

MINUTE ITEM

This Calendar Item No. ~~C56~~ was approved as Minute Item No. 56 by the California State Lands Commission by a vote of 3 to ~~0~~ at its 6-19-98 meeting.

**CALENDAR ITEM
C56**

A 8

06/19/98
PRC 7261.9
PRC 7983.9
PRC 6002.1
D. Jones

S 4

CONSIDERATION OF APPROVAL OF SUBLEASE

LESSEE/SUBLESSOR:

Raley's Corporation, a California Corporation
500 West Capitol Avenue
West Sacramento, California 95605-2696

SUBLESSEE:

City of West Sacramento
1102 Jefferson Boulevard, Suite D
West Sacramento, California 95605-2696

AREA, LAND TYPE, AND LOCATION:

Two acres, more or less, of sovereign lands in the Sacramento River, near the City of West Sacramento, Yolo County.

AUTHORIZED USE:

LEASE: Levee structure as it presently exists or as it may be realigned pursuant to plans on file with Lessor.

SUBLEASE: Public park, including walkways, plazas, amphitheaters, markers, benches, picnic tables, and other improvements as depicted in the Landscape Planting Plan prepared by The HLA Group dated August 12, 1997, and the "Construction Plans for West Sacramento Riverfront Improvements, dated August 12, 1997, excluding the public fishing pier/boat dock".

TERM:

LEASE: 49 years, beginning August 10, 1988.

SUBLEASE: 39 years, beginning June 19, 1998.

CALENDAR PAGE	270
MINUTE PAGE	003515

CALENDAR ITEM NO. C56 (CONT'D)

CONSIDERATION:

LEASE: The public use and benefit, with the State reserving the right at any time to set a monetary rental if the Commission finds such action to be in the State's best interested as provided in Section 4, Paragraph 2 (a)(3).

SUBLEASE: Sublessee shall pay to Lessee all rents due under the Lease No. PRC 7261.9.

OTHER PERTINENT INFORMATION:

1. A Mitigated Negative Declaration and Mitigation Monitoring Program were prepared and adopted for this project by the City of West Sacramento. The California State Lands Commission's staff has reviewed such documents.
2. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.
3. The City of West Sacramento is proposing to establish and maintain a public park and recreation facility along the west bank of the Sacramento River. The park improvements include the area between the Tower Bridge (southerly terminus) and the Broderick Boat Ramp (northerly terminus), between the levee top (western boundary) and the river (easterly boundary). This project is called the West Sacramento Riverfront Improvement Project.

At its August 26, 1997 meeting, the Commission authorized Phase I of this Project which involved the area from the Tower Bridge southerly 900 feet along the top of the levee to the easterly extension of G Street. The authorized uses in Phase I included a levee structure, the preservation and enhancement of riparian habitat as depicted in the Landscape Planting Plan prepared by The HLA Group dated August 12, 1997, open space, and public access. As part of this authorization, the Commission amended the levee structure lease issued to Raley's Corporation (PRC 7261.9) to exclude that portion within the lease which was part of the Riverfront Park Improvement Project and leased that excluded area to the

CALENDAR ITEM NO. C56 (CONT'D)

City of West Sacramento under Lease No. PRC 7983.9.

The City has now applied to the Commission for Phase 2 of this project which includes that portion not already leased to the City under Lease No. PRC 7983.9 between the Tower Bridge southerly to the extension of E Street. Instead of again amending its lease, Raley's Corporation has opted to sublease all of its levee structure lease (PRC 7261.9) to the City for the Riverfront Park Improvement Project. Staff of the Commission has reviewed the Sublease between Raley's and the City, and finds it to be consistent with the terms of lease PRC 7261.9. Lease PRC 7261.9 is being amended to authorize the park uses and amend the legal description.

4. When the lands now contained in PRC 7983.9 were deleted from this lease, on August 26, 1997, an inaccuracy in the recitation of the distances and courses of the remaining lands occurred. Staff recommends correction of this.

APPROVALS OBTAINED:

The Reclamation Board, California Department of Fish and Game.

FURTHER APPROVALS REQUIRED:

U.S. Army Corps of Engineers

EXHIBITS:

- A. Site Map
- B. Lease Description (two pages)
- C. Location Map
- D. Mitigation Monitoring Program

PERMIT STREAMLINING ACT DEADLINE:

October 9, 1998

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

1. FIND THAT A MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING PROGRAM WERE PREPARED AND

CALENDAR ITEM NO. C56 (CONT'D)

