



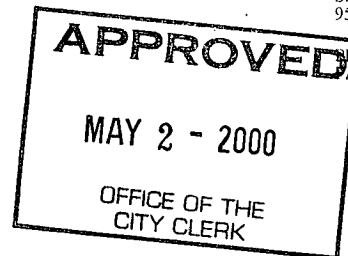
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DEPARTMENT OF
PUBLIC WORKS

CITY OF SACRAMENTO
CALIFORNIA

927 10th STREET
SUITE 300
SACRAMENTO, CA
95814-2702

TECHNICAL SERVICES
DIVISION



916-264-8300
916-264-7903

April 17, 2000

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: DEL PASO NUEVO PROJECT (JN:5814) – APPROVAL OF PROJECT, RATIFICATION OF NEGATIVE DECLARATION, AND ADOPTION OF THE MITIGATION REPORTING PROGRAM

LOCATION AND COUNCIL DISTRICT:

Area bounded by Norwood Avenue, Altos Avenue, South Avenue and Arcade Creek. Council District 2.

RECOMMENDATION:

This report recommends that the City Council:

- Approve the Del Paso Nuevo Project; and
- Adopt the Resolution that ratifies the Negative Declaration and adopts the Mitigation Reporting Program.

CONTACT PERSON: Cecilyn Foote, Assistant Engineer, 264-6843

FOR COUNCIL MEETING OF: May 2, 2000.

SUMMARY:

Ratification of the Negative Declaration and adoption of the Mitigation Reporting Program is required to comply with the California Environmental Quality Act.

City Council
Del Paso Nuevo (JN:5814) – Approval of Plans and Specifications,
Ratification of Negative Declaration, Adopt Mitigation Reporting Program
April 17, 2000

COMMITTEE/COMMISSION ACTION:

None

BACKGROUND INFORMATION:

In June 1997, the Del Paso Heights community, through the Redevelopment Agency and the City, received an award of \$10.5 million in federal grants and loans for the development of a new homeownership community – Del Paso Nuevo. The City was one of six cities nationwide to receive an Economic Development Initiative grant to revitalize this section of North Sacramento. The funds will be used to construct major infrastructure improvements and finance the acquisition and development of land for new homes.

Phase 1 of the Del Paso Nuevo project was the realignment of Ford Road near Norwood Avenue. Ford Road, which was landscaped as part of Phase 1, will be a gateway into the revitalized Del Paso Nuevo area. Phase 1 was completed this past summer.

Phase 2 of the project will construct the following improvements:

- Two new detention basins/parks
- Major street reconstruction on portions of Hayes Avenue and Ford Road
- Sewer trunk line on Carroll Road
- Construction of new north-south street between Norwood Avenue and Taylor Road
- 30 lot subdivision (ready for builders) near Ford Road and Norwood Avenue

The Negative Declaration for this project will be filed with the County Clerk of the County of Sacramento after approval by City Council. A Mitigation Reporting Program has been prepared to ensure compliance with the mitigation measures.

The project is currently out for proposals. Contract award will be recommended in a later report.

FINANCIAL CONSIDERATIONS:

The estimated construction cost for Phase 2 of the Del Paso Nuevo Project is \$4,300,000. The funding is being provided from the federal grant and loans administered by the agency.

The funding agreement with the agency will be brought back for Council approval when staff recommends approval of a contractor.

ENVIRONMENTAL CONSIDERATIONS:

In accordance with the State Guidelines for implementation of the California Environmental Quality Act (CEQA) of 1970, the Planning Services Division, Environmental Section, has reviewed the proposed Project. This review has resulted in the determination that the proposed project will not have a significant adverse impact on the environment and a Negative Declaration was prepared.

