

RESOLUTION NO. 2004-467

ADOPTED BY THE SACRAMENTO CITY COUNCIL
ON DATE OF JUN 15 2004

A RESOLUTION ADOPTING THE NOTICE OF DECISION AND FINDINGS OF FACT FOR NEGATIVE DECLARATION AND MITIGATION MONITORING FOR BROOKFIELD MEADOWS UNIT 2, SACRAMENTO, CALIFORNIA.

(APN: 119-0220-061, 063)
(P02-032)

WHEREAS, the City Council conducted a public hearing on the above date, concerning the above project and based on documentary and oral evidence submitted at the public hearing, the Council hereby adopts the Notice of Decision and Findings of Fact, as set forth herein.

NOTICE OF DECISION

At the regular meeting on the above date, the City Council heard and considered evidence in the above-entitled matter. Based on verbal and documentary evidence at said hearing, the Council took the following actions for the location listed above:

- A. **Environmental Determination:** Mitigated Negative Declaration;
- B. **Approved the Mitigation Monitoring Plan;**

These actions were made based upon the following findings of fact:

FINDINGS OF FACT

- A. **Mitigated Negative Declaration:** The City Council approves the Mitigated Negative Declaration, based upon the following findings:
 - 1. The Negative Declaration was prepared and circulated for the above-identified

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project pursuant to the requirements of CEQA;

2. The proposed Negative Declaration and comments received during the public review process were considered prior to action being taken on the project;
3. Based upon the whole record before it, the Initial Study and the comments received during the public review process, it has been determined that there is no substantial evidence that the project will have a significant effect on the environment.
4. The Negative Declaration reflects the lead agency's independent judgment and analysis

B. Mitigation Monitoring Plan: The Mitigation Monitoring Plan is approved based upon the following findings of fact:

1. One or more mitigation measures have been added to the above-identified project;
2. A Mitigation Monitoring Plan has been prepared to ensure compliance and implementation of the mitigation measures for the above-identified project, a copy of which is attached as **(Exhibit 1A)**;
3. The Mitigation Monitoring Plan meets the requirements of Public Resources Code Sec. 21081.6.
4. The Mitigation Monitoring Plan is approved, and the mitigation measures shall be implemented and monitored as set forth in the Plan.

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Debbie Fugo
MAYOR

ATTEST:

J. L. Maleno
CITY CLERK

P00-147

Attachments:

Exhibit 1A – Mitigation Monitoring Plan

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**BROOKFIELD MEADOWS PROJECT (P02-032)(Q100)
MITIGATION MONITORING PLAN**

FOR

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

**PREPARED FOR:
CITY OF SACRAMENTO, PLANNING AND BUILDING DEPARTMENT**

DATE:
June 25, 2003

**ADOPTED BY:
CITY OF SACRAMENTO
CITY COUNCIL**

DATE:

ATTEST:

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**BROOKFIELD MEADOWS PROJECT (P02-032)(Q100)
MITIGATION MONITORING PLAN**

This Mitigation Monitoring Plan (MMP) has been required by and prepared for the City of Sacramento Planning and Building Department, Environmental Planning Services, 1231 I Street, Room 300, Sacramento, CA 95814, pursuant to CEQA Guidelines Section 21081.6.

SECTION 1: PROJECT IDENTIFICATION

Project Name / File Number: Brookfield Meadows Project (P02-032)
Owner/Developer- Name: Sycamore Homes
Address: 2020 Hurley Way, Suite 485
Sacramento, CA 95825

Project Location / Legal Description of Property (if recorded):
The project site is located in the southwest corner of Franklin Boulevard and Brookfield Drive. The Assessor's Parcel Numbers (APNs) are 119-0220-061 and -063.

Project Description:

The proposed project consists of an application to subdivide 9.45+/- acres into 55 single family lots in the Single-Family Alternative (R-1A) zone at the southwest corner of Franklin Boulevard and Brookfield Drive. The entitlements needed include:

- Tentative Map to subdivide 9.45+/- acres into 58 single family lots in the Single-Family Alternative (R-1A) zone
- Special Permit to develop in a R-1A zone.
- General Plan Amendment to redesignate the site from Medium Density Residential to Single Family Residential
- Community Plan Amendment to redesignate the site from Residential 11-29 du/na to Residential 4-8 du/na

SECTION 2: GENERAL INFORMATION

The Plan includes mitigation for Air Quality, Biological, Noise, and Cultural Resources. 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 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 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 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 within the MMP. The City of Sacramento will be responsible for ensuring compliance.

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<p>5. Air Quality:</p> <ol style="list-style-type: none"> The developer/contractor shall enclose, cover, or water all soil piles twice daily. The developer/contractor shall water exposed soil with adequate frequency to keep soil moist at all times. The developer/contractor shall cover load haul/dump trucks securely. The developer/contractor shall water all haul roads twice daily. 	Developer/Contractor	City Planning & Building Department & SMAQMD	Note shall be included on all construction plans and documents.	Prior to issuance of any Notice to Proceed, the mitigation measures shall be verified on grading plans. Measures shall be implemented in field during construction.	