ADOPTED FOR THIS PROJECT BY THE CITY OF WEST SACRAMENTO AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

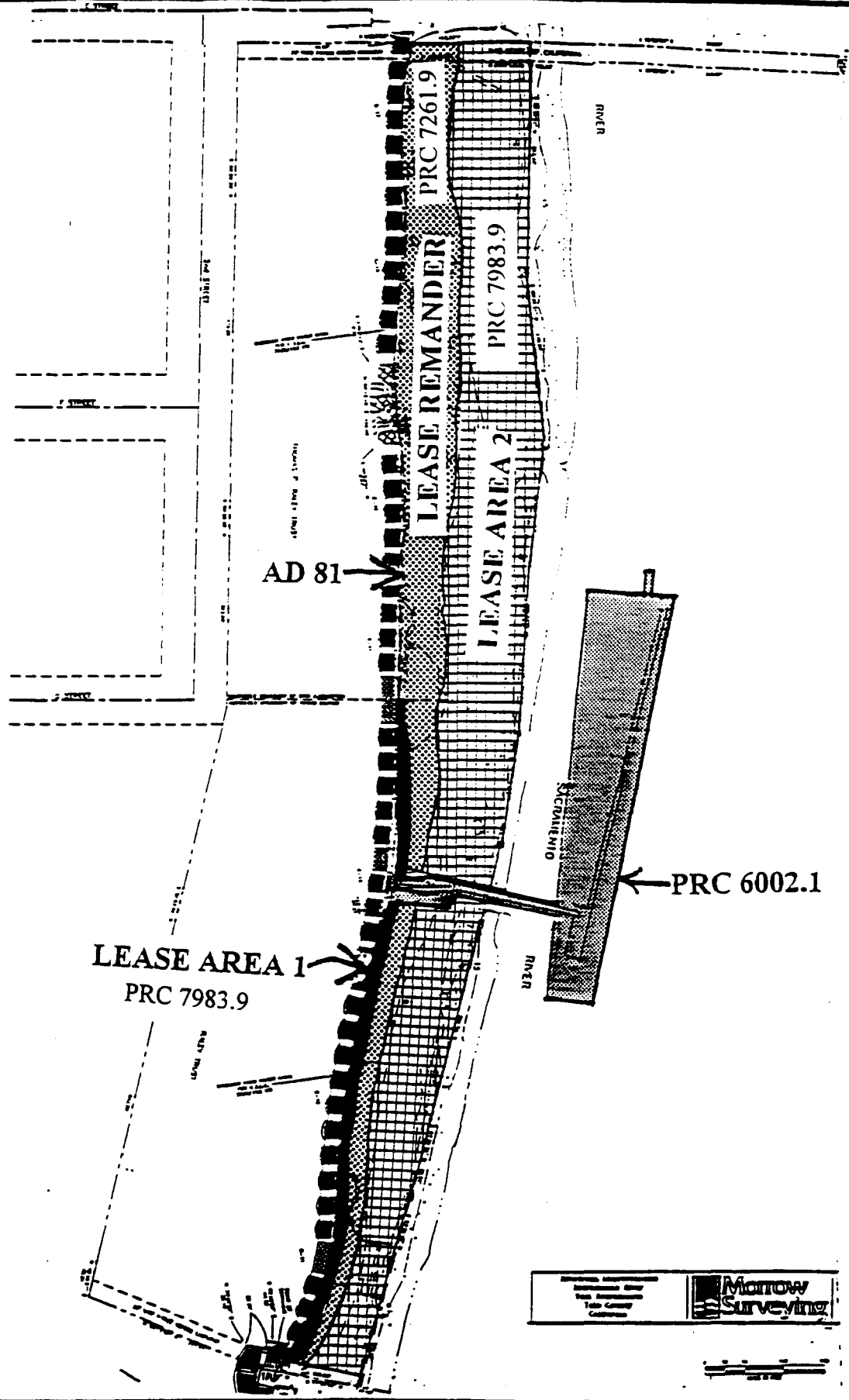
2. ADOPT THE MITIGATION MONITORING PROGRAM, AS CONTAINED IN EXHIBIT D, ATTACHED HERETO.

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

1. AUTHORIZE THE AMENDMENT OF LEASE NO. PRC 7261.9, A GENERAL LEASE - PUBLIC AGENCY USE, OF LANDS SHOWN ON EXHIBIT A, ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, EFFECTIVE JUNE 19, 1998 TO AUTHORIZE THE PARK USES AND AMEND THE LEGAL DESCRIPTION; ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.
2. AUTHORIZE A SUBLEASE FROM RALEY'S CORPORATION, A CALIFORNIA CORPORATION, TO THE CITY OF WEST SACRAMENTO OF LEASE NO. PRC 7261.9, MORE PARTICULARLY DESCRIBED ON EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, EFFECTIVE JUNE 19, 1998, FOR A TERM OF 39 YEARS, FOR THE WEST SACRAMENTO RIVERFRONT IMPROVEMENT PROJECT; CONSIDERATION: SUBLESSEE SHALL PAY TO LESSEE ALL RENTS DUE UNDER LEASE NO. PRC 7261.9.



This exhibit is solely for purposes of generally defining the area to be leased, and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or other property.

Exhibit A

CALENDAR PAGE **PRC 7261.9** 270.4

MINUTE PAGE **003519**

DESCRIPTION

LEASE REMAINDER

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF WEST SACRAMENTO, COUNTY OF YOLO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THIRD STREET AND "G" STREET, FORMERLY MARGARET STREET, AS SHOWN ON THE OFFICIAL MAP OF THE TOWN OF WASHINGTON RECORDED IN BOOK "I" OF DEEDS AT PAGE 264, YOLO COUNTY RECORDS. FROM WHICH THE POINT OF INTERSECTION OF THIRD AND "E" STREETS BEARS NORTH 08°28'26" EAST 832.51 FEET; THENCE FROM SAID POINT OF COMMENCEMENT SOUTH 23°45'02" EAST 956.64 FEET AND SOUTH 71°35'54" EAST 31.47 FEET TO THE POINT OF BEGINNING; THENCE ALONG THE EAST LINE OF THAT PROPERTY DESCRIBED AS LEASE PARCEL 1 THE FOLLOWING 9 COURSES; 1) NORTH 21°33'08" EAST 81.69 FEET; 2) ALONG A NON TANGENT CURVE TO THE LEFT WITH A RADIUS OF 286.00 FEET, AN ARC LENGTH OF 114.37 FEET, THROUGH A CENTRAL ANGLE OF 22°54'44", SAID CURVE BEING SUBTENDED BY A CHORD BEARING NORTH 21°20'00" EAST 113.61 FEET; 3) NORTH 09°52'38" EAST 81.28 FEET; 4) ALONG A TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 414.00 FEET, AN ARC LENGTH OF 78.83 FEET, THROUGH A CENTRAL ANGLE OF 10°54'33"; 5) NORTH 20°47'11" EAST 140.80 FEET; 6) ALONG A TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 495.00 FEET, AN ARC LENGTH OF 57.55 FEET, THROUGH A CENTRAL ANGLE OF 06°39'40"; 7) ALONG A REVERSE CURVE TO THE LEFT WITH A RADIUS OF 330.00 FEET, AN ARC LENGTH OF 140.73 FEET, THROUGH A CENTRAL ANGLE OF 24°26'04"; 8) ALONG A REVERSE CURVE TO THE RIGHT WITH A RADIUS OF 495.00 FEET, AN ARC LENGTH OF 46.56 FEET, THROUGH A CENTRAL ANGLE OF 05°23'20"; 9) NORTH 08°24'07" EAST 106.06 FEET; THENCE NORTH 81°35'53" WEST 5.00 FEET TO A POINT ON THE "ORDINARY HIGH WATER AGREEMENT LINE", AS SHOWN ON EXHIBIT A OF BOOK 2028 PAGE 169, YOLO COUNTY RECORDS; THENCE ALONG SAID ORDINARY HIGH WATER AGREEMENT LINE THE FOLLOWING 8 COURSES; 1) NORTH 08°24'07" EAST 74.61 FEET; 2) ALONG A TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 1500.00 FEET, AN ARC LENGTH OF 101.75 FEET, THROUGH A CENTRAL ANGLE OF 03°53'12"; 3) ALONG A TANGENT CURVE TO THE LEFT WITH A RADIUS OF 500.00 FEET, AN ARC LENGTH OF 102.52 FEET, THROUGH A CENTRAL ANGLE OF 11°44'53"; 4) NORTH 00°32'26" EAST 61.85 FEET; 5) ALONG A TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 400.00 FEET, AN ARC LENGTH OF 118.61 FEET, THROUGH A CENTRAL ANGLE OF 16°59'25"; 6) ALONG A REVERSE CURVE TO THE LEFT WITH A RADIUS OF 531.00 FEET, AN ARC LENGTH OF 146.67 FEET, THROUGH A CENTRAL ANGLE OF 15°49'33"; 7) NORTH 02°18'17" EAST 27.79 FEET; AND 8) ALONG A TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 444.00 FEET, AN ARC LENGTH OF 142.54 FEET, THROUGH A CENTRAL ANGLE OF 18°23'37"; THENCE LEAVING SAID ORDINARY HIGH WATER AGREEMENT LINE SOUTH 81°31'38" EAST 63.40 FEET TO A POINT ON THE WEST LINE OF THAT PROPERTY DESCRIBED AS LEASE AREA 2; THENCE ALONG SAID WEST LINE THE FOLLOWING 15 COURSES; 1) ALONG A CURVE TO THE LEFT WITH A RADIUS OF

