



DEVELOPMENT SERVICES
DEPARTMENT

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CALIFORNIA

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Date: December 11, 2008
To: Members of the City Planning Commission
From: Antonio Ablog, Associate Planner

Subject: Delta shores (P06-197) – Staff report information amendments

There have been several modifications to the language in the documents forwarded to the Planning Commission. The modifications relate to the Development Agreement, the Final Environmental Impact Report, and the Tentative Map Conditions of approval. Also, you will find attached, a letter of opposition and associated petition dated December 9th and received by staff this morning.

Development Agreement:

Please note that the Development Agreement has been modified to include language that will make any future City ordinances or resolutions pertaining to greenhouse gas reduction applicable to the project. Specifically, the underlined language, below, has been added to Section II.5.E(6) – see bottom of page 17 in the Draft Development Agreement:

- (6) Nothing herein shall be construed to limit the authority of CITY to enact amendments to the Land Use and Development Regulations, or enact other ordinances or resolutions, which have the legal effect of protecting persons or property from conditions which create a health, safety or physical risk. In addition, nothing herein shall be construed to limit the authority of CITY to enact city-wide greenhouse gas reduction ordinances or resolutions and have the mandatory provisions of those ordinances and resolutions applicable to the land uses within the Project, that, but for this Agreement, would not be applicable to the Project.

Final EIR:

DELTA SHORES FINAL ENVIRONMENTAL IMPACT REPORT
SCH No. 2007042070

The Delta Shores Final Environmental Impact Report (Final EIR) has been released for public review. The City has provided copies of responses to written comments on the Draft EIR to persons and agencies



submitting such comments.

The following changes are being made to the Final EIR as circulated. The discussion below identifies the changes and the affected sections of the Final EIR.

1. Mitigation Measure 5.4-10 (Final EIR page 2-20 et seq.) and Response to Comment 14-10 (Final EIR page 4-64 et seq.)

Comment 14-10 addressed the potential for impacts to giant garter snake (FGGS) habitat. The response indicates that, based on subsequent review and discussions with the United States Fish and Wildlife Service (USFWS), it was determined that irrigation ditches that had been viewed as potential habitat did not, in fact, provide such habitat. Mitigation Measure 5.4-10 was included to ensure that impacts would not occur.

Mitigation Measure 5.4-10, however, included a provision that would require the applicant to provide a corridor for GGS to move from Morrison Creek into project-constructed detention basins. This provision would encourage GGS movement into areas that do not currently provide habitat, and could result in exposure of GGS to new hazards, thus resulting in potential take. This would not be consistent with applicable law or regulations, and is not causally related to any project impact. For that reason this provision is being deleted from the mitigation measure. The mitigation will read as follows (deleted text is in ~~strike~~through):

5.4-10 The project applicant shall consult with the USFWS to address potential impacts on giant garter snake (GGS). Due to the minimal area of potential impact, it is likely that the proposed project could be covered under the Programmatic Formal Consultation for U.S. Army Corps of Engineers 404 Permitted Projects with Relatively Small Effects on the Giant Garter Snake within Butte, Colusa, Fresno, Merced, Sacramento, San Joaquin, Solano, Stanislaus, Sutter and Yolo Counties, California. For construction activities within the vicinity of Morrison Creek or the ditch north of the project site, the following avoidance measures shall be implemented consistent with the USFWS-Standard Avoidance and Minimization Measures During Construction Activities in Giant Garter Snake Habitat:

- *Confine movement of heavy equipment to existing roadways to minimize habitat disturbance.*
- *Construction shall be restricted to the active season for GGS (mid-March through early October), or as determined in consultation with the USFWS.*
- *Construction personnel shall receive Service-approved worker environmental awareness training. This training instructs workers to recognize giant garter snakes and their habitat(s).*
- *24-hours prior to construction activities, the project area shall be surveyed for giant garter snakes. Survey of the project area should be repeated if a lapse in construction activity of two weeks or greater has occurred. If a snake is encountered during construction, activities shall cease until appropriate corrective measures have been completed or it has been determined that the snake will not be harmed. Report any sightings and any incidental take to the Service immediately.*



- ~~• The project applicant shall provide safe corridors that will allow for GGS to move from Morrison Creek into the project constructed detention basins in the southern portion of the project site, as determined in consultation with the USFWS.~~

2. Mitigation Measure 5.10-1 (Final EIR page 2-6 et seq.) and Response to Comment 14-67 (Final EIR page 4-92 et seq.)

Comment 14-67 addressed the project's contribution to global climate change. The discussion in the Final EIR stated:

"...The City of Sacramento has not adopted any specific thresholds for the analysis of greenhouse gases; therefore, the DEIR analysis does not include a significance finding for the project's cumulative contribution toward global climate change. Nevertheless, to address this issue with more clarity, the DEIR has been revised with respect to greenhouse gas emissions to note that, while speculative, the impacts of the project on climate change are *potentially* cumulatively considerable." (emphasis supplied)

The introductory statement to the Mitigation Measure misstated this conclusion by inadvertently omitting the word "potentially" from the text. To correct this typographical error, the introductory statement on pages 2-6 and 4-92 is hereby revised to be consistent with the Responses to Comments and the preceding discussion by reinserting the word "potentially" into the text, as follows (new text in single underline):

Mitigation Measure

The following mitigation measures would help reduce the project's contribution to greenhouse gas emissions; however, the impact would remain potentially ***cumulatively considerable***.

