

APPROVED
BY THE CITY COUNCIL

AUG 10 1999

OFFICE OF THE
CITY CLERK



10.2

DEPARTMENT OF
NEIGHBORHOODS, PLANNING &
DEVELOPMENT SERVICES

CITY OF SACRAMENTO
CALIFORNIA

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SACRAMENTO, CA
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PLANNING
916-264-5381
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August 3, 1999

CC99-458
CC99-459
OR99-038

City Council
Sacramento, California

Honorable Members In Session:

SUBJECT: COSTA BLANCA PLANNED UNIT DEVELOPMENT (P99-009)

LOCATION: North of Garden Hwy, west of Orchard Lane, east of I-80, in the
Willowcreek Assessment District (WAD), in South Natomas.
(APNs: 274-0022-004, 007, 010 & 013; 0270-001, 003, 004, 005, 007,
008 & 009)

COUNCIL DISTRICT: District 1

RECOMMENDATION: The Planning Commission and staff recommend that the City Council:

- A. Ratify the Negative Declaration;
- B. Adopt the attached resolution approving the Mitigation Monitoring Plan;
- C. Adopt the attached ordinance approving the rezone of 10.5+ vacant acres from Agriculture (A) to Single Family Alternative Planned Unit Development (R-1A{PUD});
- D. Adopt the attached resolution approving the designation of a Planned Unit Development to be known as "Costa Blanca @ Swallows Nest" and establishment of PUD Guidelines and Schematic Plan for Costa Blanca @ Swallows Nest consisting of 10.5+ gross acres.

CONTACT PERSON: Scot Mende, Senior Planner 264-5894
Don Lockhart, Associate Planner: 264-7584

FOR CITY COUNCIL MEETING OF: August 10, 1999 (evening)



building better neighborhoods block by block
www.sacto.org/npds/

SUMMARY: The Planning Commission and staff recommend the City Council approve the Costa Blanca PUD project, and adopt the necessary resolutions and ordinances to approve the above noted discretionary entitlements.

VOTE OF PLANNING COMMISSION: On June 10, 1999 the Planning Commission voted unanimously to:

- a) approve the Tentative Map to subdivide 10.5 gross acres (6.12 net acres residential only) into 53 total lots -- 46 single family lots, one .65 acre private park site, one .23 acre open space/bikeway lot, one .37 acre open space/water feature lot, one 1.57 acre lot for the private streets and guest parking, one .33 acre lot for a portion of the emergency access, one .10 acre landscaping lot, and one .49 acre lot for the golf course;
- b) approve the Subdivision Modification to allow private streets;
- c) approve the Special Permit to allow Gated Development;
- d) approve the Special Permit to allow development of 46 single family units on 10.5 + acres in the R-1A(PUD) zone in the Costa Blanca PUD.

The Commission also voted unanimously to recommend approval of the above noted related planning entitlements, and forward them to the City Council for consideration and action.

BACKGROUND: In October, 1997, the applicant filed an application for the Perry PUD, for entitlements to subdivide the subject site into 46 single family lots (P97-118). On May 28, 1998, by a unanimous vote of nine ayes, the Planning Commission approved the Perry PUD Tentative Map and Special Permit for residential development on the subject site. In addition, the Commission recommended approval of a rezone to Standard Single Family - Planned Unit Development (R-1-PUD) and the establishment of the PUD, to be considered by the City Council. An issue of particular consideration during that project review and public hearings process was the subdivision design in light of the immediate adjacency of the Swallows Nest Golf Course to the east.

Those previous entitlements (Tentative Map and Special Permit) for a residential subdivision were appealed by two third-parties. The appellants were concerned about overall adequacy of the Negative Declaration prepared for the project, and particularly with the issue of stormwater quality from the subdivision that would be discharged into the Sacramento River immediately upstream from the Riverview condominiums. The appellants have placed their appeal in abeyance while this application is processed, while reserving their right to continue the initial

appeals on the previous project, if necessary.