This exhibit is solely for purposes of generally defining the area to be leased, and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or other property.

Exhibit B

CALENDAR PAGE **PRC 7261.9 270.5**

MINUTE PAGE

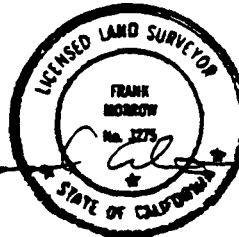
003520

LEASE REMAINDER (CONTD)

250.00 FEET, AN ARC LENGTH OF 166.18 FEET, THROUGH A CENTRAL ANGLE OF 38°05'11", SAID CURVE BEING SUBTENDED BY A CHORD BEARING SOUTH 10°17'44" WEST 163.14 FEET; 2) ALONG A REVERSE CURVE TO THE RIGHT WITH A RADIUS OF 300.00 FEET, AN ARC LENGTH OF 119.91 FEET, THROUGH A CENTRAL ANGLE OF 22°54'03"; 3) ALONG A REVERSE CURVE TO THE LEFT WITH A RADIUS OF 500.00 FEET, AN ARC LENGTH OF 48.05 FEET, THROUGH A CENTRAL ANGLE OF 05°30'24"; 4) SOUTH 08°38'48" WEST 167.36 FEET; 5) ALONG A TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 150.00 FEET, AN ARC LENGTH OF 44.45 FEET, THROUGH A CENTRAL ANGLE OF 16°58'43"; 6) ALONG A REVERSE CURVE TO THE LEFT WITH A RADIUS OF 250.00 FEET, AN ARC LENGTH OF 234.58 FEET, THROUGH A CENTRAL ANGLE OF 30°50'38"; 7) ALONG A REVERSE CURVE TO THE RIGHT WITH A RADIUS OF 175.00 FEET, AN ARC LENGTH OF 87.29 FEET, THROUGH A CENTRAL ANGLE OF 28°34'43"; 8) ALONG A REVERSE CURVE TO THE LEFT WITH A RADIUS OF 150.00 FEET, AN ARC LENGTH OF 51.74 FEET, THROUGH A CENTRAL ANGLE OF 19°45'43"; 9) ALONG A REVERSE CURVE TO THE RIGHT WITH A RADIUS OF 400.00 FEET, AN ARC LENGTH OF 109.20 FEET, THROUGH A CENTRAL ANGLE OF 15°38'28"; 10) SOUTH 19°14'21" WEST 128.17 FEET; 11) ALONG A TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 1000.00 FEET, AN ARC LENGTH OF 73.75 FEET, THROUGH A CENTRAL ANGLE OF 04°13'32"; 12) ALONG A REVERSE CURVE TO THE LEFT WITH A RADIUS OF 1000.00 FEET, AN ARC LENGTH OF 191.42 FEET, THROUGH A CENTRAL ANGLE OF 10°58'03"; 13) SOUTH 12°29'50" WEST 95.18 FEET; 14) ALONG A TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 400.00 FEET, AN ARC LENGTH OF 181.51 FEET, THROUGH A CENTRAL ANGLE OF 25°59'58"; AND 15) SOUTH 38°29'48" WEST 40.60 FEET; THENCE NORTH 71°35'54" WEST 6.16 FEET TO THE POINT OF BEGINNING. CONTAINING 1.815 ACRES.

EXCEPTING THEREFROM THAT PORTION THEREOF LYING WITHIN THE BOUNDARIES OF THAT CERTAIN PARCEL ENTITLED "GENERAL LEASE - COMMERCIAL USE" DESIGNATED PRC 6002.1, APPROVED BY THE STATE LANDS COMMISSION ON DECEMBER 17, 1981, EXECUTED MARCH 18, 1982, AS SUBSEQUENTLY AMENDED AT VARIOUS TIMES.

THE BASIS OF BEARINGS OF THIS DESCRIPTION IS CITY OF WEST SACRAMENTO MONUMENTS A14-01 AND A13-T1, BASED ON NORTH AMERICAN DATUM 1983, CALIFORNIA HIGH PRECISION GEODETIC NETWORK 1992, CALIFORNIA STATE COORDINATE SYSTEM ZONE 2.