Map Conditions:

Department of Utilities Master Subdivision Map Conditions

- A98. A sewer master plan for this entire area must be completed by the applicant and approved by the DOU and the Sacramento Regional County Sanitation District (SRCSD). The sanitary sewer system shall connect to the SRCSD Central Interceptor pipeline or to another point of connection approved by SRCSD. SRCSD has approved an interim connection to the 96-inch City Interceptor with a peak flow of 4.25 1.283 MGD. The applicant shall design the Delta Shores sewer facilities, including but not limited to sewer pump stations, force mains and trunk lines required to serve the future Stone Boswell Development, the Bartley Cavanaugh Golf Course, the Job Corps Site, the Town of Freeport and the existing offsite sewer flows per the current land use. The design shall be to the satisfaction of the DOU;

SRCSD Master Subdivision Map Conditions

- A70. A maximum peak wet weather flow (pwwf) of 1.283 million gallons per day (mgd) shall be conveyed to the SRCSD City Interceptor on an interim basis only. The interim service area associated with this flow shall be compromised of Phases 1 and 2 (as described in the Draft Sewer Master Plan for Delta Shores project dated for August 28, 2008) of the Delta Shores



project, the Town of Freeport, and the Bartley Cavanaugh Golf Course Club House. The applicant shall construct a permanent collection system that will re-direct all interim flow to an alternative SRCSD connection point prior to:

- a. The development of any area outside of the above mentioned interim service area.
- b. The total peak wet weather flow exceeding the allocated 1.25 mgd;

The PWWF of 1.283 mgd was calculated based on equivalent single dwelling (ESD) units and areas, as outlined in the County of Sacramento Improvement Standards. The interim PWWF of 1.283 mgd shall be allocated within the service area by ESDs and acreage as follows:

Interim Service Area Sub-Shed	ESD's	Area (acres)	PWWF (mgd)
Phases 1 and 2 for Delta Shores Project	1603	231.51	1.153
Town of Freeport	168	28	0.135
Bartley Cavanaugh Golf Course Club House ¹	12	2	0.010
Total ²	1783	261.51	1.283

Footnotes

1. ESD's and equivalent acreage for the Bartley Cavanaugh Golf Course Club House course are based on existing uses.
2. The total PWWF is less than the sum of the calculated PWWF from each sub shed because the peaking factor decreases with increasing flow.

A new condition will be inserted after existing A70. This is language originally in A70 and has been separated into a new condition and modified.

A71. The applicant shall construct a permanent collection system that will re-direct all interim flow to an alternative SRCSD connection Point prior to any one of the following events:

- a. The calculated PWWF exceeding the allocated 1.28mgd limit
- b. The development of any area outside of the interim service area (Phases 1 and 2 of the Delta Shores Project as Described in the Aug 28, 2008 Delta Shores Draft Sewer Master Plan, the Town of Freeport, and the Bartley Cavanaugh Golf Course Club House).
- c. Development Activity Within one of the three interim service area sub-sheds defined in the table above beyond the specific allocated ESDs and acreage.

SRCSD Master Subdivision Map Advisories:

A New advisory will be inserted after existing A149.

A150. As noted in the conditions above, "Deep rooted trees, or any other form of species that may adversely affect the operation of SRCSD's existing facilities, or SRCSD's ability of access or properly maintain its existing facilities, shall not be permitted within SRCSD's existing easements unless express written permission is obtained from SRCSD." The trees shown in the street cross sections (i.e. Cosumnes River Boulevard cross sections do not appear to meet this condition.

The changes above will also appear on the East and West Subdivision Maps. For the East Subdivision



Map, B53 will be modified and a new condition will be inserted after B53. The new advisory will be added after the existing B130. For the West Subdivision Map, C46 will be modified, and a new condition will be inserted after C46. The new advisory will be added after the existing C127.

