

**MITIGATION MONITORING PROGRAM**

FOR

**FREEPORT MARKETPLACE (P03-018)**

**TYPE OF ENVIRONMENTAL DOCUMENT:  
INITIAL STUDY/ NEGATIVE DECLARATION**

**PREPARED FOR:**

CITY OF SACRAMENTO, DEVELOPMENT SERVICES DEPARTMENT

**DATE:**

MAY 30, 2007

**ADOPTED BY:**

CITY OF SACRAMENTO  
CITY PROGRAMMING COMMISSION

DATE:

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ATTEST:

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## **FREEPORT MARKETPLACE (P03-018) MITIGATION MONITORING PROGRAM**

This Mitigation Monitoring Program (MMP) has been required by and prepared for the City of Sacramento Development Services Department, Environmental Programming Services, 2101 Arena Blvd, Suite 200, Sacramento, CA 95834, pursuant to CEQA Guidelines Section 21081.6.

### **SECTION 1: PROJECT IDENTIFICATION**

**Project Name / File Number:** Freeport Marketplace / P03-018  
**Owner/Developer- Name:** John Saca  
**Address:** 77 Cadillac Drive, Suite 150  
Sacramento, CA 95825

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

The project site is located on the southeast corner at the intersection of Freeport Boulevard and Meadowview Road, in the Airport Meadowview Community Plan area of the City of Sacramento, Sacramento County (APN: 052-0010-077 and -079).

#### **Project Description:**

The proposed project includes the development of four commercial buildings including a 17,272 sf drugstore, a 3,177 sf fast food restaurant, a 5,952 sf retail space (possible sit down restaurant), and a 25,785 sf veterinary clinic on 6.1 vacant acres for a total of approximately 52,186 s.f. of commercial mixed use buildings in the proposed Shopping Center (SC) zone within the Airport Meadowview Community Plan area. Specific entitlements include:

- **General Plan Amendment** of 6.1 acres from the Low Density Residential (4-15 du/na) to the Community/Neighborhood Commercial & Offices land use designation;
- **Community Plan Amendment** of 6.1 acres from the Residential 7-15 du/na to the Commercial land use designation;
- **Rezone** of 6.1 acres from the Single-family Alternative (R-1A) to the Shopping Center (SC) zone;
- **Tentative Map** to merge two parcels comprising 6.1 acres and then subdividing same into four parcels;
- **Special Permit** to construct and operate a drive-through facility;
- **Special Permit** to construct and operate a drive through facility;
- **Variance** to modify the required vehicle stacking distance for a drive-through facility;
- **Special Permit** to construct and operate a veterinarian clinic in the Shopping Center (SC) zone;
- **Variance** to waive a portion of a required masonry wall separating commercial and residential uses;
- **Plan Review** of an approximate 52,186 square foot commercial mixed use development in the Shopping Center (SC) zone.

### **SECTION 2: GENERAL INFORMATION**

The Program includes mitigation for Transportation, Biological Resources, and Cultural Resources. The intent of the Program 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 Program shall be funded by the owner/developer identified above. This Mitigation Monitoring Program (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.

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Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials / Date)
<b>6. TRANSPORTATION AND CIRCULATION</b>					
T-1 Provide and construct a dedicated right-turn lane on the northbound approach at the intersection of Meadowview Road at Freeport Boulevard to the satisfaction of the City of Sacramento Development Services Department, Development Engineering Division. The project applicant shall revise the site plan and include the dedicated right-turn lane in the improvement plans.	Applicant / Developer	City Development Services Department	Include the dedicated right-turn lane in the improvement plans.	At the time of submitting the improvement plans	
T-2 Modify the timing of the traffic signal at the southbound I-5 exit ramp to Pocket Road to allocate more green time to the southbound approach. The applicant/developer for the proposed project shall pay a fair share to recover the costs for the City's Traffic Operation Center monitoring and future retiming of this signal.	Applicant / Developer	City Development Services Department and City DOT	Project Applicant pay fair share to City DOT	Prior to issuance of building permit	
<b>7. BIOLOGICAL RESOURCES</b>					
BR-1. Prior to issuance of grading permits, the project applicant/developer shall have a biologist conduct a pre-construction survey to determine whether the stick nest identified in the 19-inch valley oak (Tree #: 6421 in the Abacus report) is being used. If so, no removal of the nest tree or disturbance of the active nest should occur during the nesting season for the species using the nest (generally March through July).	Applicant / Developer	City of Sacramento – Development Services Department (DSD);  DFG	Pre-construction biological surveys shall be completed as specified and submitted with grading/ building plans.	Prior to issuance of any grading or building permit, measures identified on plans shall be verified for compliance. The Development Services Department shall assure that measures are identified on construction plans and specifications and confirm	
BR-2a Prior to issuance of a grading permit, a pre-construction survey shall be completed by a qualified biologist, within 30 days prior to construction, to determine whether any Swainson's hawk nest trees will be removed on-site, or active Swainson's hawk nest sites occur within ½ mile of the development site. These surveys shall be conducted according to the	Applicant / Developer	City of Sacramento – DSD;  DFG	Mitigation Measures, shall be included on the Construction Specifications. Pre-construction biological surveys shall be completed as specified and submitted with		