640.6/20/2000

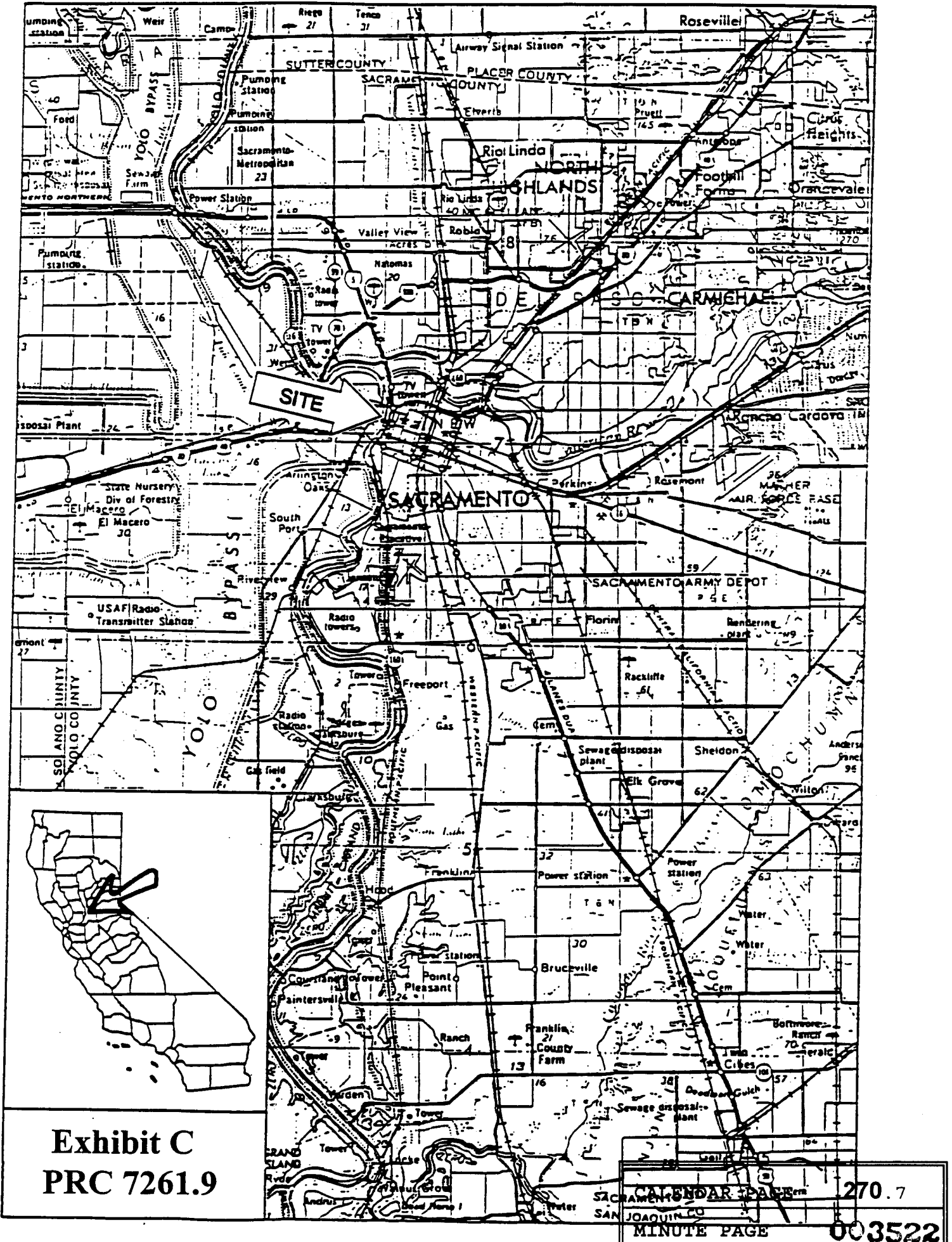
Page 2 of 2

This exhibit is solely for purposes of generally defining the area to be leased, and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or other property.

Exhibit B

PRC 7261.9 270.6
CALENDAR PAGE

MINUTE PAGE **003521**



SITE

SACRAMENTO



Exhibit C
PRC 7261.9

CALENDAR PAGE 270.7
MINUTE PAGE 003522

**WEST SACRAMENTO RIVERFRONT PARK IMPROVEMENTS
MITIGATION MONITORING PROGRAM
JANUARY 15, 1997**

INTRODUCTION

The City of West Sacramento (City) has identified several potentially significant environmental impacts that may occur with implementation of the Riverfront Park Improvement Project. The Mitigated Negative Declaration prepared for this project documents the impacts and mitigation measures available to reduce, avoid, or otherwise minimize these impacts. This Mitigation Monitoring Program (MMP) is intended to be used by the City to ensure that each mitigation measure, adopted as a condition of project approval, will be implemented. This MMP meets the requirements of the California Environmental Quality Act (CEQA), as amended, which mandates preparation of monitoring provisions for the implementation of mitigation adopted as part of a project approval.

The Mitigation Monitoring Program (MMP) will be adopted as part of the project approval by the West Sacramento City Council.

ROLES AND RESPONSIBILITIES

It is the responsibility of the City to adopt a monitoring program when conditions of project approval have been added or the project changed in order to mitigate significant environmental effects. It is the responsibility of the Community Development Director (Director) or his/her designee to ensure preparation and adoption of the monitoring program, and for coordination and implementation of the program.

City staff responsible for monitoring the implementation of mitigation measures may include: Community Development Department (Building, Engineering, and Planning Divisions), Police Department, Fire Department, the developer, and the construction contractor, as noted in this MMP. The Building Division and other City departments, agencies, and divisions of jurisdiction will assist in ensuring compliance with those mitigation measures related to project design, construction, and occupancy including, but not limited to, plan checking, site preparation, construction, and final inspection activities.

If permits of other agencies are required, the agency of jurisdiction will be the primary responsible agency for implementing certain mitigation measures, with the Community Development Department as the secondary responsible agency.

ENFORCEMENT AND PENALTIES OF NON-COMPLIANCE

If the Director is made aware of any violations of the MMP, the Director will within three (3) working days of receipt of such a report:

**EXHIBIT D
PRC 7261.9**

CALENDAR PAGE	270.8
MINUTE PAGE	003523

- Directly notify the applicant or developer (or their representative) by telephone of the violation and attempt to obtain voluntary compliance; or
- Notify the applicant or developer (or their representative) of the violation in writing and request voluntary compliance.