City Council
Del Paso Nuevo (JN:5814) – Approval of Plans and Specifications,
Ratification of Negative Declaration, Adopt Mitigation Reporting Program
April 17, 2000

A Notice of Availability for public review and comment on the Negative Declaration was published in a local paper and notices were posted in the vicinity of the site. The 30-day comment period has elapsed, and one comment was received from the Sacramento Metropolitan Air Quality Management District. Although not technically required to reduce impacts to less-than-significant levels since this is a tiered environmental review, and no new impact was identified in the comment letter that required mitigation, the City has a commitment to minimize impacts. This measure has been added to further reduce cumulative emissions in the air basin. Therefore, this new mitigation measure does not necessitate re-circulation of the environmental document. Mitigation measures incorporated into the project design will reduce any potentially significant environmental effects to less-than-significant levels. The Planning Services Division recommends that the City Council ratify the proposed Negative Declaration.

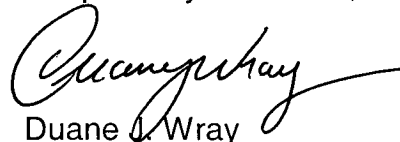
POLICY CONSIDERATIONS:

This action requested, herein, is consistent with Sacramento City Code, Title 58.

ESBD CONSIDERATIONS:

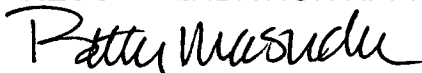
To encourage small and emerging business participation, plans and specifications were sent to 8 plan rooms and construction service organizations for publication. All are directly involved with ESBD construction firms. Staff actively recruited available ESBD firms to participate in the bid process. Project notices were sent to 30 organizations involved in ESBD recruitment. The project was also announced on the Project Information Line and on the City's Internet site at www.sacto.org/bids.

Respectfully submitted,



Duane Wray
Technical Services Manager

RECOMMENDATION APPROVED:



ROBERT P. THOMAS
City Manager

P/Active/5814 Del Paso Nuevo Proj/Council/Rat of Neg Declaration

APPROVED:



Michael Kashiwagi
Director of Public Works

RESOLUTION NO. 2000-187



ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

**RESOLUTION RATIFYING THE NEGATIVE DECLARATION
AND ADOPTING THE MITIGATION REPORTING PROGRAM FOR
THE DEL PASO NUEVO PROJECT (JN:5814)**

WHEREAS, the City of Sacramento has determined the need for the Del Paso Nuevo Project (hereinafter called the "Project") and has conditionally included the Project in the City of Sacramento Capital Improvement Program pending CEQA compliance; and

WHEREAS, the City of Sacramento has conducted an Initial Study to determine if the Project may have a significant effect on the environment; and

WHEREAS, the Initial Study concludes that there is no evidence that the Project, or any of its aspects, may cause a significant effect on the environment and a Negative Declaration is, therefore, appropriate; and

WHEREAS, the Initial Study concluded that the Project involves no potential for any adverse effect, either individually or cumulatively on wildlife resources; and

WHEREAS, a Mitigation Reporting Program has been prepared which is designed to ensure compliance with the mitigation measures incorporated into the Project in the Del Paso Nuevo Project Negative Declaration; and

WHEREAS, the City of Sacramento has provided for public review to accommodate response to the proposed Negative Declaration on the Project.

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

1. The City Council hereby ratifies and approves the Del Paso Nuevo Project Negative Declaration, finding on the basis of the Initial Study and comments received that there is no substantial evidence that the Project may have a significant effect on the environment.

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

2. The City Council hereby approves the implementation of the Del Paso Nuevo Project incorporating those mitigation measures detailed in the Negative Declaration.
3. The City Council hereby finds that there is no evidence before them that the Del Paso Nuevo Project, located in Sacramento County, will have any potential for adverse effect on wildlife resources.
4. The City Council hereby adopts the Del Paso Nuevo Project Mitigation Reporting Program to ensure compliance with incorporated mitigation measures during Project implementation.