This proposed project was submitted as an alternative to P97-118, on January 19, 1999, and the last revised plans were provided on May 26, 1999. The project was heard at the Subdivision Review Committee on May 19, 1999, and again at a Special SRC meeting on May 26, 1999, when it was recommended that the Planning Commission approve the project with conditions.

Approval of these entitlements will enable development of the proposed 46-unit residential subdivision.


ENVIRONMENTAL REVIEW: The Environmental Services Manager has determined that the project, as proposed, will not have a significant impact on the environment; therefore, a Negative Declaration has been prepared. Staff relied on the previously prepared CEQA documents as resources during the preparation of the project Negative Declaration. In compliance with Section 15070(B)1 of the California Environmental Quality Act Guidelines, the applicant has incorporated mandatory mitigation measure into the projects plans to avoid identified impacts or to mitigate such impacts to a point where clearly no significant impacts will occur. These mitigation measures address water quality, biologic resources (trees, Swainson's Hawk and Giant Garter Snake), and cultural resources.

FINANCIAL CONSIDERATIONS: None.

POLICY CONSIDERATIONS: The projects proposed density will provide for a mix of housing densities and land uses within the South Natomas Community Plan Area in the project vicinity. The project is consistent with the General Plan and South Natomas Community Plan policies regarding provision of upscale residential development, the proposal is compatible with surrounding residential land uses planned for the area, and it will be adequately served by planned infrastructure in the Willowcreek Assessment District.

ESBD EFFORTS: None.

Respectfully submitted,


GARY I. STONEHOUSE
Planning Director

FOR CITY COUNCIL INFORMATION:
ROBERT P. THOMAS
CITY MANAGER

APPROVED:


JACK CRIST
Deputy City Manager

Attachments

- Attachment 1: Resolution adopting the Mitigation Monitoring Plan; [page 5]
Exhibit A Mitigation Monitoring Plan (13 pages)
- Attachment 2: Ordinance approving the rezone of 10.5+ vacant acres from
Agriculture (A) to Single Family Alternative - Planned Unit
Development (R-1A{PUD}); [page 28]
Exhibit B Rezone Exhibit (1 page)
- Attachment 3: Resolution approving the designation of a Planned Unit
Development to be known as "Costa Blanca @ Swallows Nest,"
and establishment of PUD Guidelines and Schematic Plan for
Costa Blanca @ Swallows Nest consisting of 10.5± gross acres;
[page 30]
Exhibit C PUD Schematic Plan Exhibit (1 page)
Exhibit D PUD Guidelines Amendment (7 pages)
- Attachment 4: Voting Record from Planning Commission June 10, 1999 [page
39]
- Attachment 5: Planning Commission Staff Report - (The staff report is
available for public review @ 1231 I St. Suite 300, Monday -
Friday 8AM to 5PM.) [page 40]

APPROVED
BY THE CITY COUNCIL

AUG 10 1999

OFFICE OF THE
CITY CLERK

RESOLUTION NO. 99-458

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

A RESOLUTION ADOPTING A MITIGATION MONITORING PLAN FOR A REZONE OF 10.5± ACRES, AND THE ESTABLISHMENT OF THE COSTA BLANCA PUD ON 10.5± ACRES LOCATED NORTH OF GARDEN HIGHWAY, WEST OF SWALLOWS NEST CONDOMINIUMS - (APN:274-0220-004,007 &010 {13}) (P99-009)

WHEREAS, the City Council on _____, 1999, held a public hearing on the request for approval of a Rezone, and the establishment of the Costa Blanca PUD for the property located at the above described location;

WHEREAS, the above described project has been given a Negative Declaration by the Environmental Coordinator;

WHEREAS, the proposed Negative Declaration finds that the proposed project will not have a significant effect on the environment because mitigation measures have been added to the project;

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; and

WHEREAS, the applicant for the project has agreed to the provisions of the Mitigation Monitoring Plan as indicated on the Agreement contained in the attached Mitigation Monitoring Plan.

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

1. The Mitigation Monitoring Plan for the proposed project (P99-009) is approved and adopted as shown in the attached Mitigation Monitoring Plan dated May 1, 1999.