If the above steps do not result in resolution to the Director's satisfaction, the Director may:

- Refer the violation to the Planning Commission and/or City Council for possible revocation of entitlements; or
- Refer the violation to the City Attorney to initiate the filing of misdemeanor charges.

If a mitigation measure is required for inclusion in building or site plans, a building permit or any other permit will not be issued by the Building Division until compliance is verified by the Director. If a mitigation measure is to be implemented during site preparation and project construction, non-implementation or other violation will result in either notification of the violation by the Director as described above, or a stop work order issued by the Building Division until compliance is achieved. Mitigation measures required prior to occupancy will be checked by the Director prior to issuance of occupancy permits by the Building Division. Violations of an adopted mitigation measure subsequent to building completion and occupancy shall result in one or more of the following actions:

- Written notification and demand by the Director for correction;
- Forfeiture of any bond trust account, or other financial assurance;
- Action to recover funds assured under a letter of credit; or
- Initiate nuisance abatement procedure against the violator with the intent of placing a lien against the real property subject to the violation in the amount necessary to correct the violation.

INTERPRETATION AND DISPUTE RESOLUTION

The purpose of each mitigation measure is to reduce, or mitigate, a specific significant impact of the project, as identified in the Mitigated Negative Declaration. The mitigation measures included in this MMP were required by the City Council as conditions of approval of the Riverfront Park Improvement Project. Therefore, any major modification of the mitigation measures contained in this MMP will require the review and approval of the City Council.

Prior to implementation of the mitigation measure, the applicant or developer, and the Director may have different interpretations of how a particular mitigation measure is to be implemented. The following procedure is provided where clarification or minor modification of a particular mitigation measure is needed.

The Director shall review any request from the party carrying out the mitigation measure through project design and/or construction to clarify the implementation requirements of a particular

CALENDAR PAGE 270.9

MINUTE PAGE 003524

measure. The request must be in writing and must clearly identify the mitigation measure, the significant impact that it is intended to mitigate, and the reason why the clarification is needed. The Director shall respond verbally or in writing to the requesting party no later than 10 working days of receiving the request. The Director's response shall be in the form of:

- Clarification of the required implementation method based on the Director's interpretation, where the mitigation measure was originally developed or recommended by the Community Development Department; or
- Referral of the request to the appropriate responsible agency who originally developed or recommended the mitigation measure, for a determination of the appropriate implementation method; or
- Referral of the request to the City Council for review and approval, where a major modification of the mitigation measure is requested. Major modification shall include elimination of a measure or change to a measure that substantially reduces its effectiveness in mitigating the related impact.

In all cases, the City's primary concern shall be to implement the mitigation measure in such a manner that it substantially reduces the environmental impact for which it was designed. If alternative mitigation measures are identified during the course of project planning and construction, which would be equally effective in mitigating the identified impacts, substitution of one adopted mitigation measure with an alternative measure shall be permitted, upon review and approval by the Director and any other agency of jurisdiction. Such substitution shall be considered a minor modification and does not require City Council approval.

MITIGATION MONITORING PROGRAM CHECKLIST

The following table provides a checklist for monitoring the adopted mitigation measures. Included in the table is a listing of the project's potential impacts, the associated mitigation measures which were adopted by the City Council, corresponding monitoring and reporting requirement, and responsible parties for ensuring implementation. The impacts in the table represent only those impacts which have been determined to be significant in the Mitigated Negative Declaration. Those impacts found to be less than significant and not requiring mitigation do not appear within this Mitigation Monitoring Program.

The impacts and mitigation measures contained herein are taken verbatim from the Mitigated Negative Declaration. Mitigation measures which are identified by the numbers 1 through 4(b) are those project-specific mitigation measures that were developed specifically for the Riverfront Park Improvement Project. The other mitigation measures, identified by a three-digit number system (e.g. "4.3-2") reflect those measures that are carried over from the Washington Specific Plan EIR (the "master EIR" on which the Mitigated Negative Declaration was based).

This checklist shall be retained by the Director and copies provided to the various departments and agencies that have responsibility for implementing and monitoring the mitigation measures.

**Table 1
Mitigation Monitoring Program
WEST SACRAMENTO RIVERFRONT PARK IMPROVEMENTS PROJECT**

Impact	Mitigation	Monitoring Duration		Responsibility	
		One-time	Ongoing	Agency	Verification
BIOLOGICAL RESOURCES					
	<p>5) Temporary mulching, seeding, or other suitable stabilization measures shall be used to protect exposed areas during construction activities.</p> <p>6) Excavated materials shall not be deposited or stored where the material could be washed away by stormwater runoff.</p>				
<p>3-3 Construction activities along the riverfront may result in erosion and sedimentation within Sacramento River aquatic habitat.</p>	<p>4.3-3(a) The Washington Specific Plan shall require that grading, trenching, removal of vegetation, ground disturbing activity along the bank or within the Sacramento River shall not be conducted between October 15 and April 15, and all disturbed areas shall be planted or otherwise treated with permanent erosion control techniques prior to November 1. No graded areas shall be allowed to remain unprotected during the rainy season. This provision shall apply to all phases of buildout of the Washington Plan Area.</p> <p>4.3-3(b) Development pursuant to the Washington Specific Plan shall implement requirements or provisions specified in any Streambed Alteration Agreement issued by DFG and/or permits issued by the Corps of Engineers. These may include erosion control and on-going maintenance to prevent and repair damage caused by construction, placement of siltation barriers.</p> <p>4.3-3(c) Contractors shall comply with applicable permit requirements, which includes implementation of Best Management Practices (BMP's). BMP's shall include schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce erosion caused by construction (i.e., straw bale dikes, silt fences, sediment traps, or similar methods).</p>	<p>Prior to issuance of a grading permit.</p>	<p>Throughout construction</p>	<p>City Planning Division</p> <p>City Engineering Division</p> <p>CDFG</p> <p>COE</p> <p>RWQCB</p>	<p>Date/Initial:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
<p>3-4 Construction may result in the disturbance of Swainson's hawks during the breeding and nesting season as a result of future construction activities that occur within a 0.5 mile of an active Swainson's hawk nest.</p>	<p>4.3-4(a) Swainson's hawk nesting surveys shall be conducted immediately prior to initiation of work that will be performed during the breeding season between March 15 through August 15. A DFG qualified raptor biologist shall be hired to conduct a survey within a 0.5 mile radius of the proposed construction site to determine the presence or absence of active nests.</p>	<p>Prior to start of grading/construction.</p>	<p>Throughout construction</p>	<p>City Planning Division</p> <p>CDFG</p>	<p>Date/Initial:</p> <p>_____</p> <p>_____</p>

