

# EMERSON PROPERTY PROJECT

## FINAL ENVIRONMENTAL IMPACT REPORT

SCH# 2007052073

PREPARED FOR  
THE CITY OF OAKLEY



AUGUST 2010



FINAL  
ENVIRONMENTAL IMPACT REPORT  
EMERSON PROPERTY PROJECT

State Clearinghouse # 2007052073

**Lead Agency:**

City of Oakley  
3231 Main Street  
Oakley, CA 94561

Contact:  
Ken Strelo  
Senior Planner  
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**Prepared By:**

Raney Planning and Management, Inc.  
1501 Sports Drive,  
Sacramento, CA 95834  
(916) 372-6100

Contact:  
Cindy Gnos, AICP  
Vice President

Rod Stinson  
Assistant Division Manager

August 2010

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## 1. INTRODUCTION AND LIST OF COMMENTERS

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# 1. INTRODUCTION AND LIST OF COMMENTERS

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## INTRODUCTION

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This Final Environmental Impact Report (FEIR) contains public and agency comments received during the public review period of the Emerson Property Project Partially Recirculated Draft Environmental Impact Report (PRDEIR). This document has been prepared by the City of Oakley in accordance with the California Environmental Quality Act (CEQA).

## BACKGROUND

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A Notice of Preparation (NOP) for the Draft EIR was released May 23, 2007 for a 30-day review period. In addition, a public scoping meeting was held on June 6, 2007. The comments received from the NOP were addressed in the Emerson Property Draft EIR. The Emerson Property Draft EIR is an informational document intended to disclose the environmental consequences of approving and implementing the Emerson Property project. The Emerson Property Draft EIR was released for public review from November 19, 2008 to January 5, 2009 and extended to February 4, 2009. Based on comments received during the Draft EIR public review period, Chapter 4.3, Transportation and Circulation, Chapter 4.4, Air Quality, Chapter 4.6, Hazards, and Chapter 5, Alternatives Analysis, were recirculated. All written comments received during the 45-day public review period were addressed in the PRDEIR. The Emerson Property PRDEIR was released for public review from April 30, 2010 to June 18, 2010. All written comments received during the public review period are addressed in this FEIR.

## SUMMARY OF TEXT CHANGES

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Chapter 2, Revisions to the PRDEIR Text, identifies all changes to the PRDEIR. These changes are in response to comments on the PRDEIR received during the public review period.

## RESPONSES TO COMMENTS

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Responses to comments received on the PRDEIR during the public review period are presented in Chapter 3, Comments and Responses. Comments were received during the public comment period solely from written correspondence. Each comment letter received has been numbered at the top and then bracketed to indicate how the letter has been divided into individual comments. Each comment is given a number with the letter number appearing first, followed by the comment number. For example, the first comment in Letter 1 would have the following format: 1-1. In Chapter 3 of the FEIR, the bracketed comment letters precede responses to the comments found in the letters. Please note that comments received on the original Draft EIR are included and responded to in Chapter 2.3 of the PRDEIR.

**LIST OF COMMENTERS**

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The following is a list of comment letters received identifying the letter number, agency or person submitting the letter, and the page number on which the letter appears.

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## 2. REVISIONS TO THE PRDEIR TEXT

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## 2. REVISIONS TO THE PRDEIR TEXT

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### INTRODUCTION

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This chapter presents all of the revisions made to the PRDEIR in response to comments received. New text is double underlined and deleted text is struck through. Text changes are presented in the page order in which they appear in the PRDEIR. It should be noted that none of the following text revisions change the conclusions of the Draft EIR or the recirculated chapters in the PRDEIR.

### TEXT CHANGES

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**NOTE:** New text is double underlined; deleted text is ~~struck through~~.

#### 2.2 REVISIONS TO THE DRAFT EIR TEXT

For clarification purposes, Chapter 2.2, Revisions to the Draft EIR Text, fifth sentence on page 2.2-7 of the PRDEIR, which refers to first paragraph under Impact Statement 4.10-1 on page 4.10-23 of the Draft EIR, is revised as follows:

However, ~~CCCFCWCD~~CCWD is currently pursuing plans to underground all or part of the Contra Costa Canal in the vicinity of the project. The District has indicated that the material in the levee may be needed as part of the project.

