

RESOLUTION NO. 2006-245

Adopted by the Sacramento City Council

April 11, 2006

CONSIDERING THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PLAN FOR THE PROPERTY LOCATED AT SOUTH AVENUE AND APPROXIMATELY 700 FEET WEST OF NORWOOD AVENUE (P05-146) (APN: 250-0130-008, 250-0130-009, 250-0130-010, 250-0130-011),

BACKGROUND

- A. On March 9, 2006, the City Planning Commission considered the Mitigated Negative Declaration and Mitigation Monitoring Plan;
- B. On April 11, 2006, the City Council heard and considered evidence in the above-mentioned matter.

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

- Section 1. At the regular meeting of April 11, 2006, the City Council heard and considered evidence in the above entitled matter. Based on verbal and documentary evidence at said hearing, the City Council took the following actions for the location listed above:
- A. Considered the Mitigated Negative Declaration;
 - B. Considered the Mitigation Monitoring Plan.

These actions were made based upon the following findings of fact and subject to the following conditions:

FINDINGS OF FACT

- A. Mitigated Negative Declaration: The City Council **approves** the Mitigated Negative Declaration, based upon the following findings:
 - 1. The Mitigated Negative Declaration was prepared and circulated for the above-identified project pursuant to the requirements of CEQA;
 - 2. The proposed Mitigated Negative Declaration and comments received during the public review process were considered prior to action being taken on the project; and

3. Based upon the Initial Study 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.

B. Mitigation Monitoring Plan: The Mitigation Monitoring Plan is **approved** based upon the following findings of fact:

1. One or more mitigation measures have been added to the above-identified project;
2. A Mitigation Monitoring Plan has been prepared to ensure compliance and implementation of the mitigation measures for the above-identified project, a copy of which is attached as Exhibit 1A;
3. The Mitigation Monitoring Plan meets the requirements of Public Resources Code Sec. 21081.6; and
4. The Mitigation Monitoring Plan is approved, and the mitigation measures shall be implemented and monitored as set forth in the Plan.

Table of Contents:

Exhibit A: Mitigation Monitoring Plan – 9 pages

Adopted by the City of Sacramento City Council on April 11, 2006 by the following vote:

Ayes: Councilmembers Cohn, Hammond, McCarty, Pannell, Sheedy, Waters and Vice Mayor Fong.

Noes: None.

Abstain: None.

Absent: Mayor Fargo and Tretheway.



Robert King Fong, Vice Mayor

Attest:



Shirley Concolino, City Clerk

MITIGATION MONITORING PLAN

FOR
TWIN OAKS ESTATES (P05-146)

TYPE OF ENVIRONMENTAL DOCUMENT:
INITIAL STUDY/ NEGATIVE DECLARATION

PREPARED FOR:
CITY OF SACRAMENTO, DEVELOPMENT SERVICES DEPARTMENT

DATE:
February 24, 2006

ADOPTED BY:
CITY OF SACRAMENTO
CITY PLANNING COMMISSION

DATE:

ATTEST:

TWIN OAKS ESTATES (P05-146)
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, Suite 200, Sacramento, CA 95834, pursuant to CEQA Guidelines Section 21081.6.

SECTION 1: PROJECT IDENTIFICATION

Project Name / File Number: Twin Oaks Estates / P05-146
Owner/Developer- Name: C.A.B. Enterprises, Inc., Christian Houge
Address: 705 -2 E. Bidwell Street, Suite 161
Folsom, CA 95630

Project Location / Legal Description of Property (if recorded):

The proposed project is located on the south side of South Avenue, approximately 750 feet west of Norwood Avenue at 270, 280, and 312 South Avenue, in the North Sacramento Community Plan area of the City of Sacramento, Sacramento County (APNs: 250-0130-008, -009, -010, & -011).