SMUD Master Subdivision Map Conditions

- A51. Dedicate a 12.5-foot public utility easement (PUE) for underground facilities and above ground appurtenances adjacent to all public street rights of ways; PUE shall be "back of walk" location condition for all public street rights of way where separated sidewalks occur.
- A52. Dedicate any private drive, ingress and egress easement or Irrevocable Offer of Dedication and 12.5-feet adjacent thereto as a public utility easement for underground facilities and above ground appurtenances;
- A53. Dedicate standard 12.5 feet at back of 30-foot landscape corridors as a public utility easement (PUE) for overhead and underground facilities and appurtenances;
- A54. Designate a parcel of land for an electric substation to be required acquired by the Sacramento Municipal Utility District having an approximate size of 150-feet by ~~450~~ 162.5 feet of net usable area;
- ~~A55. The exact size and location of the substation site shall be by mutual agreement of SMUD and the property owners prior to the recordation of the Final Map;~~
- A56. The developer/owner shall grade the SMUD site to the final grade of the adjacent properties. Slopes across the site shall be in the range of 1% to 4%. Grading shall be performed in such a manner that it will not drain across property lines and drain out to the street and not to cause the accumulation of standing water upon said site;
- A57. Dedicate a 25-foot wide ingress/egress easement for a commercial driveway access to the SMUD substation site for SMUD to use across the landscape corridor. Location to be to the satisfaction of the developer/owner and SMUD ~~and the Department of Transportation.~~
- Pursuant to the City of Sacramento street improvement plans required for said parcel/subdivision map, the developer shall provide a 25-foot wide commercial driveway with apron, gutter and curb for access to the proposed substation site. SMUD shall reimburse the developer for cost to construct the commercial driveway along with the standard street improvements;
- A58. Dedicate a 25-foot wide exclusive easement to SMUD for overhead facilities and appurtenances for the proposed 69KV, the tentative location is as follows:
- Beginning at the northeast corner of Lot P-1, thence South paralleling the East line of said Lot P-1, thence continuing South to a point within Lot OS-1; thence Northeasterly to a point on the west line of the proposed 12.5-foot public utility easement (PUE) adjacent to "C" Street; this location shall be to the mutual agreement and satisfaction of the owner/developers and SMUD prior to the Final Map recordation;
- A59. Dedicate a 15-foot easement exclusive to SMUD for 37.5-foot Public Utility easement for overhead and underground facilities and Appurtenances adjacent to the back of the 12.5 foot PUE for the proposed 69KV route along the following streets, ~~this is for the proposed 69KV~~

route:

- a. The south side of Street "C" from the intersection of the Open Space Lot to the west side of "Delta Shores Circle North".
- b. The west side of "Delta Shores Circle North" to the intersection of "Cosumnes River Boulevard".
- c. The north side of "Cosumnes River Blvd" to the intersection of Street "B".
- d. The west side of Street "B" to a point across from Lot SS-2, to a point to be mutually determined by the developer/property owners and SMUD.
- e. From the northwest corner intersection of "Cosumnes River Boulevard" and Street "B" crossing "Cosumnes River Boulevard" to the south side to thence adjacent to said side of the street to the most easterly line of said Master Parcel Map.

A60. Label PG&E transmission line easement as a "Restricted Building and Use Area"; (SMUD)

A61. The owner/developer must disclose to future/potential owners the proposed 69KV electrical facilities and Electrical Substation sites. **"For more information regarding the 69KV lines and the Substations contact Ms. Erlene Appelgate at (916) 732-5908"**; (SMUD)

A62. Dedicate or grant a 40-foot easement exclusive to SMUD for the proposed gas line facilities and appurtenances prior to the recordation of the final map.

A63. The owner/developer must disclose to future/potential owners the existing or proposed SMUD gas line facilities. **"For more information regarding the proposed gas line contact Ms. Katherine Knourek at (916) 732-6499"**; (SMUD)

SMUD East Map

B31. Dedicate a 12.5-foot public utility easement for underground facilities and above ground appurtenances adjacent to all public street rights of ways; (SMUD)

B32. Dedicate a 5-foot public utility easement for underground facilities and above ground appurtenances adjacent to all public alley right of ways;(SMUD)

B33. Label PG&E transmission line easement as a "Restricted Building and Use Area"; (SMUD)

B34. The owner/developer must disclose to future/potential owners the existing or proposed 69KV electrical facilities and Electrical Substation sites. **"For more information regarding the 69KV lines and the Substations contact Ms. Erlene Appelgate at (916) 732-5908"**; (SMUD)

B35. The owner/developer must disclose to future/potential owners the existing or proposed SMUD gas line facilities. **"For more information regarding the proposed gas line contact Ms. Katherine Knourek at (916) 732-6499"**; (SMUD)

SMUD West Map

C24. Dedicate a 12.5-foot public utility easement for underground facilities and above ground



appurtenances adjacent to all public street rights of ways; (SMUD)

- C25. Dedicate a 5-foot public utility easement for underground facilities and above ground appurtenances adjacent to all public alley right of ways;(SMUD)
- C26. Label PG&E transmission line easement as a "Restricted Building and Use Area"; (SMUD)
- C27. The owner/developer must disclose to future/potential owners the existing or proposed 69KV electrical facilities and Electrical Substation sites. **"For more information regarding the 69KV lines and the Substations contact Ms. Erline Appelgate at (916) 732-5908";** (SMUD)
- C28. Dedicate or grant a 40-foot easement exclusive to SMUD for the proposed gas line facilities and appurtenances prior to the recordation of the final map.
- C29. The owner/developer must disclose to future/potential owners the existing or proposed SMUD gas line facilities. **"For more information regarding the proposed gas line contact Ms. Katherine Knourek at (916) 732-6499";** (SMUD)