The above text change is for clarification purposes only and does not alter any of the conclusions contained within the PRDEIR.

#### 2.3 COMMENTS AND RESPONSES

For clarification purposes, Chapter 2.3, Comments and Responses, page 2.3-17 of the PRDEIR, which refers to first paragraph under Impact Statement 4.10-1 on page 4.10-23 of the Draft EIR, is revised as follows:

However, ~~CCCFCWCD~~CCWD is currently pursuing plans to underground all or part of the Contra Costa Canal in the vicinity of the project. The District has indicated that the material in the levee may be needed as part of the project.

The above text change is for clarification purposes only and does not alter any of the conclusions contained within the PRDEIR.

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### 3. COMMENTS AND RESPONSES

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### 3. COMMENTS AND RESPONSES

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This chapter responds to each of the seven comment letters on the PRDEIR received during the public comment period. Each bracketed comment letter is followed by numbered responses to each bracketed comment. If revisions to the PRDEIR text are required, added text is double underlined and removed text is ~~struck through~~.

Letter 1

STATE OF CALIFORNIA – NATURAL RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET  
SACRAMENTO, CA 95814-5512  
www.energy.ca.gov



May 13, 2010

CITY OF OAKLEY  
Community Development Dept

MAY 19 2010

PLANNING DIVISION  
RECEIVED

Ken Strelo, Senior Planner  
City of Oakley  
3231 Main Street  
Oakley, CA 94561

Dear Mr. Strelo:

1-1

The California Energy Commission has received the City of Oakley's Partially Recirculated Draft EIR titled Emerson Property Project, SCH 2007052073 that was submitted on 4/30/2010 for comments due by 6/14/2010. After careful review, the Energy Commission has found the following:

1-2

We would like to assist in reducing the energy usage involved in your project. Please refer to the enclosed Appendix F of the California Environmental Quality Act for how to achieve energy conservation.

In addition, the Energy Commission's *Energy Aware Planning Guide* is also available as a tool to assist in your land use planning. For further information on how to utilize this guide, please visit [www.energy.ca.gov/energy\\_aware\\_guide/index.html](http://www.energy.ca.gov/energy_aware_guide/index.html).

1-3

Thank you for providing us the opportunity to review/comment on your project. We hope that our comments will be helpful in your environmental review process.

If you have any further questions, please call Gigi Tien at (916) 651-0566.

Sincerely,

BILL PFANNER  
Supervisor, Local Energy & Land Use Assistance Unit  
Special Projects Office  
Fuels and Transportation Division  
California Energy Commission  
1516 Ninth Street, MS 23  
Sacramento, CA 95814

Enclosure

Appendix F  
ENERGY CONSERVATION

Letter 1  
Cont'd

I. Introduction

The goal of conserving energy implies the wise and efficient use of energy. The means of achieving this goal include:

- (1) decreasing overall per capita energy consumption,
- (2) decreasing reliance on natural gas and oil, and
- (3) increasing reliance on renewable energy sources.

In order to assure that energy implications are considered in project decisions, the California Environmental Quality Act requires that EIRs include a discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful and unnecessary consumption of energy.

Energy conservation implies that a project's cost effectiveness be reviewed not only in dollars, but also in terms of energy requirements. For many projects, lifetime costs may be determined more by energy efficiency than by initial dollar costs.

II. EIR Contents

Potentially significant energy implications of a project should be considered in an EIR. The following list of energy impact possibilities and potential conservation measures is designed to assist in the preparation of an EIR. In many instances, specific items may not apply or additional items may be needed.

A. Project Description may include the following items:

1. Energy consuming equipment and processes which will be used during construction, operation, and/or removal of the project. If appropriate, this discussion should consider the energy intensiveness of materials and equipment required for the project.
2. Total energy requirements of the project by fuel type and end use.
3. Energy conservation equipment and design features.
4. Initial and life-cycle energy costs or supplies.
5. Total estimated daily trips to be generated by the project and the additional energy consumed per trip by mode.

B. Environmental Setting may include existing energy supplies and energy use patterns in the region and locality.

C. Environmental Impacts may include:

1. The project's energy requirements and its energy use efficiencies by amount and fuel type for each stage of the project's life cycle including construction, opera-

tion, maintenance and/or removal. If appropriate, the energy intensiveness of materials may be discussed.