Project Description:

The proposed project consists of entitlements to develop 27 single-family residential lots on 5.0± acres located at South Avenue in the North Sacramento Community Plan area, zoned

Single-Family Residential (R-1). The project site currently contains a couple of residential structures and several outbuildings, which will be removed by demolition. Specific entitlements include:

- A. **Rezone** 5.0± gross acres from Single-Family Residential (R-1) to Single-Family Alternative (R-1A) in the North Sacramento Community Plan area;
- B. **Tentative Subdivision Map** to subdivide four parcels totaling 5.0± acres into 27 single-family residential lots;
- C. **Subdivision Modification** to allow lot sizes smaller than 6,200 square feet for corner lots and 5,200 square feet for interior lots.

SECTION 2: GENERAL INFORMATION

The Plan includes mitigation for 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 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 with the MMP. The City of Sacramento will be responsible for ensuring compliance.

			VERIFICATION OF COMPLIANCE		
Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials / Date)
7. BIOLOGICAL RESOURCES					
BR-1. The Developer of the Twin Oaks Estate project will develop and institute an Environmental Awareness Program to inform construction workers about biological resources associated with the Twin Oaks Estates project.	Applicant / Developer	City Development Services Department	Provide verification to the Development Services Department	Measures shall be implemented prior to issuance of any grading or building permits.	
BR-2. Prior to issuance of any grading permit the	Applicant / Developer	City Development Services Department,	Pre-construction biological surveys shall be		

			VERIFICATION OF COMPLIANCE		
Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials / Date)
<p>applicant /developer shall have a pre-construction survey prepared and completed to determine whether any Swainson's hawk nest trees will be removed on-site, or active Swainson's hawk nest sites occur on or within ½ 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 USFWS and CDFG using experienced Swainson's hawk surveyors.</p> <p>BR-3. If breeding Swainson's hawks (i.e. exhibiting nest building or nesting behavior) are identified, no new disturbances (e.g., heavy equipment operation associated with construction) will occur within ½ 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 ¼ mile of existing urban development, the no new disturbance zone can be limited to the ¼ mile versus ½ mile. Routine disturbances such as agricultural activities, commuter traffic, and routine facility maintenance activities</p>	Applicant / Developer	<p>CA Dept. of Fish & Game (DFG).</p> <p>City of Sacramento Development Services Department, CA Dept. of Fish & Game (DFG).</p>	<p>completed and verification of compliance shall be provided to Development Services Staff prior to grading/building permits being issued</p> <p>If required, written verification of compliance from the biologist and/or DFG shall be provided to Development Services Staff prior to issuance of grading permits.</p>	<p>Measures shall be implemented prior to issuance of any grading or building permits</p> <p>If required, Measures shall be implemented prior to issuance of any grading or building permits.</p>	

			VERIFICATION OF COMPLIANCE		
Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials / Date)
<p>within ½ mile of an active nest are not restricted.</p> <p>BR-4. 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>	Applicant / Developer	City of Sacramento Development Services Department, CA Dept. of Fish & Game (DFG).	If required, written verification of compliance from the biologist and/or DFG shall be provided to Development Services Staff prior to issuance of grading permits	If required, Measures shall be implemented prior to issuance of any grading or building permits	
BR-5. If a Swainson's hawk nest tree is to be removed and fledglings are present, 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.	Applicant / Developer	City of Sacramento Development Services Department, CA Dept. of Fish & Game (DFG).	If required, written verification of compliance from the biologist and/or DFG shall be provided to Development Services Staff prior to issuance of grading permits		
BR-6. If construction or other project related activities that may cause nest abandonment or forced fledgling are proposed within the ¼-mile buffer zone, intensive monitoring (funded by the project sponsor) by a	Applicant / Developer	City of Sacramento Development Services Department,	If required, written verification of compliance from the biologist and/or DFG shall be provided to Development Services Staff prior to issuance of grading permits	If required, Measures shall be	