MDT
 003527
 CALENDAR PAGE 270.12

**Table 1
Mitigation Monitoring Program
WEST SACRAMENTO RIVERFRONT PARK IMPROVEMENTS PROJECT**

Impact	Mitigation	Monitoring Duration		Responsibility	
		One-time	Ongoing	Agency	Verification
BIOLOGICAL RESOURCES					
	<p>4.3-4(b) If an active Swainson's hawk nest is located on or within 0.5 miles of the project site then construction activities shall be deferred until after the adults and young-of-the-year (Hedglings) are no longer dependent on the nest site as determined by a qualified biologist, unless, it is determined by DFG that proposed construction activities would not impose impacts that could result in nest failure to Swainson's hawks. During construction, monitoring of active nests shall be conducted (funded by the project proponent). The monitoring shall be done by a DFG approved raptor biologist. Exact implementation shall be coordinated with DFG and will be based upon specific information at the project site.</p> <p>4.3-4(c) If a nest tree is to be removed and Hedglings are present, the nest tree may not be removed until September 15 or until the DFG has determined that the young are no longer dependent on the nest tree.</p> <p>4.3-4(d) In the event that a nest is abandoned, despite efforts to minimize disturbance, and if the nestlings are still alive, the project proponent shall contact DFG and, subject to DFG approval fund the recovery and hacking (introduction to the wild of captive raptors) of the nestling(s). The project proponent shall consider initiating construction prior to the nesting season to discourage Swainson's hawks from nesting in the vicinity of an upcoming construction area.</p>				
<p>1.3-5 Development could reduce or destroy potential habitat for the valley elderberry longhorn beetle.</p>	<p>4.3-5 As a condition of project approval, all project proponents in the area where elderberry shrubs have been identified shall:</p> <p>(a) Consult with the USFWS to confirm if the on-site elderberry shrubs are considered suitable habitat for the VLEB. Should the USFWS not consider the on-site elderberry shrubs as VLEB habitat, then no further mitigation shall be required, or</p>	<p>Prior to start of grading/construction.</p>	<p>Throughout construction</p>	<p>City Planning Division USFWS</p>	<p>Date/Initial: _____ _____</p>

MINUTE PAGE	CALENDAR PAGE
003528	270.13

**Table 1
Mitigation Monitoring Program
WEST SACRAMENTO RIVERFRONT PARK IMPROVEMENTS PROJECT**

Impact	Mitigation	Monitoring Duration		Responsibility	
		One-time	Ongoing	Agency	Verification
BIOLOGICAL RESOURCES					
	<p>(b) If the USFWS determines the on site elderberry shrubs to be VIEB habitat, then the project proponent shall either avoid disturbance or obtain the necessary incidental take permit from the USFWS pursuant to the Federal Endangered Species Act. The project proponent shall implement all the terms and conditions of the USFWS incidental take permit. Typically, VIEB take permits require the transplant of the impacted shrubs to a USFWS approved mitigation site and compensation plantings of up to a 5:1 ratio of elderberry plantings to elderberry stems greater than one inch in diameter that are impacted. Planting of indigenous riparian species is also required to accompany the elderberry replacement plantings.</p> <p>(c) A potential mitigation measure for VIEB impacts would be participation in the Yolo County Habitat Conservation Plan (HCP). Participation will depend on the timing of project construction and the timing of the completion of the HCP. By current agreements with Yolo County and the USFWS, all federally-listed species will need to be avoided until the HCP is complete and adopted by the USFWS and local land use agencies. Therefore, if the VIEB habitat is going to be affected prior to the completion of the HCP and necessary approvals, the project proponent will need to obtain a separate permit and implement the required mitigation for this project.</p>				
Potential disturbance to the elderberry shrub near the intersection of Third and B Streets.	<p>3. The City shall implement the following protective measures for elderberry shrubs and include them in the construction plans and specifications. Before construction activities are initiated, the following measures will be implemented:</p> <p>(a) Chain-link fencing or a similar construction fencing shall be placed at least 20 feet outside the dripline of the elderberry shrubs. All fencing will be done under direct supervision of a qualified biologist.</p> <p>(b) The fence shall be posted with a sign that reads as follows: "This area is potential habitat of the valley elderberry longhorn beetle, a threatened species, and must not be disturbed. This species is protected by the Federal Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment."</p>	Include in construction specs/ prior to start of construction	Throughout construction	City Engineering Division	Date/Initial: _____

MINUTE PAGE	CALENDAR PAGE
003529	270.14

**Table 1
Mitigation Monitoring Program
WEST SACRAMENTO RIVERFRONT PARK IMPROVEMENTS PROJECT**

Impact	Mitigation	Monitoring Duration		Responsibility	
		One-time	Ongoing	Agency	Verification
BIOLOGICAL RESOURCES					
	<p>(c) The buffer zone within the fence shall remain off-limits to construction activities, vehicles, wastes, and construction materials.</p> <p>(d) The fence shall remain in place until final construction is complete.</p> <p>(e) Dust-reducing construction measures will be used to minimize the amount of dust near the shrubs. These measures include minimizing the amount of time that surfaces are exposed, sprinkling exposed areas and soil pile with water periodically, and covering soil piles with plastic sheets or tarpaulins to limit disturbance.</p>				
1-6 Construction activities along the riverfront may result in increased turbidity during migratory phase of anadromous salmonids and disturbance to special status resident species spawning habitat.	4.3-6 Implement Mitigation Measures 4.3-3 (a-c) (i.e., avoidance of construction along the bank or within the Sacramento River between October 15 and April 15, implement CDEG Streambed Alteration Agreement, and minimizing impacts to fisheries using BMP's).	Prior to start of grading/construction	Throughout construction.	City Planning Division City Engineering Division	Date/Initial: _____ _____
1-7 Development may result in removal of tree species, including native oak trees.	4.3-7 The City of West Sacramento shall require mitigation for the loss of significant, heritage, and landmark trees, and certain native oak trees (as defined in the City's Tree Preservation Ordinance) within the Washington Specific Plan Area. Where significant trees, heritage trees, landmark trees, or native oak trees greater than 12 inches diameter at breast height (d.b.h.) in size are lost due to development, they shall be replaced on an inch per inch basis. The recommended replacement ratio is 1:1, or replacement planting of one inch for each inch d.b.h. lost. The planting of street trees within the Plan Area shall be credited towards the need to replace the loss of significant, heritage, landmark and native oak trees.	Planting plan to be approved prior to start of construction.	Replacement plantings to occur during project construction	City Planning Division	Date/Initial: _____

