

**BRUCEVILLE AMERICAN DREAM (P06-134)
MITIGATION MONITORING PLAN**

This Mitigation Monitoring Plan (MMP) has been required by and prepared for the City of Sacramento Community Development Department, Environmental Planning Services, 300 Richards Boulevard, Sacramento, CA 95811, pursuant to Public Resources Code of California, Statute, 21081.6.

SECTION 1: PROJECT IDENTIFICATION

Name/File Number: Bruceville American Dream (P06-134)

Owner/Developer/Applicant: Steve Schnable
JMC Homes
1430 Blue Oaks Blvd., Suite 190
Roseville, CA 95678

City of Sacramento Contact: Dana Allen, Associate Planner
Environmental Planning Services
Community Development Department
300 Richards Boulevard
Sacramento, CA 95811
Phone: (916) 808-2762

Project Location

The proposed project site is located on the west side of Bruceville Road at Damascas Drive. Jacinto Road is located north, Center Parkway is east and Sheldon Road is south. The project site includes Assessor's Parcel Numbers 117-0211-017, -018, -021, -027 and -028.

Project Components

The proposed project requests construct a 49-unit, small lot, single-family subdivision on approximately 6.9 vacant acres, within the Multi-Family (R-2B-PUD) zone. Project entitlements include a Tentative Map to subdivide five parcels totaling approximately 6.9 net acres into 49 parcels and two landscape lots, a PUD Guidelines Amendment to allow small lot single-family residences within the Laguna Meadows Planned Unit Development, a PUD Schematic Plan Amendment and a Special Permit for alternative housing.

SECTION 2: GENERAL INFORMATION

The Mitigation Monitoring Plan (MMP) includes mitigation for Biological Resources, Cultural Resources, Hazards and Noise impacts. The intent of the Plan is to prescribe and enforce a means for properly and successfully implementing the mitigation measures as identified within the Initial Study/Mitigated Negative Declaration for this project. Unless otherwise noted, the cost of implementing the mitigation measures as prescribed by this Plan shall be funded by the owner/developer/applicant identified above. This Mitigation Monitoring Plan (MMP) is designed to aid the City of Sacramento

in its implementation and monitoring of mitigation measures adopted for the proposed project.

The mitigation measures have been taken verbatim from the Mitigated Negative Declaration/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 would be responsible for fully understanding and effectively implementing the mitigation measures contained with the MMP. The City of Sacramento, along with other applicable local, state or federal agencies, would be responsible for ensuring compliance.

MITIGATION AGREEMENT

PROJECT NAME / FILE NUMBER: Bruceville American Dream (P06-134)

OWNER/DEVELOPER/APPLICANT: Steve Schnable
JMC Homes
1430 Blue Oaks Blvd., Suite 190
Roseville, CA 95678

I, _____ (owner/developer/applicant), agree to amend the project application P06-134 to incorporate the attached mitigation measures as identified in the Initial Study for the project. I understand that by agreeing to these mitigation measures, all identified potentially significant environmental impacts should be reduced to below a level of significance, thereby enabling the Environmental Coordinator to prepare a Mitigated Negative Declaration of environmental impact for the above referenced project.

I also understand that the City of Sacramento will adopt a Mitigation Monitoring Plan (Plan) for this project. This Plan will be prepared by the Community Development Department, pursuant to the California Environmental Quality Act Guidelines Section 21081.6 and pursuant to Article III of the City's Local Administrative Procedures for the Preparation of Environmental Documents.

I acknowledge that this project, P06-134, would be subject to this Plan at the time the Plan is adopted. This Plan will establish responsibilities for the monitoring of my project by various City Departments and by other public agencies under the terms of the agreed upon mitigation measures. I understand that the mitigation measures adopted for my project may require the expenditure of owner/developer funds where necessary to comply with the provisions of said mitigation measures.