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<p>Swainson's Hawk Technical Advisory Committee's (May 31, 2000) methodology or updated methodologies, as approved by the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG), using experienced Swainson's hawk surveyors.</p> <p>2b. 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) shall occur within ½ mile of an active nest between March 1 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 the ½ mile.</p> <p>2c. If construction or other project related activities which may cause nest abandonment or forced fledgling are proposed within the ¼ mile buffer zone, intensive monitoring (funded by the project sponsor) by a Department of Fish and Game approved raptor biologist will be required. Exact implementation of this measure will be based on specific site conditions.</p> <p>2d. Trees on the site that need to be removed to accommodate construction shall be felled between September 15 and January 31, outside of the general nesting season for raptors and other birds. Alternately, a pre-construction survey for nesting birds shall be conducted prior to tree removal between February 1 and September 15. Temporal restrictions shall be determined by a qualified biologist.</p>			grading/ building plans.	<p>compliance prior to issuance of any grading or building permit. Measures shall also be implemented concurrent with construction activities.</p> <p>Prior to issuance of any grading, and/or construction permit, measures identified on plans shall be verified for compliance. The Development Services Dept. shall assure that measures are identified on construction plans and confirm compliance prior to issuance of any grading permit.</p>	

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BR-3. Prior to issuance of grading permits, the project applicant shall be required to purchase compensatory Swainson's hawk foraging habitat credits for each developed acre, at the required ratio, from an approved mitigation bank, or develop other arrangements acceptable to and approved by the CDFG.	Applicant / Developer	City of Sacramento – DSD;	Applicant / Developer shall provide written verification prior to issuance of Grading Permit.	Measures shall be implemented prior to and concurrent with construction activities.	
BR-4. If Tree #'s 6415 and 6417 are removed, prior to issuance of Certificate of Occupancy removal of Tree #6411, a 14-inch diameter-at-breast height (DBH) valley oak, shall require the planting of six (6) 24-inch box trees on the subject site.	Applicant / Developer	City of Sacramento – DSD and Urban Forest Services Division	Verification of compliance from the Urban Forest Services Arborist shall be provided to Development Services Staff prior to issuance of building permits.	Measure shall be implemented prior to issuance of any building permits or as agreed upon by the Urban Forest Services Arborist	
BR-5. If Tree #'s 6415 and 6417 are removed, prior to issuance of Certificate of Occupancy, removal of Tree #6415, a 14-inch DBH valley oak shall require the planting of six (6) 24-inch box trees on the subject site.	Applicant / Developer	City of Sacramento – DSD and Urban Forest Services Division	Mitigation Measures, shall be included on the Construction Specifications and Plan		
BR-6. If Tree #'s 6415 and 6417 are removed, prior to issuance of Certificate of Occupancy, removal of Tree #6417, a 3 stemmed (18, 15, 9-inch DBH) valley oak, shall require the planting ten (10) 24-inch box trees on the subject site.	Applicant / Developer	City of Sacramento – DSD and Urban Forest Services Division			
<b>14. CULTURAL RESOURCES:</b>					
CR-1 In the event that any prehistoric subsurface archeological features or deposits, including locally darkened soil (“midden”), that could conceal cultural deposits, animal bone, obsidian and/or mortars are discovered during construction-related earth-moving activities, all work within 50 meters of the resources shall be halted, and the City shall consult with a qualified archeologist to	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 and construction activities.	

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<p>assess the significance of the find. Archeological test excavations shall be conducted by a qualified archeologist to aid in determining the nature and integrity of the find. If the find is determined to be significant by the qualified archeologist, representatives of the City and the qualified archeologist shall coordinate to determine the appropriate course of action. All significant cultural materials recovered shall be subject to scientific analysis and professional museum curation. In addition, a report shall be prepared by the qualified archeologist according to current professional standards.</p> <p>CR-2 If a Native American site is discovered, the evaluation process shall include consultation with the appropriate Native American representatives.</p> <p>If Native American archeological, ethnographic, or spiritual resources are involved, all identification and treatment shall be conducted by qualified archeologists, who are certified by the Society of Professional Archeologists (SOPA) and/or meet the federal standards as stated in the Code of Federal Regulations (36 CFR 61), and Native American representatives, who are approved by the local Native American community as scholars of the cultural traditions.</p> <p>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. If historic archeological sites are involved, all identified treatment is to be carried out by qualified historical archeologists, who shall meet either Register of Professional Archeologists</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.</p> <p>Verification of compliance shall be provided to the Development Services Staff</p>	Measures shall be implemented in field during grading and construction activities.	

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<p>(RPA), or 36 CFR 61 requirements.</p> <p><b>CR-3</b> If a 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 most likely believed to be a descendant. The most likely descendant shall work with the contractor to develop a program for re-internment 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 taken place.</p>	Applicant / Developer	City Development Services Department	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	Measures shall be implemented in field during grading and construction activities.	