (Initials/Date)

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<p><b>Plant and Animal Life:</b></p> <p><b>Mitigation Measure #4:</b> The Applicant shall satisfy the mitigation requirements of the Natomas Basin Habitat Conservation Plan (NBHCP) and the Implementation Agreement in one of the following three alternative methods for mitigating project impacts to special status species: (i) payment of the Mitigation Fees; or (ii) transfer of Habitat Mitigation Requirement Land to the Conservancy, together with payment of the Administrative Endowment; and (iii) Habitat Management components of the Mitigation Fees; or (iii) participation in such other mitigation plan, consistent with the goals of the NBHCP and equivalent in biological value to (i) and (ii) above, as is approved by the City in prior consultation with the U.S. Fish and Wildlife Services and California Department of Fish and Game. Under (ii), no alternative mitigation strategy will be implemented with prior written approval of the U.S. Fish and Wildlife Service and California Department of Fish and Game.</p> <p><b>Mitigation Measure #5:</b> Prior to construction activities, the applicant shall perform one of the following measures to mitigate potential impacts to the northern harrier:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Prohibit the removal of any onsite vegetation during the nesting season (March 1 - June 30) or</li> <li><input type="checkbox"/> Retain a qualified biologist to conduct a survey of the project site no sooner than 2 weeks prior to construction. Should the survey find that there are active northern harrier nests in the vegetation to be removed, the applicant shall avoid construction activities within 100 yards of the active nests). A qualified biologist shall be retained during the construction phase to monitor construction activities</li> </ul>	Developer	City Development Services Dept., CA Regional Water Quality Control Board	<p>Submittal of remediation plan and evidence that remediation has been completed.</p> <p>Submittal of asbestos and lead-based survey report.</p>	<p>Prior to issuance of a grading permit.</p> <p>Prior to issuance of a demolition permit.</p>

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<p>around the active nest(s) to ensure that such activities are not leading to nest abandonment. If it appears as if construction activities are leading to abandonment behavior, construction shall temporarily cease until the biologist determines the suspected cause of the nest abandonment behavior. Additional mitigation may include an increased setback from the nest. Construction within the 100-yard setback shall not resume until a qualified biologist has determined that the juvenile in the nest(s) have fledged, and/or until appropriate consultation with California Department of Fish and Game and/or U.S. Fish and Wildlife Service has occurred.</p> <p>Mitigation Measure #6: Prior to the recreation of the Final Master Parcel Map and/or any phases thereof, the applicant shall work with the U.S. Army Corps of Engineers and/or the Natural Resources Conservation Service office to review the EIP. Associates April 9, 1999 study findings and verify the amount of acreage on site which qualify as jurisdictional waters (seasonal wetlands) of the United States and what, if any, permits will be required.</p> <p>The Final Master Parcel Map and/or any phases thereof shall include the delineation of all identified jurisdictional waters of the United States, including seasonal wetlands, as verified by the U.S. Army Corps of Engineers and/or the Natural Resources Conservation Service.</p> <p>Loss of jurisdictional waters and wetland areas shall be compensated pursuant to consultations with the U.S. Army Corps of Engineers associated with required permitting under Section 404 of the Clean Water Act. Evidence of wetland mitigation shall be provided to the City.</p>					

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Mitigation Measure	VERIFICATION OF COMPLIANCE			
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<p>Mitigation Measure: The project developer shall: (i) comply with all requirements of the 2003 NBHCP, together with any additional requirements specified in the North Natomas Community Plan EIR; (ii) comply with any additional mitigation measures identified in the NBHCP EIR/EIS; and (iii) comply with all conditions in the ITPs issued by the USFWS and CDFG.</p>				
				Verification of Compliance (Initials/Date)

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<p><b>Noise:</b> Mitigation Measure #7: Prior to approval of the Final Master Parcel Map, the applicant shall incorporate noise barrier details on project development plans for residential areas. Based on the Acoustical Analysis for the Westborough Project prepared by Brown-Burnin Associates, the noise barriers shall have a mass that provides sufficient transmission loss in the frequency range of concern and will at least six feet in height. Noise barriers may be required to exceed six feet in height depending on the actual distance from the noise source and ultimate grading elevations.</p>	Developer	City Development Services Department	Final Master Parcel Map shall show all the noise barriers.	Prior to approval of final master parcel map.	