2. The effects of the project on local and regional energy supplies and on requirements for additional capacity.
3. The effects of the project on peak and base period demands for electricity and other forms of energy.
4. The degree to which the project complies with existing energy standards.
5. The effects of the project on energy resources.
6. The project's projected transportation energy use requirements and its overall use of efficient transportation alternatives.

D. Mitigation Measures may include:

1. Potential measures to reduce wasteful, inefficient and unnecessary consumption of energy during construction, operation, maintenance and/or removal. The discussion should explain why certain measures were incorporated in the project and why other measures were dismissed.
2. The potential of siting, orientation, and design to minimize energy consumption, including transportation energy.
3. The potential for reducing peak energy demand.
4. Alternate fuels (particularly renewable ones) or energy systems.
5. Energy conservation which could result from recycling efforts.

E. Alternatives should be compared in terms of overall energy consumption and in terms of reducing wasteful, inefficient and unnecessary consumption of energy.

F. Unavoidable Adverse Effects may include wasteful, inefficient and unnecessary consumption of energy during the project construction, operation, maintenance and/or removal that cannot be feasibly mitigated.

G. Irreversible Commitment of Resources may include a discussion of how the project preempts future energy development or future energy conservation.

H. Short-Term Gains versus Long-Term Impacts can be compared by calculating the energy costs over the lifetime of the project.

I. Growth Inducing Effects may include the estimated energy consumption of growth induced by the project.

**LETTER 1: BILL PFANNER, CALIFORNIA ENERGY COMMISSION**

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**Response to Comment 1-1**

The comment is an introductory statement and does not address the adequacy of the PRDEIR.

**Response to Comment 1-2**

The comment expresses interest in assisting to reduce the energy use of the project and in land use planning. The comment does not address specifics related to the adequacy of the PRDEIR. However, it should be noted that the energy efficiency requirements of the project are discussed on page 4.4-29 of the PRDEIR and additional energy efficiency measures are required in Mitigation Measure 4.4-5.

**Response to Comment 1-3**

The comment is a conclusory statement and does not address the adequacy of the PRDEIR.

**DEPARTMENT OF TRANSPORTATION**

111 GRAND AVENUE  
P. O. BOX 23660  
OAKLAND, CA 94623-0660  
PHONE (510) 622-5491  
FAX (510) 286-5559  
TTY 711

**Letter 2**



*Flex your power!  
Be energy efficient!*

June 16, 2010

CITY OF OAKLEY  
Community Development Dept

CC004973  
CC-4-R34.92  
SCH# 2007052073

JUN 16 2010

PLANNING DIVISION  
RECEIVED

Mr. Ken Strelow  
City of Oakley  
3231 Main Street  
Oakley, CA 94561

Dear Mr. Strelow:

**Emerson Property Project – Partially Recirculated Draft Environmental Impact Report (DEIR)**

2-1

Thank you for continuing to include the California Department of Transportation (Department) in the environmental review process for the Emerson Property Project. The following comments are based on the Partially Recirculated DEIR. As the lead agency, the City of Oakley is responsible for all project mitigation, including any needed improvements to state highways. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures. Required roadway improvements should be completed prior to issuance of the Certificate of Occupancy. Since an encroachment permit is required for work in the State right of way (ROW), and the Department will not issue a permit until our concerns are adequately addressed, we strongly recommend that the City of Oakley work with both the applicant and the Department to ensure that our concerns are resolved during the California Environmental Quality Act (CEQA) process, and in any case prior to submittal of a permit application. Further comments will be provided during the encroachment permit process.