Signature (Owner/Developer/Applicant)

Title

Date

| Environmental Resource | Mitigation Measure | Responsible Entity | Compliance Milestone / Confirm Complete |
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| <p>Biological Resources</p> | <p>Bio 1 -To mitigate impacts to Swainson’s hawk and other migratory birds during the nesting season (March 1 through September 15), the project applicant(s) shall retain a qualified biologist to conduct preconstruction surveys and to identify active nests on and within 0.5 mile of the project site. The surveys shall be conducted no more than 14 days before the beginning of construction. To the extent feasible, guidelines provided in <i>Recommended Timing and Methodology for Swainson’s Hawk Nesting Surveys in the Central Valley</i> (Swainson’s Hawk Technical Advisory Committee 2000) shall be followed.</p> <p>If no nests are found, no further mitigation is required.</p> <p>If active nests are found, impacts to nesting Swainson’s hawks and other migratory birds shall be avoided by establishment of appropriate buffers around the nests to the extent any portion of the buffer area is located on the project site. No project activity shall commence within the buffer area until a qualified biologist confirms that any young have fledged and the nest is no longer active. DFG guidelines recommend implementation of 0.25-mile buffers for most birds and 0.5-mile buffers for Swainson’s hawk, but the size of the buffer may be adjusted if a qualified biologist and the City, in consultation with DFG, determine that such an adjustment would not be likely to adversely affect the nest. If adjustments to this buffer are made, Fish and Game Code Section 2081 permits may need to be obtained through DFG. Monitoring of the nest by a qualified biologist during and after construction activities will be required if the activity has potential to adversely affect the nest. Initiation of construction before March 1 or after September 15 does not require a survey to be conducted, and mitigation is not required.</p> <p>Bio 2 - Prior to the issuance of grading permits, the project applicant shall preserve 6.9 acres of suitable raptor foraging habitat for the loss of habitat. Suitable foraging habitat includes alfalfa or other low growing row crops. Preservation may occur through the purchase of conservation easements or fee title of lands with suitable foraging habitat. Land and easements shall be approved by the City in consultation with DFG.</p> <p>Bio 3 - <u>Giant garter snake permanent loss of habitat:</u> The area to be considered as permanent loss of</p> | <p>City of Sacramento-Community Development Department;</p> <p>California Department of Fish and Game</p> <p>United States Fish and Wildlife Service</p> | <p>Prior to issuance of any grading or building permit: The Community Development Department shall assure that measures are identified on construction plans and specifications and will confirm compliance with mitigation measures prior to issuance of any grading or building permit.</p> |

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| | <p>habitat shall be the area set back from the edge of the Laguna Creek channel, upland 200 feet. <i>However, it shall exclude any existing development within the 200 feet setback, including the City of Sacramento's North Laguna Creek Wildlife Area Bike Trail.</i> The applicant shall, prior to obtaining a grading permit, submit an approved conservation easement from the U.S. Fish and Wildlife Service demonstrating that replacement habitat for the giant garter snake has been obtained, and that all elements of the mitigation set forth below have been adequately secured.</p> <p>a. Replacement of affected giant garter snake habitat at a 3:1 ratio (1.06 acres x 3 = 3.18 acres);</p> <p>b. If restoration of habitat is a component of the replacement habitat, one year of monitoring restored habitat with a photo documentation report due one year from implementation of the restoration with pre- and post-project area photos;</p> <p>c. Five years of monitoring replacement habitat with photo documentation report due each year.</p> <p>Bio 4: <u>Giant garter snake potential take:</u> Prior to obtaining a grading permit, the applicant shall submit an approved incidental take permit for Giant garter snake from U.S. Fish and Wildlife Service, or approved Habitat Conservation Plan (HCP). The following are the typical Terms and Conditions of an approved HCP:</p> <p>a. Prior to commencement of construction activities the applicant shall compensate for the permanent loss of habitat of the Giant garter snake to the satisfaction of the USFWS, as specified in Bio 3.</p> <p>b. Construction activity within snake habitat shall be conducted between May 1 and October 1, the active period for the Giant garter snake;</p> <p>c. The applicant shall identify any land area of the project site that should be avoided as an environmentally sensitive area (ESA). Prior to commencement of construction, high visibility fencing shall be erected around such areas to protect them from encroachment of personnel or equipment. The fencing shall be inspected prior to the start of each workday and maintained by the applicant until completion of construction. Signs shall be posted every 50 feet along the edge of ESAs, with the</p> | | |