CALENDAR PAGE	270.15
MINUTE PAGE	003530

**Table 1
Mitigation Monitoring Program
WEST SACRAMENTO RIVERFRONT PARK IMPROVEMENTS PROJECT**

Impact	Mitigation	Monitoring Duration		Responsibility	
		One-time	Ongoing	Agency	Verification
BIOLOGICAL RESOURCES					
Development could result in the loss of up to 54 trees, either dead or in poor health, in the riverfront park area	<p>2. The City shall implement the riparian mitigation program, which includes the following:</p> <p>(a) Replacement of all removed Fremont cottonwood and black willow trees onsite at a 3:1 ratio.</p> <p>(b) Replacement of all removed black locust trees onsite at a 1:1 ratio. Replacement trees will include Fremont cottonwoods and black willows, but other native riparian tree species found on the project site, such as Oregon ash and box elder, will also be planted.</p> <p>(c) Riparian plantings will be planted strategically to enhance existing concentrations of riparian vegetation. Plantings will be made on the riverbank to fill in vegetation gaps, to add to SRA cover, and to discourage access to the steeper banks. Plantings will be made on the bench to widen the riparian zone.</p>	Planting plan to be approved prior to start of construction.	Replacement plantings to occur during project construction	City Planning Division	Date/Initial: _____
ESTHETICS AND VISUAL QUALITY					
1-5 Potential for glare resulting from physical improvements.	<p>4.4-5 Include the following glare-related design standard in the final approved version of the Washington Specific Plan.</p> <p>(b) Bare metallic surfaces such as pipes, flashing, vents, and light standards shall be painted so as to minimize reflectance.</p>	This has been completed.		City Planning Division	Date/Initial: _____
AIR QUALITY					
1-1 Development would result in the generation of PM ₁₀ during construction activities.	<p>4.6-1 The project proponent shall be responsible for ensuring that contractors include measures to reduce particulate emissions in accordance with the dust control strategies developed by the Yolo Solano Air Quality Management District. Required measures shall include;</p> <p>(a) watering all earth surfaces during clearing, grading, earthmoving, and other site preparation activities in late morning and at the end of the day;</p> <p>(b) use of tarpaulins or other effective covers for haul trucks which travel on public streets;</p> <p>(c) sweeping of streets adjacent to the project at the end of the day.</p>	Include in all construction contracts.		City Engineering Division	Date/Initial: _____

CALENDAR PAGE	270.16
MINUTE PAGE	003531

**Table 1
Mitigation Monitoring Program
WEST SACRAMENTO RIVERFRONT PARK IMPROVEMENTS PROJECT**

Impact	Mitigation	Monitoring Duration		Responsibility	
		One-time	Ongoing	Agency	Verification
AIR QUALITY					
	<p>(d) scheduling clearing, grading, and earthmoving activities during periods of low wind speeds and restrict those construction activities during high wind conditions with wind speeds greater than 20 mph average during an hour, and</p> <p>(e) controlling construction and site vehicle speed to 15 mph on unpaved roads</p>				
6-2 Development would increase NO _x , ROG, SO _x and CO emissions as a result of construction-related activities.	<p>4-6-2 The project proponents shall be responsible for ensuring that contractors reduce NO_x, ROG, and CO emissions by complying with the construction vehicle air pollutant control strategies developed by the Yolo Solano APCD. Construction contracts shall include the following requirements:</p> <p>(a) Construction equipment operators shall shut off equipment when not in use to avoid unnecessary idling. As a general rule, vehicle idling should be kept below 10 minutes.</p> <p>(b) Construction equipment shall be properly maintained and in good operating condition.</p> <p>(c) Contractors shall utilize new technologies to control ozone precursor emissions as they become available and feasible.</p>	Include in all construction contracts		City Engineering Division	Date/Initial: _____
CULTURAL RESOURCES					
20-3 Development could result in damage to or destruction of subsurface historic and prehistoric artifacts and/or sites.	<p>4-20-3(a) In the event that any historic surface or subsurface archaeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits, animal bone, shell, obsidian, mortars, or human remains, are uncovered during construction, work within 100 feet of the find shall cease and a qualified archaeologist shall be contacted to determine if the resource is significant. If the find is determined to be of significance, resources such as grinding stones and mano fragments shall be donated to an appropriate cultural center.</p>		Throughout construction.	City Engineering Division City Planning Division	Date/Initial: _____ _____

MINUTE	CALENDAR PAGE
PAGE	270.17
	003532

Table 1
Mitigation Monitoring Program
WEST SACRAMENTO RIVERFRONT PARK IMPROVEMENTS PROJECT