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

MITIGATION MONITORING PLAN

DEL PASO NUEVO PROJECT PHASE 2

SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY

630 I Street
Sacramento, CA 95814
(916) 440-1330

CITY OF SACRAMENTO NEIGHBORHOODS, PLANNING AND DEVELOPMENT DEPARTMENT

1231 I Street
Sacramento, CA 95814
(916) 264-5381

Adopted:

MITIGATION MONITORING PLAN DEL PASO NUEVO PROJECT

The California Environment Quality Act (CEQA) as amended by Chapter 1232 (California 1988: implementing AB 3180, 1988) provides that a decision making body "shall adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment".

The purpose of this mitigation monitoring plan (MMP) is to ensure compliance with and effectiveness of the mitigation measures set forth in the Mitigated Negative Declaration for the Del Paso Nuevo Project.

The requirements of this MMP run with the real property that is the subject of the project and successive heirs, and assigns of this real property are bound to comply with all of the requirements of the adopted MMP. Prior to any lease, sale, transfer, or conveyance of any portion of the real property that is the subject of the project, any developer subject to the provisions of this MMP shall provide a copy of the adopted MMP to the prospective lessee, buyer, transferee, or one to whom the conveyance is made. The developer shall not be relieved of its obligations under the MMP if the developer conveys any interest in the site unless the Agency or City agrees in writing to relieve the developer's obligations.

The Public Works Department of the City of Sacramento will be responsible for maintaining records of compliance with this program for the Agency and the City. Where specified, a developer shall provide the appropriate documentation necessary to comply with this MMP.

BIOLOGICAL RESOURCES

Impact 3.1: The project will remove or develop around trees that are regulated under the City of Sacramento Heritage Tree Ordinance.

Mitigation Measure

The applicant will hire an ISA (International Society of Arboriculture) certified arborist to review the design and assess any impacts and mitigation requirements. The arborist will review the plan for trees # 1 & #2 to determine if these trees can be preserved because of the fill required around both of these oaks.

- a) The contractor shall hire an International Society of Arboriculture (ISA) certified arborist to do any required pruning for equipment clearance or root inspections.
- b) If during excavation for the project, tree roots greater than two inches in diameter, are encountered work shall stop immediately until the project arborist can perform an on-site inspection. All roots shall be cut clean and the tree affected may require supplemental irrigation/fertilization and pruning as a result of the root cutting. The project sponsor will be responsible for any costs incurred.
- c) The contractor shall be held liable for any damage to existing trees, i.e. trunk wounds, broken limbs, pouring of any deleterious materials, or concrete washout under the dripline of the tree. Damages will be assessed using the A Guide to Plant Appraisal, eighth edition published by the International Society of Arboriculture. The project arborist will submit a report for review by the city arborist.
- d) Orange environmental fencing will be required around the dripline of existing trees. This fence can be modified where the dripline extend into the street construction area. No trenching, storage of materials or parking of vehicles will be allowed outside this fenced area.
- e) Supplemental irrigation may be required for trees as determined by project arborist.
- f) The trees to be preserved and the protection methods noted above shall be identified on all construction plans for this project.

MITIGATION PROCEDURE	VERIFICATION PROCEDURE
Submit arborist report to City Arborist for review and approval regarding trees #1 & #2. The trees to be preserved and the protection methods shall be identified on all construction plans for this project.	Review plans/tree survey and include copies of tree survey in the MMP file.
Checked: (initials) _____ (date) _____	Verified: (signature) _____ (date): _____

8

Impact

3.11.2: White-tailed kites, Swainson's hawks, and other raptor species may nest in the larger trees and riparian habitats on and near the project site. Burrowing owls could nest in the ruderal areas onsite. Active raptor nests are protected under Section 3503.5 of the State Fish and Game code. Construction activities during the breeding season could disturb nesting birds.

Mitigation Measures

Because construction activities during the breeding season could disturb nesting birds, the following measures should be implemented to ensure that birds are not disturbed:

- 3.11.2** 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.

Entities Responsible for Ensuring Compliance:

The City of Sacramento, Department of Planning and Development
The City of Sacramento, Department of Public Works
The State of California, Department of Fish and Game (DFG)

Monitoring Program:

Mitigation Measure B:

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 monitoring program below) shall be performed.
 - 1) 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 biologists 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 in the hacking plan.