MAYOR

ATTEST:

CITY CLERK

P99-009

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

Recording
Not
Required

-
-
-
-
-

MITIGATION MONITORING PLAN

FOR

COSTA BLANCA PLANNED UNIT DEVELOPMENT @ SWALLOWS NEST
(SOUTH NATOMAS) P99-009

Type of Environmental Document:
Negative Declaration

Prepared By:
City of Sacramento Development Services Division
Don Lockhart, Associate Planner

Date:
May 1, 1999

Adopted By:
City of Sacramento Planning Commission
and
City of Sacramento City Council

CITY OF SACRAMENTO MITIGATION MONITORING PLAN

This Mitigation Monitoring Plan has been required and prepared by the Department of Planning and Development, Environmental Services Division, 1231 I Street, Suite 301, Sacramento, CA 95814, (916) 264-7600, pursuant to CEQA Guidelines Section 21081.

SECTION 1: PROJECT IDENTIFICATION

Project Name and/or File Number: Costa Blanca PUD, P99-009
Applicant Name: John Perry c/o Mike Smith, The Spink Corp.
Address: 2590 Venture Oaks Wy, Sacramento CA 95833

Project Location / Legal description of Property (if recorded): North of Garden Hwy, west of Swallows Nest Condominiums

- A. **Negative Declaration**
- B. **Mitigation Monitoring Plan**
- C. **Rezone** of 10.5+ vacant acres from Agriculture (A) to Single Family Alternative Planned Unit Development (R-1A{PUD});
- D. **PUD Establishment** (Schematic Plan and Guidelines) for the proposed 10.5+ vacant acres as described below;
- E. **Tentative Map** to subdivide 10.5 gross acres (6.12 net acres residential only) into 46 single family lots, one .65 acre private park site, one .23 acre open space/bikeway lot, one .37 acre open space/water feature lot, one 1.57 acre lot for the private streets and guest parking, one .33 acre lot for a portion of the emergency access, one .10 acre landscaping lot, and one .49 acre lot for the golf course;
- F. **Subdivision Modification** to allow private streets;
- G. **Special Permit** to allow Gated Development;
- H. **Special Permit** to allow development of 46 single family units on 10.5 + acres in the R-1A(PUD) zone in the Costa Blanca PUD;

I. **Street Abandonment** for the remainder of El Centro Rd. on-site.

SECTION 2: GENERAL INFORMATION

The project as approved includes mitigation measures placed on Water Quality, plant and animal life, 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 Attachment A of the Initial Study for this project. Unless otherwise noted, the cost of implementing the mitigation measures as prescribed by this Plan shall be funded owner/developer identified above.

SECTION 3: PLAN COMPONENTS

Water

The following site specific BMPs are included as mitigation measures and are categorized into Tentative Map and Special Permit measures.

- A) Tentative Map Mitigation Measures (List of Specific Best Management Practices for the Willowcreek Assessment District)

MANDATORY MEASURES

The following shall be noted on the Final Map:

1. Regional Stormwater Quality Maintenance District to finance each of the following:
 - a. Street sweeping twice per month during the rainy season (Oct. 1 through May 1).
 - b. Semi-annual inspection and as necessary sediment removal from manholes, drop inlets, pipes, and pump station.
 - c. Semi-annual water quality and sediment monitoring. Monitoring parameters, such as constituents, location, and time, will be determined by the City based on professional stormwater management judgement.
2. Concrete "No Dumping -- Flows to River" logos stamped on all storm drain inlets.
3. Provide one-foot deep sumps on all drainage maintenance holes.
4. Educational packets shall be distributed at close of escrow on the sale to the original homeowner, and again within 24 months of close of escrow on the original sale.
5. Construction of rooftop runoff dispersion systems that will direct rooftop runoff over pervious surfaces at least 15 feet away from front of sidewalk. (No

restrictions would be placed on homeowners who choose to modify this system, so long as they are in compliance with other applicable City Codes.)