Impact	Mitigation	Monitoring Duration		Responsibility	
		One-time	Ongoing	Agency	Verification
CULTURAL RESOURCES					
	<p>4.20-3(b) When Native American archaeological, ethnographic, or spiritual resources are involved, all identification and treatment shall be conducted by qualified archaeologists who are either certified by the Society of Professional Archaeologists (SOPA) or who meet the federal standards as stated in the Code of Federal Regulations (36 C.F.R. 61), and Native American representatives who are approved by the local Native American community as scholars of their cultural traditions. In the event that no such Native American is available, persons who represent tribal governments and/or organizations in the locale in which resources could be affected shall be consulted. When historic archaeological sites or historic architectural features are involved, all identification and treatment is to be carried out by historical archaeologists or architectural historians. These individuals shall meet either SOPA or 36 C.F.R. 61 requirements.</p> <p>4.20-3(c) If human bone or bone of unknown origin is found during construction, all work shall stop in the vicinity of the find and the County Coroner shall be contacted immediately. If the remains are determined to be Native American, the Coroner shall notify the Native American Heritage Commission who shall notify the person it believes to be the most likely descendant. The most likely descendant shall work with the contractor to develop a program for reinterment of the human remains and any associated artifacts. No additional work is to take place within the immediate vicinity of the find until the identified appropriate actions have been carried out.</p>				
DRAINAGE AND FLOODING					
<p>1. Special effect of proposed vegetation planting on the hydraulic capacity of the flood control system (Sacramento River).</p>	<p>The City of West Sacramento shall submit an encroachment permit application to the (State) Reclamation Board, including project analyses, drawings, plans, and specifications for the proposed project. Project information shall also be submitted to Reclamation District 900 and DWR Maintenance Area 4 to obtain the endorsement of the (levee) maintenance agencies. The information submitted shall include an analysis of the hydraulic effects of proposed vegetation on hydraulic capacity of the flood control system. The project shall be designed to meet the Regulations of the Reclamation Board for Encroachments into Adopted Plans of Flood Control, except where minor variances are reviewed and approved by the Reclamation Board and maintenance agencies. The City of West Sacramento shall supply project information, as required, to the Corps of Engineers for its use in reviewing potential impacts of the project on flood control facilities and in assisting the Reclamation Board in review of the encroachment permit application.</p>	<p>Prior to issuance of a permit from the Reclamation Board and City building permit.</p>		<p>City Engineering Division</p>	<p>Date/Initial:</p> <p>_____</p>

SPECIAL EFFECT OF PROPOSED VEGETATION PLANTING ON THE HYDRAULIC CAPACITY OF THE FLOOD CONTROL SYSTEM (SACRAMENTO RIVER)
 STANDARD PAGE 270.18
 MINUTE PAGE 003523

**Table 1
Mitigation Monitoring Program
WEST SACRAMENTO RIVERFRONT PARK IMPROVEMENTS PROJECT**

Impact	Mitigation	Monitoring Duration		Responsibility	
		One-time	Ongoing	Agency	Verification
ARTH RESOURCES					
18-3 Development would include grading and construction activities that could potentially encounter groundwater.	<p>4.18-3(b) If dewatering of a construction site is required, subdrains, reinforced concrete retaining walls and waterproofing methods shall be utilized as necessary to eliminate the effects of subsurface groundwater conditions. The subdrain plan shall form part of the final plans for the project and would be prepared with the recommendations of a Certified Engineering Geologist.</p> <p>4.18-3(c) Dewatering shall comply with applicable requirements established by the Central Valley Regional Water Quality Control Board (including any runoff control requirements) and any applicable local permit requirements and shall be coordinated with City Public Works.</p> <p>4.18-3(d) Moisture barriers around foundations shall be used where applicable, to prevent moisture changes from adversely affecting soils beneath a structure.</p> <p>4.18-3(e) Where required due to high groundwater, excavations shall be shored as required by the Office of Safety and Health Administration (OSHA) to preclude slope failures during the construction period. Shoring shall use standard stabilizing methods, such as tiebacks, as necessary to retain excavation areas.</p>	Prior to start of grading/construction		City Engineering Division	Date/Initial: _____
QISE					
7-1 Development would cause temporary increases in construction noise levels on and around the project site.	<p>4.7-1(a) To minimize the noise impacts of nearby residents during noise-sensitive periods, construction within 500 feet of existing residences shall be limited to between the hours of 7:00 A.M. and 7:00 P.M. on weekdays and 8:00 A.M. to 5:00 P.M. on weekends. For construction areas less than 1,600 feet from existing residences, work may only occur outside the designated hours by special permit from the City of West Sacramento stating the compelling environmental reasons for construction during those hours.</p> <p>4.7-1(b) Construction equipment shall be properly outfitted and maintained with noise reduction devices to minimize construction-generated noise. Wherever possible, noise-generating construction equipment shall be shielded from nearby residences by noise-attenuating buffers such as structures or truck. Alternatively, the equipment could be placed into a pit.</p> <p>4.7-1(c) The contractor shall locate stationary noise sources as far away as feasible from noise sensitive land uses.</p>	Include in all construction contracts prior to start of construction.		City Engineering Division	Date/Initial: _____

MINUTE PAGE	CALENDAR PAGE
003534	270.19

**Table 1
Mitigation Monitoring Program
WEST SACRAMENTO RIVERFRONT PARK IMPROVEMENTS PROJECT**

Impact	Mitigation	Monitoring Duration		Responsibility	
		One-time	Ongoing	Agency	Verification
NOISE					
4. Potential noise effects on nearby residents due to public events that may be held in the riverfront park/plaza areas.	4 (a) The City shall not allow events with amplified sound to be held at the Grand Staircase between the hours of 10 p.m. and 7 a.m. 4 (b) Exterior sound levels measured at any affected residential property shall not exceed 75 dBA for a cumulative period of 30 minutes per hour.	Planning Dept. to review each special event permit		City Planning Division	Date/Initial: _____
TRANSPORTATION/TRAFFIC					
4.5-36 Potential safety hazard to pedestrians at I Street bridge railroad trucks.	If development occurs adjacent to operating railroad lines, the individual developments shall install protective fencing adjacent to the railroad right of way to prevent pedestrian crossings of railroad trucks at points other than public street grade crossings.	Prior to issuance of grading/construction permit		City Engineering Division	Date/Initial: _____
WATER QUALITY					
4.14-1 Potential for degradation of surface water quality due to construction.	The City of West Sacramento shall ensure that all construction contracts subject to the NPDES requirements (i.e. involving disturbance of 5 acres or more) contain a requirement that contractors file a Notice of Intent for coverage under the City's State General Construction Activity Stormwater Permit (No. CA5000002), or any other applicable permit requirements.	Prior to issuance of grading/construction permit		City Engineering Division	Date/Initial: _____

EXTERRRIVERPARMMPTABLE.DOC

CALENDAR PAGE	270 . 20
MINUTE PAGE	003535