MITIGATION PROCEDURE	VERIFICATION PROCEDURE
See above.	See above.

12

Checked: (initials) _____ (date) _____ _____	Verified: (signature) _____ (date): _____
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AIR QUALITY

Impact 3.2: The project will contribute to air emissions in a non-attainment air basin.

The SMAQMD strongly recommends implementing air emissions mitigation to assist the region in meeting emission reduction goals. It is requested that the City implement the following measures to the extent possible:

Mitigation Measure

The City will include in contract documents that a contractor shall provide, to the extent possible as determined by City staff, on-road and off-road emissions mitigation by choosing one measure from Category 1, **and** implementing Category 2.

Category 3, the Enforcement Plan, should be implemented for both off-road and on-road equipment.

Category 1: Reducing NOx Emissions from Off-Road Diesel Powered Equipment:

1. The prime contractor shall submit, to the City, a comprehensive inventory of all the heavy-duty off-road equipment (50 or greater horsepower) that will be used an aggregate of 40 or more hours for the construction project. At a minimum, 20% of the heavy-duty off-road equipment included in the inventory should be powered by CARB certified off-road engines, as follows:

175hp -750 hp	1996 and newer engines
100hp -174 hp	1997 and newer engines
50hp - 99 hp	1998 and newer engines

Said off-road equipment may be owned and operated by the prime contractor and/or any subcontractor;

or

2. The prime contractor shall provide a plan, for approval by the City in consultation with SMAQMD, demonstrating that the heavy duty off-road vehicles to be used in the construction project, and operated by either the prime contractor or any subcontractor, will provide a fleet-averaged NOx emission reduction of 10% compared to an unregulated/uncontrolled fleet. (Includes the use of emulsified fuel in noncertified engines, and other methods not requiring the use of post 1996 - 1998 engines.)

and

Category 2: Reducing NOx Emissions from On-Road Diesel Powered Equipment:

The prime contractor shall submit, to the City, a comprehensive inventory of all heavy-duty on-road equipment (50 or greater horsepower) that will be used an aggregate of 40 or more hours for the construction project.

and

14

Category 3: Enforcement Plan

An enforcement plan shall be established to weekly evaluate project-related on-and off-road heavy-duty vehicle engine emission opacities, using standards as defined in California Code of Regulations, Title 13, Sections 2180 - 2194. An Environmental Coordinator, CARB-certified to perform Visible Emissions Evaluations (VEE), shall routinely evaluate project related off-road and heavy duty (>14,000 LB. GVWR) on-road equipment emissions for compliance with this requirement. The certified environmental coordinator may be a City inspector, a representative of the prime contractor, or an independent contractor. The Environmental Coordinator will maintain a current VEE rating for the duration of the project.

For project-related heavy-duty on-road diesel vehicles, the coordinator shall routinely evaluate emissions of trucks at the project site. Operators of vehicles found to exceed opacity limits will be notified and the vehicle(s) repaired as soon as possible. The coordinator will maintain a log of such violations and routinely notify the SMAQMD.

For project-related heavy-duty off-road diesel vehicles, the coordinator will routinely evaluate emissions of vehicles at the project site. Operators of vehicles found to exceed opacity limits will be notified and equipment will be repaired immediately. The coordinator will maintain a log of such violations and routinely notify the SMAQMD.

MITIGATION PROCEDURE	VERIFICATION PROCEDURE
The City Public Works Department shall work with the project contractor to develop appropriate stipulations in the contract documents. Copy of enforcement plan shall be on file in the Public Works Department, and an inventory of all the heavy-duty off-road and on-road equipment shall be submitted to the City prior to issuance of notice to proceed.	Inventory of all the heavy-duty off-road and on-road equipment shall be submitted to the SMAQMD. The VEE environmental coordinator shall maintain a log of opacity violations and routinely notify the City and the SMAQMD.
Checked: (initials) _____ (date) _____ _____	Verified: (signature) _____ _____ (date):