ONE OR ALL OF THE FOLLOWING (Subject to approval by Dept. Of Utilities):

- 6a. Driveway swales (i.e., grass strips between two strip of concrete – "Hollywood Drives").
- 6b. Grass/paver driveways.
- 6c. Separated sidewalks with grass between sidewalk and curb. (Care and maintenance of the strips would be the responsibility of the homeowner.)

ONE OF THE FOLLOWING (Subject to approval by Dept. Of Utilities):

- 7a. An underground stormwater treatment technology approved by the City, or
- 7b. A detention basin approved by the City, or
- 7c. Other landscape type stormwater quality features approved by the City, or
- 7d. A \$100 per house contribution to the City for construction and/or development of regional water quality control measures within Willowcreek, if necessary within the first ten years. Money not used from this fund would then be used to construct or develop water quality features in other parts of Natomas.

ENTITY RESPONSIBLE FOR ENSURING COMPLIANCE

Department of Neighborhoods, Planning and Development Services, City of Sacramento
Department of Public Works, City of Sacramento
Department of Utilities, City of Sacramento

Plant Life

The Valley Oak trees are to be preserved. The protection of these trees shall utilize the following techniques:

- o A 6' construction barrier shall be erected around the drip-lines of the trees to be preserved (orange environmental fencing is acceptable as a barrier). The barrier shall be erected around the tree drip-lines prior to commencement of construction activities and shall remain erected at all times, unless otherwise approved by the City Arborist.
- o There shall be no grade changes, trenching, no parking of vehicles, and no storage of materials within the fenced-in areas.

- o The trees to be saved and the protection methods noted above shall be identified on all grading and building site plans for the project.
- o If during construction, the barriers are penetrated or the tree branches are damaged or disturbed, construction shall stop and a certified arborist be contacted for development of appropriate tree protection measures (subject to approval by the City Arborist).
- o If any utilities must be installed within the drip-lines of any of the trees protected by the construction barriers, horizontal boring shall be permitted. No trenching shall occur within the drip-lines of these trees.
- o If, during construction or grading, tree roots 2" in diameter or greater are encountered, work shall stop immediately and an ISA (International Society of Arboculture) Certified Arborist shall be contacted for a root inspection. Root cutting of any roots over 2" in diameter must have prior approval of the City Arborist. There is a concern with the root disturbance that may occur, and how it will impact the health of the tree. If a large number of roots require cutting, the tree will then have to be evaluated for possible removal and remedial mitigation measures will have to be developed.
- o Pruning of trees to be saved shall be subject to the approval of the City Arborist.
- o The landscaping plans shall comply with all landscape restrictions recommended by a Certified Arborist, from a list maintained by the city, prior to issuance of any Building Permits. New landscaping under the existing oaks shall be carefully planned to avoid excess soil moisture. Therefore, no turf grass shall be allowed under the drip-lines of the oak trees to be preserved. Drought tolerant plants and landscape materials that are compatible with oaks shall be specified. The developer shall be required to notify purchasers through its CC&Rs of the development landscaping restriction as follows:

Disclosure Regarding Landscaping Restrictions: All owners are advised that landscaping for all lots in this subdivision is subject to landscaping restrictions, and that all landscaping must be carefully planned to avoid excess soil moisture. Drought tolerant plants that are compatible with oaks shall be specified and shall receive approval from a Certified Arborist.

Implementation of the above-referenced Disclosure shall be to the satisfaction of a Certified Arborist. The above referenced Disclosure will be verified through the Final Map and Building Permit Process.

- D. The multi-trunk Bay tree should be saved, if it is removed it shall be mitigated as follows. The developer shall provide five replacement trees, 15-gallon size of a species selected from the City of Sacramento Tree Planting List. This list is available through the Department of Neighborhoods, Planning and Development Services - Landscape Architecture Section. If another species is selected, this selection shall be subject to the approval of the City Arborist. The replacement trees shall be planted per the City

Arborist's recommendations regarding time and location, and shall be shown on the improvement plans for the subdivision..