2-2

**Highway Operations**

The Department is aware that local roads will be used to detour traffic in place of the connector ramps of State Route (SR) 4/SR-160 until the connector ramps are built. Laurel Road and Empire Avenue are being considered for the detour. On page 4.3-58 and 4.3-59, Figure 4.3-11, the analysis does not consider the impact of the extra traffic on the Intersections of #21 (Laurel Road at Empire Avenue), #3 (Main Street (SR-4) at Empire Avenue), #1 (Main Street (SR-4) at the southbound SR-160 Ramps), and #2 (Main Street (SR-4) at the northbound SR-160 Ramp). The intersection of Laurel Road at Empire Avenue is already at level of service E in the PM for Cumulative Plus Project in Table 4.3-10 on page 4.3-63. Unfortunately, the proposed mitigation measure 4.3-10 on page 7 does not ensure the timely construction of the necessary

*"Caltrans improves mobility across California"*

Mr. Ken Strelow  
City of Oakley  
June 16, 2010  
Page 2

**Letter 2  
Cont'd**

2-2  
Cont'd

↑  
improvements. Intersections #21, #3, #1, and #2 should be reanalyzed with consideration of the traffic impact from the Bypass detour and with the proposed mitigation measures.

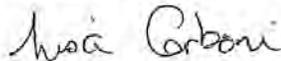
2-3

Please identify the funding and the timing of the proposed mitigation measures.

2-4

Please feel free to call or email Luis Melendez of my staff at (510) 286-5606 or [Luis\\_Melendez@dot.ca.gov](mailto:Luis_Melendez@dot.ca.gov) with any questions regarding this letter.

Sincerely,



LISA CARBONI  
District Branch Chief  
Local Development – Intergovernmental Review

c: State Clearinghouse

*"Caltrans improves mobility across California"*

**LETTER 2: LISA CARBONI, CALIFORNIA DEPARTMENT OF TRANSPORTATION**

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**Response to Comment 2-1**

This comment is an introductory paragraph, which indicates that the lead agency is responsible for all project mitigation and states that the project's fair share contribution, financing, scheduling, implementation responsibilities, and lead agency monitoring should be discussed for all proposed mitigation measures. The comment also discusses the timing for required roadway improvements. The PRDEIR in conjunction with the MMP in the Final EIR (Please refer to Chapter 4 of this Final EIR), discuss the timing for implementation and monitoring of the mitigation measures.

**Response to Comment 2-2**

The commenter is concerned that the traffic study did not take into account detour traffic until SR 4 and SR 160 connector ramps are constructed. The traffic analysis prepared for the EIR was based on traffic counts taken well after the SR 4 Bypass opened and the counts did not include the proposed westbound SR 4 to eastbound SR 160 connector ramps. Because the SR 4 Bypass primarily serves traffic from suburban and semi-rural areas (as opposed to regional traffic) the majority of motorists who currently travel from westbound SR 4 to eastbound SR 160 are likely familiar with the area and have already chosen a route to use when they approach SR 160. If Oakley and Caltrans together decide to install signage that specifies a detour route, the route choice for a relatively small portion of the motorists who travel from the westbound SR 4 Bypass to SR 160 would be affected. The majority of motorists who currently travel to eastbound SR 160 have already been accounted for as part of the recent traffic counts, and the traffic consultant concluded that the remaining motorists headed for SR 160 who might alter their routes due to the signage alone would not have a significant effect on any of the LOS calculations (or the associated conclusions about mitigations contained in the EIR).

In addition, the City of Oakley has confirmed that any planned improvements/mitigations at the intersections mentioned in the comment would certainly be expedited if an agreement were reached to specify an interim detour route. Although the City's current list of planned traffic improvements is not fully funded the City is always adjusting the timing for implementation of roadway projects based on development patterns and the actual need for various improvements. If installation of signage specifying a detour route for the connector ramps were to generate unanticipated traffic congestion, then the assumption can be made that the currently planned improvements along the route would be implemented in a timely manner. In addition, the assumption can be made that any planned improvements would be expedited if they become necessary because the City's policy is to prioritize funding for traffic improvements based on where they are most needed.

**Response to Comment 2-3**

Pages 4.3-33 and 4.3-34 of Chapter 4.3, Transportation and Circulation, of the PRDEIR explain the roadway improvement funding and timing assumptions. The assumptions were used as a basis for determining whether a payment of fair share through the City's Transportation Impact

Fee Program was adequate to mitigate the impact. Each mitigation measure notes the timing for the payment of the fee.

**Response to Comment 2-4**

The comment is a conclusory statement and does not address the adequacy of the PRDEIR.