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| | <p>following text:</p> <p><i>“This area is habitat of federally-threatened and/or endangered species, and must not be disturbed. These species are protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines and imprisonment.”</i></p> <p>The signs shall be clearly readable from a distance of 20 feet, and shall be maintained until completion of construction, when they shall be removed.</p> <p>d. Best Management Practices (BMPs), including a Storm Water Pollution Prevention Plan (SWPPP) and Water Pollution Control program (WPCP) shall be implemented to prevent sediment from entering areas outside the project area or construction area, including, e.g., silt fencing, temporary berms, and installation of vegetative strips. BMPs shall be implemented to reduce impacts from erosion, dust, noise and other deleterious aspects of construction activities. Runoff from dust control and hazardous materials shall be retained on the construction site.</p> <p>e. Tightly woven fiber netting or similar material shall be used for erosion control and other purposes at the project site to ensure that the Giant garter snake does not get trapped or become entangled. This restriction shall be communicated to the contractor through the use of special provisions included in the bid solicitation package. Plastic monofilament netting (erosion control matting) shall not be used for erosion control.</p> <p>f. During construction operations, the number of access routes, number and size of staging areas, and the total area of the proposed project activity shall be limited to the proposed project site. Routes and boundaries will be restricted to established roadways to minimize habitat disturbance. Project-related vehicles shall observe a 20-mile per hour limit within construction areas, except on paved public highways.</p> <p>g. During construction operations, stockpiling of construction materials, portable equipment, vehicles and supplies shall be restricted to any designated construction staging areas and shall avoid all environmentally sensitive areas. The applicant shall ensure that there is no contamination</p> | | |

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| | <p>of habitat areas during construction operations.</p> <p>h. Within 24 hours prior to the commencement of construction activities, the applicant shall arrange for a site visit and inspection by a USFWS-approved biologist. The biologist shall be on-site during all activities that could result in adverse effects to the GGS. The monitoring biologist shall have the authority to stop construction activities if a snake is encountered until appropriate corrective measures as identified by the biologist have been implemented, or until the snake is determined to be unharmed. Snakes encountered during construction activities shall be allowed to move away from the area on their own volition. The biologist shall notify the USFWS immediately if any listed species are found on-site, and shall submit a report regarding each such sighting, including date and time, location, habitat description, and any corrective measures taken for protection of the species. The biologist shall report any take of listed species to the USFWS immediately by telephone at (916) 414-6000 and by electronic mail or written letter addressed to the Chief, Endangered Species Division, within three (3) working days of the incident.</p> <p>i. A Worker Environmental Awareness Training Program for all construction personnel shall be conducted by the USFWS-approved biologist prior to the commencement of construction activities. The program shall provide workers with information on their responsibilities with regard to the snake, an overview of the life-history of the species, information on take prohibitions, protections afforded the animal under the federal Endangered Species Act, and an explanation of the relevant terms and conditions of the various biological opinions that have been issued by the USFWS relating to the Giant garter snake. All workers shall be informed of the importance of preventing spills and appropriate measures that should be taken in the event a spill occurs.</p> <p>j. To eliminate an attraction to predators of the snake, all food-related trash items such as wrappers, cans, bottles and food scraps shall be disposed of in closed containers and removed at the end of each workday from the project site.</p> <p>k. Any dewatered habitat shall remain dry for at least 15 consecutive days after April 15.</p> <p>l. After construction activities are complete, any temporary fill or construction debris</p> | | |