Any trees unable to be planted on the project site (because of site constraints, as determined by the City Arborist) may be planted on an alternative planting site, subject to review and approval by City staff. If adequate space is not provided on the project site or an alternate site, this tree shall be mitigated, inch for inch, by delivering five 15-gallon size trees to the City Tree Nursery. Tree species selection shall be determined by the Tree Services Division.

Plans and protection methods shall be noted on all improvement and grading plans for the subdivision and project plans submitted for Building Permits.

Alternate protection methods may be used subject to approval of the City Arborist.

ENTITY RESPONSIBLE FOR ENSURING COMPLIANCE

Department of Neighborhoods, Planning and Development Services, Tree Services, City of Sacramento

Department of Public Works, City of Sacramento

MONITORING PROGRAM

Prior to the issuance of any Building Permit, the Building Division shall require that the project plans incorporate tree protection measures as specified above and by the above mitigation measures A-D. Prior to the issuance of a Notice to Proceed, the Public Works Department shall require that the subdivision improvement plans incorporate the tree protection measures as specified by the above mitigation measures. In the case of trees to be transplanted or of replacement tree planting, the Building Division/Public Works Department shall transmit the project plans to the City Arborist for verification that planting requirements have been correctly shown on the project plans; no Building Permits or Notice to Proceed shall be issued until the City Arborist has made this verification.

In the event that any protective measures are violated, as described above (except as allowed by Mitigation Measure A), the responsible City department shall require that all work within the dripline of affected trees, as shown on the original project plans, be ceased. The responsible City department shall verify the accuracy of any arborist report by referring the report to the Development Services Division for review. If the tree is determined to be damaged or removed as a result of the construction activities, the Building Division/Public Works Department shall require that alternative mitigation measures be developed and implemented subject to approval by the Development Services Division. The Building Division/Public Works Department shall require the approved alternative measures to be incorporated into the project plans, prior to resumption of work within the affected area.

P99-009 COSTA BLANCA PUD @ SWALLOWS NEST

In the case of additional review as required above, the developer shall deposit with the City adequate funds, as determined by the Development Services Division, to provide funding for City Review of revised mitigation measures and monitoring program provisions. These funds will be deposited prior to resumption of work within the affected area.

Documentation of completion of the required mitigation measures shall be placed in the project record by the applicable City Entity as follows:

- The Building Division shall document implementation of all mitigation measures prior to issuance of final building permits, a Certificate of Occupancy or a Certificate of Compliance for the project.
- The Public Works Department shall document implementation of all mitigation measures prior to issuance of a Notice of Completion

Prior to the approval of the Final Map, the Public Works Department shall require that the Final Map include the Disclosure Regarding Landscape Restrictions. The landscape restrictions on the Final Map shall be incorporated into the CC&R's for the proposed project.

Prior to the issuance of any Building Permits, the Building Division shall receive written notification of review and approval from a Certified Arborist that the landscape plans for each lot of the proposed project have adhered to the above Disclosure.

Animal Life

Swainson's Hawk

Mitigation Measures:

- E) The applicant shall participate in the Natomas Basin Habitat Conservation Plan. At the time of building permit, the applicant shall pay the HCP fee of \$2656 per acre, based on the Ordinance adopted by the City Council in August, 1997.
- F) The objective of this mitigation measure is to ensure that project construction activities do not disrupt a Swainson's hawk nesting effort. Other mitigation measures have addressed foraging habitat. The buffer around the site where surveys are required has been reduced to 1/4 mile (as opposed to 1/2 mile), biologically appropriate for the largely developed area and consistent with plans approved elsewhere by the California Department of Fish and Game (DFG).
 - 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 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.

Entity Responsible for Ensuring Compliance:

Department of Public Works, City of Sacramento
 Department of Neighborhoods, Planning and Development Services, City of Sacramento
 City Attorney's Office, City of Sacramento
 Department of Fish and Game, State of California

Monitoring Program:

Measure C: Prior to issuance of a Notice to Proceed by the Public Works Department, and prior to issuance of any Building Permit by the Building Division, the applicant shall execute an agreement as described above and subject to approval by the City Attorney. The Building Division shall retain a copy of this agreement on file.