ARNOLD SCHWARZENEGGER  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE of PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT  
DIRECTOR

June 16, 2010

Letter 3

CITY OF OAKLEY  
Community Development Dept

Ken Strelo  
City of Oakley  
3231 Main Street  
Oakley, CA 94561

JUN 17 2010  
PLANNING DIVISION  
RECEIVED

Subject: Emerson Property Project  
SCH#: 2007052073

Dear Ken Strelo:

3-1

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on June 14, 2010, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan  
Acting Director, State Clearinghouse

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044  
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

**Document Details Report  
State Clearinghouse Data Base**

**Letter 3  
Cont'd**

**SCH#** 2007052073  
**Project Title** Emerson Property Project  
**Lead Agency** Oakley, City of

**Type** EIR Draft EIR  
**Description** Notes: Recirculated EIR  
The proposed 140 acre Emerson Property project includes the development of up to 578 residential units and 278,046 sf of commercial uses, and would include trails, a park, levees, a stormwater detention pond, and the infrastructure improvements necessary to accommodate the new development located in the City of Oakley, Contra Costa County, California.

**Lead Agency Contact**

**Name** Ken Strelo  
**Agency** City of Oakley  
**Phone** (925) 625-7000 **Fax**  
**email**  
**Address** 3231 Main Street  
**City** Oakley **State** CA **Zip** 94561

**Project Location**

**County** Contra Costa  
**City** Oakley  
**Region**  
**Lat / Long**  
**Cross Streets** E. Cypress Road/Sellers Avenue  
**Parcel No.** 037-192-015 and -023  
**Township** 2N **Range** 3E **Section** 30 **Base** MDBM

**Proximity to:**

**Highways** 4  
**Airports**  
**Railways** Atchison Topeka & Santa Fe  
**Waterways** Dutch Slough, Emerson Slough, Marsh Creek, Contra Costa Canal  
**Schools** Delta Vista Middle, Gehringer, O'Hanra Park, Oakley, Knightsen Elem  
**Land Use** The current land use: Rural Residential and Active Agricultural  
Oakley 2020 GP: Single-Family High, Single Family Medium, Commercial, and Multi-Family High.  
current zoning: Heavy Agriculture(A-3)

**Project Issues** Air Quality; Forest Land/Fire Hazard; Toxic/Hazardous; Traffic/Circulation; Cumulative Effects

**Reviewing Agencies** Resources Agency; Department of Fish and Game, Region 3; Delta Protection Commission; Cal Fire; Department of Parks and Recreation; Department of Water Resources; Caltrans, District 4; Regional Water Quality Control Bd., Region 5 (Sacramento); Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission

**Date Received** 04/30/2010 **Start of Review** 04/30/2010 **End of Review** 06/14/2010

Note: Blanks in data fields result from insufficient information provided by lead agency.

**LETTER 3: SCOTT MORGAN, GOVERNOR'S OFFICE OF PLANNING AND RESEARCH,  
STATE CLEARINGHOUSE**

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**Response to Comment 3-1**

The comment notes compliance with the State Clearinghouse review requirements pursuant to CEQA and does not address the adequacy of the PRDEIR.

STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298

Letter 4



June 10, 2010

Ken Strelo  
Senior Planner  
City of Oakley  
3231 Main Street  
Oakley, CA 94561

CITY OF OAKLEY  
Community Development Dept

Re: Notice of Completion-Partially Recirculated Draft EIR  
Emerson Property Project  
SCH # 2007052073

JUN 10 2010  
PLANNING DIVISION  
RECEIVED

Dear Mr. Strelo:

4-1

As the state agency responsible for rail safety within California, the California Public Utilities Commission (CPUC or Commission) recommends that development projects proposed near rail corridors be planned with the safety of these corridors in mind. New developments and improvements to existing facilities may increase vehicular traffic volumes, not only on streets and at intersections, but also at at-grade highway-rail crossings. In addition, projects may increase pedestrian traffic at crossings, and elsewhere along rail corridor rights-of-way. Working with CPUC staff early in project planning will help project proponents, agency staff, and other reviewers to identify potential project impacts and appropriate mitigation measures, and thereby improve the safety of motorists, pedestrians, railroad personnel, and railroad passengers.