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<p>7. Biological: <u>Burrowing owls</u></p> <p>1. The Applicant/Developer shall notify and coordinate with the Department of Fish and Game concerning the burrowing owls.</p> <p>2. If construction is scheduled to commence during the breeding season (February 1 through August 31), a preconstruction survey shall be conducted by a qualified biologist within 30 days prior to construction to determine if western burrowing owls are nesting in additional locations within 325 feet of the study area. If no additional active nests are found during the preconstruction survey, no additional mitigation would be necessary. If active nests are found, the following mitigation measures shall be followed:</p> <p>a) Occupied burrows should not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by the Department of Fish and Game verifies through non-invasive methods that either: (1) the birds have not begun egg-laying and incubation; or (2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.</p> <p>b) To offset the loss of foraging and burrow habitat on the project site, a minimum of 6.5 acres of foraging habitat (calculated on a 100 meters or approximately 300 feet foraging radius around the burrow) per pair or unpaired resident bird, should be acquired and permanently protected. The protected lands should be adjacent to</p>		Applicant	City Planning & Building Department and Dept. of Fish & Game	<p>Submission of construction plans with mitigation measures identified.</p> <p>Implementation of mitigation measures prior, during, and after construction.</p>	Mitigation measures shall be completed prior to the issuance of a Notice to Proceed.	

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<p>occupied burrowing owl habitat and at a location acceptable to the DFG. Protection of additional habitat acreage per pair or unpaired resident bird may be applicable in some instances.</p> <p>c) When destruction of occupied burrows is unavoidable, existing unsuitable burrows should be enhanced (enlarged or cleared of debris) or new burrows created (by installing artificial burrows) at a ratio of 2:1 on the protected lands site.</p> <p>d) If owls must be moved away from the disturbance area, passive relocation techniques (as described below) should be used rather than trapping. At least one or more weeks will be necessary to accomplish this and allow the owls to acclimate to alternate burrows.</p> <p>If avoidance is the preferred method of dealing with potential project impacts, the no disturbance should occur within 160 feet of occupied burrows during the nonbreeding season of September 1 through January 31 or within 250 feet during the breeding season of February 1 through August 31. Avoidance also requires that a minimum of 6.5 acres of foraging habitat be permanently preserved contiguous with occupied burrow sites for each pair of breeding burrowing owls (with or without dependent young) or single unpaired resident bird. The configuration of the protected habitat should be approved by the Department of Fish and Game.</p> <p>Passive Relocation – With One-Way Doors</p> <p>Owls should be excluded from burrows in the immediate impact zone and within a 50 meter (approximately 160 feet) buffer zone by installing one-way doors in burrow</p>					

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<p>entrances. One-way doors (e.g., modified dryer vents) should be left in place 48 hours to ensure owls have left the burrow before excavation. Two natural or artificial burrows should be provided for each burrow in the project area that will be rendered biologically unsuitable. The project area should be monitored daily for one week to confirm owl use of new burrows before excavating old burrows in the immediate impact zone. Whenever possible, burrows should be excavated using hand tools and refilled to prevent reoccupation. Sections of flexible plastic pipe should be inserted into the tunnels during excavation to maintain an escape route for any animals inside the burrow.</p> <p>Passive Relocation –Without One-Way Doors</p> <p>Two natural or artificial burrows should be provided for each burrow in the project area that will be rendered biologically unsuitable. The project area should be monitored daily until the owls have relocated to the new burrows. The formerly occupied burrows may then be excavated. Whenever possible, burrows should be excavated using hand tools and refilled to prevent reoccupation. Sections of flexible plastic pipe should be inserted into burrows during excavation to maintain an escape route for any animals inside the burrow.</p> <p><u>Swainson's hawk</u></p> <ol style="list-style-type: none"> 1. If construction begins outside of the March 1 through September 15 breeding season, there will be no need to conduct a preconstruction survey for active nests. 2. If construction is scheduled to commence during the 					

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<p>Swainson's hawk breeding season, a preconstruction survey shall be conducted by a qualified biologist to determine if Swainson's hawks are nesting within 0.25 miles of the study area. The preconstruction survey shall be conducted not more than two weeks prior to construction. If no active nests are found, no mitigation would be necessary. If active nests are found, the following mitigation measures shall be followed:</p> <p>a) No intensive new disturbances (e.g., heavy equipment operation associated with construction, use of cranes or draglines, new rock crushing activities) or other project related activities which may cause nest abandonment or forced fledging, should be initiated within ¼ mile (buffer zone) of an active nest between March 1 through September 15 or until August 15 if a Management Authorization or Biological Opinion is obtained for the project. Nest trees should not be removed unless there is no feasible way of avoiding it. If a nest tree must be removed, a Management Authorization (including conditions to off-set the loss of nest tree) must be obtained with the tree removal period specified in the Management Authorization, generally between October 1 through February 1. If construction or other project related activities which may cause nest abandonment or forced fledging are necessary within the buffer zone, monitoring of the nest site (funded by the project sponsor) by a qualified biologist (to determine if the nest is abandoned) should be required. If it is abandoned and if the nestlings are still alive, the project sponsor shall fund the recovery and hacking (controlled release of captive</p>					