Measure D: 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 following monitoring program) shall be performed. 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 biologist's 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) 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

P99-009 COSTA BLANCA PUD @ SWALLOWS NEST

in the hacking plan.

Prior to issuance of a Notice to proceed by the Department of Public Works and prior to the issuance of any Building Permit by the Building Division, the applicant shall provide a Swainson's Hawk active nest survey per the above mitigation measure, If the survey indicates that no active nest sites are within 0.5 miles, then construction may proceed.

If the biologist determines that an active Swainson's Hawk nest site will be impacted by certain noise generating construction activities (certain grading activities, etc.), then the following must occur:

- 1) Those activities which generate substantial noise may be limited to certain times of the year as determined by the biologist and the California Department of Fish and Game.
- 2) A note shall be placed on the subdivision improvements plans and on the building permit plans (specifically site plans and structural drawing) indicating the need for a CDFG approved raptor biologist to be on site during construction activities from March 1 through August 15, unless stipulated otherwise by the Department of Fish and Game.

ANIMAL LIFE

Giant Garter Snake

Mitigation Measure:

The applicant/developers participation in the HCP (Mitigation Measure E above) will serve to minimize any impacts to the potential existence of the Giant Garter Snake and/or the Swainson's Hawk:

Entity Responsible for Ensuring Compliance:

City Attorney, City of Sacramento
Department of Neighborhoods, Planning and Development Services, City of Sacramento
Department of Fish and Game, State of California

Monitoring Program:

The applicant shall participate in the Natomas Basin Habitat Conservation Plan.

CULTURAL RESOURCES

MITIGATION MEASURE:

- F) If subsurface archaeological 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.

ENTITY RESPONSIBLE FOR ENSURING COMPLIANCE:

Department of Neighborhoods, Planning and Development Services, City of Sacramento
Department of Public Works, City of Sacramento

MONITORING PROGRAM:

Both the Public Improvement Plans and the Building Plans shall include notes stating that if subsurface archaeological or historical remains(including unusual amounts of bones, stones, or shells) are discovered during excavation or construction of the site, all work within 50 meters of the affected area shall stop immediately. The construction plans for the project shall include the phone number of the City inspector to be contacted in the event of such a discovery. The plans shall note that a qualified archaeologists and a representative of the Native American Heritage Commission shall be consulted in the

event that any archeological materials are found.

Site inspections by the Building Division and the Department of Public Works shall inspect for any potential archeological resources during site visits. The Site Conditions Unit staff person/resident engineer in the Building Division/Public Works Department and a representative of the Environmental Services Division shall be notified in case of an archeological discovery. The Building Division shall include this measure as a random inspection item on the Special Conditions Attachment.

If subsurface archaeological or historical remains (including unusual amount of bones, stones, or shells) are discovered during excavation or construction of the site, work within 50 meters of the affected area shall stop immediately. The developer shall contact a qualified archaeologist and a representative of the Native American Heritage Commission to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less-than-significant level before construction within the affected area continues. The City department responsible for inspection and approval of the construction project shall verify the adequacy of the proposed mitigation measures by referring the mitigation plans to the Planning Division for approval.

APPROVED
BY THE CITY COUNCIL

ORDINANCE NO. 99-038

AUG 10 1999

ADOPTED BY THE SACRAMENTO CITY COUNCIL

OFFICE OF THE
CITY CLERK

ON DATE OF _____

**ORDINANCE AMENDING THE DISTRICTS ESTABLISHED BY THE
COMPREHENSIVE ZONING ORDINANCE NO. 2550, FOURTH SERIES, AS
AMENDED BY REZONING PROPERTY LOCATED NORTH OF GARDEN HIGHWAY
& WEST OF SWALLOWS NEST CONDOMINIUMS, 10.5± ACRES FROM THE
AGRICULTURE (A) ZONE; TO BE PLACED IN THE SINGLE FAMILY -
ALTERNATIVE - PLANNED UNIT DEVELOPMENT (R-1A{PUD}) ZONE (P99-009);
(APN: 274-0220-004,007 & 010 {13})**

BE IT BE ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1

The territory described in the attached exhibit which is in the Agriculture (A) zone established by Ordinance No. 2550, Fourth Series, as amended, is hereby removed from said zone and placed in the Single Family- Alternative - Planned Unit Development (R-1A{PUD}) zone.