According to the SCH project description: The proposed 140-acre Emerson Property project includes the development of up to 578 residential units and 278,046 square feet of commercial uses, and would include trails, a park, levees, a stormwater detention pond and the infrastructure improvements necessary to accommodate the new development.

4-2

The Commission has significant concerns with the recirculated information and minimal changes to the Traffic and Circulation (Chapter 4.3) of the DEIR. Additionally, the only mitigation measure proposed for the Cypress Road railroad crossing is for signs and pavement markings reading "Keep Intersections Clear" (or similar wording) shall be installed at the East Cypress Road intersections with Main Street and Picasso Drive. We further disagree with the statement on page 3, paragraph 2 of the executive summary "however, these impacts were found to be less-than-significant after implementation of mitigation measures identified in this chapter, with the exception of cumulative impacts to the railroad crossing on East Cypress Road, which would remain significant and unavoidable." Additional mitigation is provided below to address safety issues at this crossing.

4-3

A development of this magnitude and regional significance needs to analyze and provide mitigation measures for traffic impacts in accordance with CEQA to nearby at-grade railroad crossings, which were not included in the traffic analysis, with the exception of the Cypress Road crossing and that was minimal according to our expertise on Rail safety.

Ken Strelow  
City of Oakley  
SCH # 2007052073  
June 10, 2010  
Page 2 of 2

**Letter 4  
Cont'd**

4-3  
Cont'd

↑ There are 8 Amtrak trains/day at this location traveling between Oakland and Stockton at 79 mph in addition to BNSF freight. Nearby crossings significantly impacted by this project include:

**Cypress Road Crossing:**

4-4

- This crossing experiences a high amount of queuing onto the tracks in the morning and mid afternoon due to the middle school located just east of the crossing. Queues form from both the Main St/Cypress Road intersections and the Picasso Drive/Cypress Road intersections. The traffic signals at these two intersections are not currently interconnected with the railroad automatic warning devices. The two intersections need to be interconnected with the railroad automatic warning devices to add preemption. Preemption will reduce queuing onto the tracks. An engineering study will determine whether simultaneous or advanced preemption will be required.

4-5

- The City has installed a pedestrian crosswalk approximately 120 feet west of the Cypress Road railroad crossing without discussion with either the CPUC or BNSF. The crosswalk immediately caused additional queuing onto the crossing, leading to an extremely hazardous situation at this crossing. The City has since turned off the crosswalk signals and installed a barricade at the crosswalk. However, the barricade has not been a significant deterrent and pedestrians continue to use the crosswalk. The crosswalk signals must be interconnected with the railroad automatic warning devices in addition to the previously mentioned intersections. In addition, the City needs to consider a queue cutter system to prevent westbound vehicles from entering the crossing should a queue form west of the crossing.

**Laurel Road:**

4-6

- Laurel Road is being considered for extension over the railroad tracks under the Liberty Union High School project, SCH # 2008072044 (City of Brentwood). Coordination with Contra Costa County and the City of Brentwood to construct a grade separation at this location would increase safety at the crossings and improve emergency vehicle access to the project area.

**Sellers Avenue:**

4-7

- The Sellers Avenue rail crossing will be directly affected by this development as it is an alternate travel path to the City of Brentwood. The City of Brentwood is planning to widen Sellers Ave. to four lanes under project SCH # 2008072044. Because both parties impact the crossing, the City of Oakley needs to coordinate with the City of Brentwood, Contra Costa County, BNSF, and the CPUC to properly modify the crossing to meet safety standards

Ken Strelow  
City of Oakley  
SCH # 2007052073  
June 10, 2010  
Page 3 of 3

**Letter 4  
Cont'd**

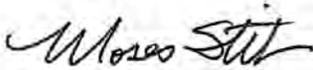
4-8 If the City has included the above at-grade railroad crossings in their transportation mitigation Fee program, please advise the Commission and provide the details of such improvements and construction dates. Otherwise, each individual development project is responsible for mitigating their impacts to these crossings during the entitlement process according to CEQA.

4-9 Please reference Commission General Order 88-B Rules for altering public Highway crossings. Also a safety diagnostic will need to be completed prior to any proposed reconstruction of any at-grade railroad crossing in coordination with the CPUC. Please include this in the mitigation monitoring section of the DEIR as well as any other mitigation measures for the above referenced crossings based on this new and significant information.