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<p><b>Transportation and Circulation:</b></p> <p>Mitigation Measure #8: Prior to building permit issuance, the applicant shall file a Transportation Management Plan (TMP) whose implementation will result in a 35 percent reduction in peak hour trips for the site to the satisfaction of the Public Works Director.</p> <p>The Developer shall comply with the components of the Amended Residential Air Quality Plan for the project.</p> <p>Mitigation Measure #9: Analyses were undertaken to develop a phasing plan for the roadway improvements outlined as mitigation for the existing plus project scenario. Traffic associated with the project was superimposed on existing traffic volumes in five percent increments, and incremental roadway improvements were developed to maintain acceptable LOS "C" or better roadway operating conditions. The following is the phasing of the mitigation measures:</p> <p>A. Upon development of 55 percent of the project, the following mitigation measures shall be completed: Signalize the Del Paso Road and I-5 Northbound Ramps intersection</p> <p>B. Upon development of 60 percent of the project, the following mitigation measures shall be completed: Signalize the Del Paso Road and El Centro Road intersection</p> <p>C. Upon development of 70 percent of the project, the</p>	Developer	City Development Services Department	Submittal of a TMP.  Submittal of plans showing mitigation measure.	Prior to issuance of a building permit.  Prior to re-creation of the final map.	

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<p>following mitigation measures shall be completed:</p> <p>Widen Del Paso Road to four lanes - El Centro Road to I-5</p> <p>D-Open development of 80 percent of the project, the following mitigation measures shall be completed:</p> <p>Signalize the Del Paso Road and I-5 Southbound Ramps intersection.</p> <p>Widen El Centro Road to four lanes - "C" Street to Del Paso Road.</p> <p>The Developer shall pay their fair share contribution concerning any traffic improvements as required by the Development Services Department, Development Engineering and Finance Division.</p> <p>Mitigation Measure #10: Prior to approval of the final subdivision maps for the low-density residential area, the City Public Works Development Services Department shall review the gated entry designs and ensure that adequate driveway lengths are provided to avoid blocking traffic.</p>					

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<p><b>Human Health</b></p> <p><b>Mitigation Measure #11:</b> The applicant shall property abandon all onsite water supply wells prior to construction activities. This procedure shall entail a well abandonment permit (for each well) issued by the Sacramento County Environmental Management Department, Environmental Health Division.</p> <p><b>Mitigation Measure #12:</b> The applicant shall participate in the Mosquito Abatement Control Program Assessment District to be established by the Sacramento Yolo Mosquito Abatement District in order to provide urban standards of mosquito control in the project area.</p>	Developer	<p>City of Sacramento, Development Services Dept., and Sacramento County EMD</p> <p>City of Sacramento, Development Services Dept. and Sacramento Yolo Mosquito Abatement District</p>	<p>Submittal of water well removal permits.</p> <p>Submittal of paperwork showing that the district has been established.</p>	<p>Prior to the issuance of a grading permit.</p> <p>Prior to issuance of a grading permit.</p>	

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<p><b>Cultural Resources</b></p> <p>Mitigation Measure #13: If subsurface archaeological, or pre-historical, or historical remains (including unusual amounts of bones, stones, or shells) are discovered during excavation or construction of the site, work 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>Mitigation Measure #14: In the event human remains are discovered during excavation, work must stop immediately and the county recorder must be contacted. Section 5097.94 and 5097.98 of the Public Resources Code require consultation with the Native American Heritage Commission, protection of Native American remains, and notification of most likely descendants. SB 447 (Chapter 404, Statutes of 1987) also protects Native American remains or associated grave goods.</p>	Developer	City Development Services Department	Note shall be included on the Map and within the Standard Construction Specifications	Measures shall be implemented in field during grading and construction activities.

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