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| | <p>shall be removed. Disturbed areas that are not developed with permanent project improvements shall be restored to their pre-project conditions. All snake habitat areas subject to temporary ground disturbances, including storage or staging areas and temporary roadways or paths, shall be restored. Such areas shall be re-contoured, if appropriate, and re-vegetated with appropriate locally-collected native plant species to promote restoration to pre-project conditions. Refer to USFWS <i>Guidelines for the Restoration and/or Replacement of Giant Garter Snake Habitat (USFWS 1997)</i>. A written report regarding restoration and project site conditions shall be submitted to the USFWS and City of Sacramento Community Development Department, Attention Mitigation Monitoring, within ten working days of the completion of construction at the project site.</p> <p>Bio 5 - Prior to the issuance of grading permits or any ground disturbing activities, the project applicant shall retain a qualified biologist to conduct a pre-construction burrowing owl survey. The survey shall be conducted in accordance with the guidelines set forth in the California Burrowing Owl Consortium's April 1993 Burrowing Owl Survey Protocol and Mitigation Guidelines, and shall be conducted no more than 14 days prior to ground disturbing activity.</p> <p>If no suitable burrows are found, no further mitigation is required. If suitable burrows are found, but no owls are found, all burrows shall be hand-excavated and collapsed prior to any ground disturbing activity. If nesting owls are found, buffers shall be established and no disturbance shall be allowed within 160-feet of the active nest burrow during the nesting season (i.e., between February 1 and August 21).</p> <p>Outside the nesting season, and/or upon confirmation by the qualified biologist, in consultation with CDFG, that all young have fledged and left an active nest, burrowing owls present in the burrow shall be excluded from the burrow(s) by a qualified biologist through a passive relocation as outlined in the California Burrowing Owl Consortium's April 1993 Burrowing Owl Survey Protocol and Mitigation Guidelines. Once the burrows have been cleared, they shall be hand-excavated and collapsed prior to ground disturbing activity.</p> <p>Bio 6 - In order to ensure no impacts to bed, bank or channel of Laguna Creek, the project applicant shall</p> | | |

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| | <p>establish a minimum 50-foot setback from the creek and utilize best management practices during construction, including but not limited to the installation and maintenance of silt fencing at the 50 foot setback. If the proposed project affects the bed, bank, or channel of the feature, permitting from the Army Corp of Engineers shall be required under Section 404 of the Clean Water Act. Permitting from the California Department of Fish and Game under Sections 1600-1607 of the California Fish and Game Code shall be required in such event.</p> | | |
| <p>Cultural Resources</p> | <p>Cultural Resources 1</p> <p>1. The applicant shall hire a qualified archaeologist to conduct a records search for the project site, including a search of the North Central Information System at CSU Sacramento. The qualified archaeologist shall provide recommendations for mitigation should any resource be identified on the project site by the records search. Prior to issuance of grading permits, the applicant shall provide proof that the records search has been performed and that any cultural resources identified on the project site have been mitigated according to the recommendations of the qualified archaeologist.</p> <p>2. 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 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>3. If a Native American site is discovered, the</p> | <p>City of Sacramento-Community Development Department;</p> <p>Native American Heritage Commission</p> | <p>Prior to issuance of any grading or building permit: The Community Development Department shall assure that measures are identified on construction plans and specifications, and will inspect in the field and on complaint basis for compliance.</p> |

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| | <p>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 (RPA), or 36 CFR 61 requirements.</p> <p>4. 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> | | |
| Hazards | <p>Hazards 1</p> <p>1. Laboratory analysis of all debris removed from the site for asbestos shall be required prior to landfill acceptance.</p> <p>2. Existing water wells shall, if removed from service, be properly abandoned in accordance with the County of Sacramento, Environmental Management Department, Water Protection Division regulations. If the wells have previously been abandoned, verification from the County of Sacramento, Environmental Management Department, Water</p> | <p>City of Sacramento-Community Development Department;</p> <p>County of Sacramento, Environmental Management</p> | <p>Prior to issuance of any grading or building permit: The Community Development Department shall assure that measures are identified on</p> |

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| | Protection Division shall be required as a condition of approval prior to grading permits from the City of Sacramento. | Department, Water Protection Division | construction plans and specifications and will inspect in the field and on complaint basis for compliance. |
| Noise | <p>Noise 1</p> <p>1. A noise barrier shall be constructed with solid construction, such as masonry or stucco, with no gaps or holes that would compromise noise insulation performance along the eastern property line of the proposed project. The noise barrier shall be 8 feet high above building pad elevations north of Damascas Drive, on the eastern side of lots 1 through 10 and south of Damascas Drive, on the eastern side of lots 37 through 49.</p> <p>2. The noise barrier at lots 10 and 37 shall extend from the rear lot line to the front of the house façade.</p> <p>Noise 2</p> <p>1. Exterior facades facing Bruceville Road shall be finished with stucco or brick siding.</p> <p>2. Air conditioning or other suitable mechanical ventilation shall be provided to the homes to allow residents to close windows for the desired acoustical isolation.</p> | City of Sacramento-Community Development Department | Prior to Certificate of Occupancy: The Community Development Department will review site to confirm completion of improvements. |