4-10 Thank you for your consideration of these comments. Please contact Felix Ko, Utilities Engineer, at (415) 703-3722 or email at [FKO@cpuc.ca.gov](mailto:FKO@cpuc.ca.gov) for questions regarding the crossing modification process with the Commission.

If you have any other questions in this matter, please contact me at (415) 713-0092 or email at [ms2@cpuc.ca.gov](mailto:ms2@cpuc.ca.gov).

Sincerely,



Moses Stites  
Rail Corridor Safety Specialist  
Consumer Protection and Safety Division  
Rail Transit and Crossings Branch  
180 Promenade Circle, Suite 115  
Sacramento, CA 95834-2939

## **LETTER 4: MOSES STITES, PUBLIC UTILITIES COMMISSION**

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### **Response to Comment 4-1**

The comment is an introductory statement about the purpose of the California Public Utilities Commission (CPUC) and reiterates the project description. The comment does not address the adequacy of the PRDEIR.

### **Response to Comment 4-2**

The EIR identified significant and unavoidable project impacts on queuing at the at-grade crossing on East Cypress Road (under both background and cumulative conditions). However, the mitigation that is proposed was intended to address operational issues at the adjacent intersections, which are within the City's jurisdiction. Ongoing discussions and coordination are taking place between the City of Oakley and the PUC regarding potential safety upgrades for the at-grade railroad crossing.<sup>1</sup>

It should be noted that the City of Oakley's General Plan includes a policy to "Enhance safety at railroad grade crossings" and, as a result, any potential safety improvements identified for at-grade rail crossings in the City are added to the City's Traffic Impact Fee program if determined to be appropriate (in coordination with the PUC). For this project, the impacts at the at-grade crossing on East Cypress Road are considered significant and unavoidable because to build a grade separation for the railroad crossing on East Cypress Road is infeasible (due to its close proximity to Marsh Creek) and both the Main Street and Picasso Drive intersections are too close to accommodate the required underpass or overpass improvements with proper grades.

### **Response to Comment 4-3**

Please see Responses to Comments 4-4 through 4-7.

### **Response to Comment 4-4**

The commenter cites specific concerns regarding queuing from adjacent intersections that backs up across the at-grade rail crossing on Cypress Road. The City acknowledges that the commenter states that queues do sometimes extend across the tracks at this location. However, the specific queuing problems referred to in this comment were not observed and were not identified in the queuing analysis that was performed for the project, as described in impact discussion 4.3-5 on page 4.3-48 of the PRDEIR.

As mentioned in Response to Comment 4-2, ongoing discussions and coordination are taking place between the City of Oakley and the PUC regarding potential safety upgrades for this crossing.<sup>2</sup> In addition, any potential safety improvements identified for at-grade rail crossings in the City are typically added to the City's Traffic Impact Fee program if they are determined to be

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<sup>1</sup> Jason Vogan, Oakley City Engineer, June 24, 2010.

<sup>2</sup> Ibid.

appropriate. However, because the impacts at railroad crossings are temporary and often random in nature, the use of local transportation funds to implement major railroad crossing improvements is not an issue that can be resolved as part of this environmental review. The City must carefully balance the need to address potential railroad crossing safety issues against the need for other transportation projects that provide more substantial safety benefits on a permanent, full-time basis.

The queuing analysis used in the PRDEIR was based on the required LOS methodology which analyzes the highest peak hours of traffic. While the required queuing calculations are based on the traffic operations over a one-hour period, the possibility exists for heavier congestion to occur for shorter periods before and after school. However, queues extending across the at-grade crossing were not observed during any of the traffic counts or the railroad crossing surveys conducted for the Draft EIR or PRDEIR. The PRDEIR traffic analysis revealed that implementation of the proposed project would not be expected to result in queuing across the tracks under either the background or cumulative scenarios. In general, the analysis indicated that even with the addition of traffic from the proposed project the probability of queues extending back across the tracks on a regular basis would remain low.