			VERIFICATION OF COMPLIANCE		
Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials / Date)
<p>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>BR-7 The project applicant/developer shall coordinate with City of Sacramento Urban Forest Services to obtain the necessary permits for removal of trees in accordance with the Heritage Tree Ordinance (City Code 12.64). The applicant/developer shall provide the mitigation value of each Heritage tree proposed for removal through payment of fees to City Urban Forest Services for the replanting and maintenance of trees or through the planting and maintenance of trees onsite in accordance with the landscape plan to the satisfaction of the City Arborist. The City Arborist has calculated a mitigation value that totals \$41,000.00 for the removal of all trees. This value would be used to provide planting and care of replacement trees. If some trees can be saved, this value will be reduced by the value of the tree to be saved as provided by the City Arborist. Additionally, this mitigation value may also fluctuate based upon the landscaping proposed by</p>	<p>Applicant / Developer</p>	<p>CA Dept. of Fish & Game (DFG).</p> <p>City Development Services Department.</p> <p>City of Sacramento Urban Forest Services Division of the Parks and Recreation Department</p>	<p>Mitigation Measures, shall be included on the Construction Specifications and Plans</p> <p>Verification of compliance from the Urban Forest Services Arborist shall be provided to Development Services Staff prior to issuance of grading permits.</p>	<p>implemented prior to issuance of any grading or building permits.</p> <p>If required, Measures shall be implemented prior to issuance of any grading or building permits.</p> <p>Measures shall be implemented prior to issuance of any grading or building permits or as agreed upon by the Urban Forest</p>	

			VERIFICATION OF COMPLIANCE		
Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials / Date)
<p>the developer in the landscape plan. The City Arborist will review the landscape plan and will provide a value of the trees proposed that may be subtracted from the mitigation value for the removal of the Heritage sized trees on site.</p> <p>BR-8. During construction activity on any property upon which is located a heritage tree, the following rules shall apply. Unless the express written permission of the City Parks and Recreation Director or his/her designee is first obtained, no person shall:</p> <p>a. Change the amount of irrigation provided to any heritage tree from that which was provided prior to the commencement of construction activity.</p> <p>b. Trench, grade or pave into the drip line area of a heritage tree</p> <p>c. Change, by more than two (2) feet, grade elevations within thirty (30) feet of the drip line area of a heritage tree.</p> <p>d. Park or operate any motor vehicle within the drip line area of any heritage tree</p> <p>e. Place or store any</p>	Applicant / Developer	<p>City Development Services Department.</p> <p>City of Sacramento Urban Forest Services Division of the Parks and Recreation Department.</p>	<p>Mitigation Measures, shall be included on the Construction Specifications and Plans</p> <p>Verification of compliance from the Urban Forest Services Arborist shall be provided to Development Services Staff prior to issuance of grading permits.</p>	<p>Services Arborist</p> <p>Measures shall be implemented prior to issuance of any</p>	

			VERIFICATION OF COMPLIANCE		
Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials / Date)
<p>equipment or construction materials within the drip line area of any heritage tree.</p> <p>f. Attach any signs, ropes, cables or any other items to any heritage tree.</p> <p>g. Cut or trim any branch of a heritage tree for temporary construction purposes</p> <p>h. Place or allow to flow into or over the drip line area of any heritage tree any oil, fuel, concrete mix or other deleterious substance</p>				grading or building permits or as agreed upon by the Urban Forest Services Arborist	
<p>14. CULTURAL RESOURCES:</p> <p>CR-1. If subsurface archaeological or historical remains are discovered during construction, work in the area shall stop</p>	Applicant / Developer	City Development Services Department	Mitigation Measures shall be included on the Map and within the Standard Construction Specifications.	Measures shall be implemented in field during grading	

			VERIFICATION OF COMPLIANCE		
Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials / Date)
<p>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>CR-2. If human burials are encountered, all work in the area shall stop immediately and the Sacramento 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>	Applicant / Developer	City Development Services Department	<p>Verification of compliance shall be provided to the Development Services Staff</p> <p>Mitigation Measures shall be included on the Map and within the Standard Construction Specifications. If required, verification of compliance shall be provided to the Development Services Staff</p>	<p>and construction activities.</p> <p>Measures shall be implemented in field during grading and construction activities.</p>	