This action rezoning the property described in the attached exhibit is adopted subject to the following conditions and stipulations:

- a. A material consideration in the decision of the Planning Commission to recommend and the City Council to approve rezoning of the applicant's property is the development plans and representation submitted by the applicant in support of this request. It is believed said plan and representation are an integral part of such proposal and should continue to be the development program for the property.
- b. If an application for a building permit or other construction permit is filed for said parcel which is not in conformity with the proposed development plans and representation submitted by the applicant and as approved by the Planning Commission on May 28 1998, on file in the office of the Planning Division, or any provision or modification thereof as subsequently reviewed and approved by the Planning Commission, no such permit shall be issued, and the Planning Division shall report the matter to the Planning Commission as provided for in Ordinance No. 3201, Fourth Series.

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

c. The developer shall obtain all necessary building permits prior to construction.

SECTION 2

The City Clerk of the City of Sacramento is hereby directed to amend the maps which are a part of said Ordinance No. 2550, Fourth Series, to conform to the provisions of this Ordinance.

PASSED FOR PUBLICATION:

DATE EFFECTIVE:

MAYOR

CITY CLERK
P99-009

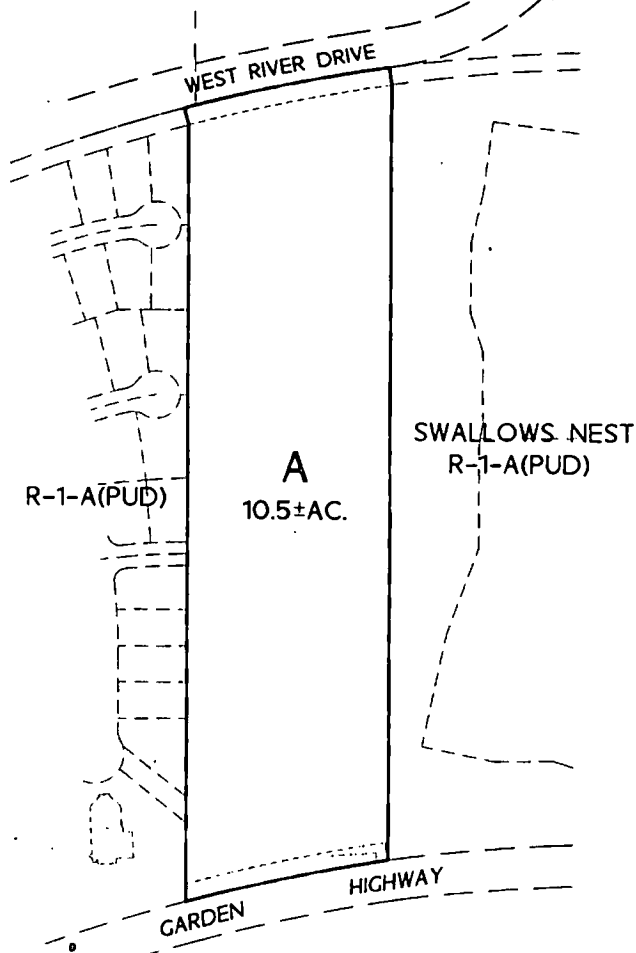
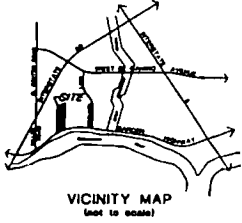
FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