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<p>reared young) of the nesting(s). Routine disturbances such as agricultural activities, commuter traffic, and routine facility maintenance activities within ¼ mile of an active nest should not be prohibited.</p> <p>b) Hacking as a substitute for avoidance of impacts during the nesting period may be used in unusual circumstances after review and approval of a hacking plan by the Department of Fish and Game. Proponents who propose using hacking will be required to fund the full costs of the effort, including any telemetry work specified by the Department.</p> <p><i>Swainson's hawk foraging habitat (March 10, 2004 - The following mitigation measures will be added to the existing one:</i></p> <p><i>Projects within one mile of an active nest tree shall provide:</i></p> <ul style="list-style-type: none"> • <i>One acre of Habitat Management (HM) land (at least 10% of the HM land requirements shall be met by fee title acquisition or a conservation easement allowing for the active management of the habitat, with the remaining 90% of the HM lands protected by a conservation easement that is acceptable to the Department) on agricultural lands or other suitable habitats which provide foraging habitat for Swainson's hawk, for each acre of development authorized (1:1 ratio); or</i> • <i>One-half acre of HM land (all of the HM land</i> 					

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<p><i>requirements shall be met by fee title acquisition or a conservation easement that is acceptable to the Department) which allows for the active management of the habitat for prey production on the HM lands, for each acre of development authorized (0.5:1 ratio).</i></p> <p><i>Projects within 5 miles of an active nest tree but greater than one mile from the nest tree:</i></p> <ul style="list-style-type: none"> <i>0.75 acres of HM land for each acre of urban development authorized (0.75:1 ratio) shall be provided. All HM lands protected under this requirement may be protected through fee title acquisition or conservation easement (acceptable to the Department) on agricultural lands or other suitable habitats which provide foraging habitat for Swainson's hawk.</i> <p><i>Projects within 10 miles of an active nest tree but greater than 5 miles from an active nest tree:</i></p> <ul style="list-style-type: none"> <i>0.5 acres of HM land for each acre of urban development authorized (0.5:1 ratio) shall be provided. All HM lands protected under this requirement may be protected through fee title acquisition or conservation easement (acceptable to the Department) on agricultural lands or other suitable habitats which provide foraging habitat for Swainson's hawk.</i> <p align="center">OR</p> <p><i>The Applicant shall satisfy any other mitigation measures that the</i></p>					

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<p><i>Department of Fish and Game develops and deems appropriate.</i></p> <p align="center">OR)</p> <p>1. The Developer shall pay into a fee program established jointly by the City of Sacramento and the Department of Fish and Game.</p> <p><u>White-tailed kite and other raptors</u></p> <p>1. If construction begins outside the February 1 through August 31 breeding season, there would be no need to conduct a preconstruction survey for active nests.</p> <p>2. If construction is scheduled to commence during the breeding season, a preconstruction survey shall be conducted by a qualified biologist to determine if white-tailed kites and/or other birds of prey are nesting within 250 feet of the project area. A preconstruction survey shall be conducted not more than two weeks prior to construction. If no active nests are found, no mitigation will be necessary. If active nests are found within 250 feet of the project area, the Department of Fish and Game (DFG) shall be notified and no project related activities that would result in nest abandonment (e.g., noise generated from the operation of heavy equipment) would be conducted during the breeding season without DFG approval.</p> <p>3. During construction, a qualified biologist shall monitor raptor nests weekly to evaluate potential nesting disturbance caused by construction activities. The biological monitor will have the authority to stop construction if the nesting raptors appear to be adversely</p>					

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affected.					
10. Noise: 1. An eight-foot tall sound wall that will run along Lots 30 through 36 shall be constructed behind the landscape area (Lot A). This wall shall wrap around Lot 30 along Brookfield Drive and around Lot 36 along Sunmeadow Drive (please see Attachment E for more information).	Applicant	City Planning & Building Department	Submittal of construction plans with the mitigation measure identified.	Mitigation measure shall be completed prior to approval of plans and issuance of a building permit.	
11. Cultural Resources: 1. If subsurface archaeological or historical remains are discovered during construction, work in the area shall stop immediately and a qualified archaeologist and a representative of the Native American Heritage Commission shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less than significant level before construction	Applicant	City Planning & Building Department	Note 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>continues.</p> <p>2. If human burials are encountered, all work in the area shall stop immediately and the Sacramento County Coroner's office shall be notified immediately. If the remains are determined to be Native American in origin, both the Native American Heritage Commission and any identified descendants must be notified and recommendations for treatment solicited (CEQA Section 15064.5); Health and Safety Code Section 7050.5; Public Resources Code Section 5097.94 and 5097.98.</p>					

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