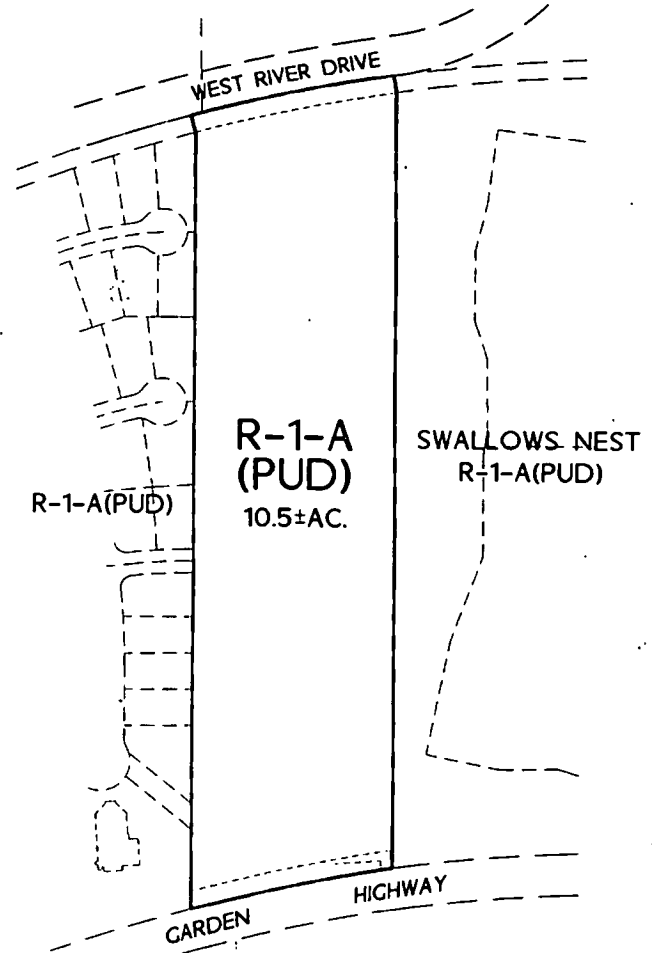
DATE ADOPTED: _____

Rezone Exhibit for Costa Blanca at Swallows Nest

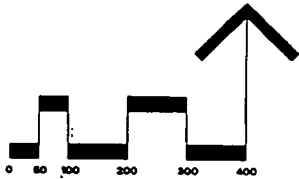
City of Sacramento, California



EXISTING ZONE



PROPOSED ZONE



December 2, 1998

The Splink Corporation
2000 WESTCOTE BLVD #117, SACRAMENTO, CALIFORNIA 95825-0000
PHONE: (916) 938-0888 FAX: (916) 931-0974
WWW: WWW.SPLINK.COM

**CITY PLANNING COMMISSION
CONSENT ITEMS**

CPC AGENDA DATE: June 10, 1999

Item No.	Project No.	Title/Location	Action: Approved/ Denied
1	P99-004	14 th and I Parking Lot at 1400-1408 I Street Mark Kraft, 264-8116	<i>Approved</i>
2	P99-009	Costa Blanca at 1830 Garden Highway Don Lockhart, 264-7584	<i>Approved</i>
3	P99-013	Laguna Village Shopping Center - Building C, D, & E at 8785 Center Parkway Colleen Laubinger, 264-5691	<i>Approved</i>
4	P99-020	I-80 Industrial Park at Raley Blvd. Doug Holmen, 264-8267	<i>off consent</i>
5	P99-040	I-80 Industrial/Lot 10, Diesel Drive at Strauss Drive Doug Holmen, 264-8267	<i>off consent</i>

VOTE OF THE PLANNING COMMISSION:

COMMISSIONER	Motion (M)/ Second (S)	YES	NO	ABSTAIN
Donahue		✓		
Harvey	<i>M</i>	✓		
Jacobs		✓		
Kennedy		✓		
Molodanof		✓		<i>motion #1</i>
Sheedy	<i>S</i>	✓		
Valencia	<i>S</i>			
Duruisseau (Vice-Chair)		✓		
Yee (Chair)		✓		

Attachment 5:

Planning Commission Staff Report:

(The staff report is available for public review @ 1231 I St. Suite 300,
Monday - Friday 8AM to 5PM.)