The California Manual of Uniform Traffic Control Devices (MUTCD) indicates that a *Do Not Stop on Tracks* sign should be used “[...] whenever engineering judgment determines that the potential for vehicles stopping on the tracks is high.”<sup>3</sup> In this case, the railroad crossing surveys, the traffic counts, and the LOS/queuing analysis did not produce any evidence that the potential for vehicles stopping on the tracks was high. The traffic consultant concluded that evidence does not exist that the proposed project would require interconnection between the adjacent traffic signals and the crossing’s automatic warning devices as project mitigation. However, based on the comments from the PUC staff, the City will coordinate with the PUC to complete a safety diagnostic and determine whether or not simultaneous or advanced traffic signal preemption would be appropriate for this at-grade crossing.

#### **Response to Comment 4-5**

The crossing and trail referenced by the Commenter is a recreation trail. As opposed to a ‘commuter’ trail, the recreation trail does not experience a steady stream of pedestrian traffic. The existing pedestrian traffic utilizing the trail results in intermittent crossings and potential subsequent queuing (depending on the time of day and traffic load). Therefore, the City has determined that the intermittent use of the crossing does not result in a significant CEQA impact. The City does not have any immediate plans to reactivate the pedestrian crossing signal and interconnect it with the railroad automatic warning devices or include a queue cutter system that the comment references. The City recognizes that close coordination with the PUC will be required to address the issues that the commenter has raised before the crossing could be reactivated and any improvements mentioned implemented. The pedestrian crossing will be part of the ongoing discussions and coordination taking place between the City of Oakley and the PUC regarding potential safety upgrades for the East Cypress Road crossing.

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<sup>3</sup> *California MUTCD 2010*, Caltrans, Sacramento, CA, January, 21, 2010.

#### **Response to Comment 4-6**

Comment noted. The City does not consider this topic to raise a potential significant impact requiring review or mitigation in this EIR, either on a project or cumulative basis. This comment does not support questioning adequacy of the EIR, and no further discussion is required. It should be noted that the crossing is shown in City of Oakley's General Plan and is in the City's traffic mitigation fee program as a grade-separated crossing. However, because the crossing is located entirely within the City of Oakley, coordination with Brentwood and the County is not necessary. In addition, the City will continue to coordinate with the PUC on all railroad crossing improvements constructed within the City.

#### **Response to Comment 4-7**

Comment noted. The City does not consider this topic to raise a potential significant impact requiring review or mitigation in this EIR, either on a project or cumulative basis. This comment does not support questioning adequacy of the EIR, and no further discussion is required. The City Engineer has been coordinating with the PUC to identify and implement safety improvements at the Sellers Avenue crossing as part of the proposed roadway widening and the planning for the high school that is proposed to be located near the Sellers Avenue crossing. This comment will be forwarded to the decision-makers and the City Engineer for their consideration.

#### **Response to Comment 4-8**

The City transportation mitigation fee program does not include any additional improvements to the Cypress Road crossing. However, the fee program does include additional improvements to the crossings at Sellers Avenue and Laurel Road. The Sellers Avenue at-grade crossing would be improved to current standards and the Laurel Road crossing would be improved as a grade-separated crossing. The timing of these improvements is not known at this time; however as noted above, the City will continue to coordinate with the PUC on all railroad crossing improvements. Please refer to Responses to Comments 4-2 through 4-7 for discussion on the project's impacts and mitigation related to the at-grade rail crossings. In addition, this comment will be forwarded to the decision-makers and the City Engineer for their consideration.

#### **Response to Comment 4-9**

The proposed project would not include any reconstruction of an at-grade railroad crossing. Mitigation Measure 4.3-5, which addresses the project's potential impacts to the railroad crossing on East Cypress Road and is included in the MMP for the project, does not require reconstruction. For further discussion regarding potential safety issues associated with the at-grade rail crossing on Cypress Road, please see Responses to Comments 4-2 and 4-4.

#### **Response to Comment 4-10**

The comment is a conclusory statement and does not address the adequacy of the PRDEIR.

**Kenneth Strelo**

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**From:** Jorge Hernandez [jhem@pw.cccounty.us]  
**Sent:** Thursday, June 17, 2010 6:45 PM  
**To:** Kenneth Strelo  
**Cc:** Teri Rie  
**Subject:** Emerson Property Partially Recirculated DEIR & Responses to Comments

**Letter 5**

Mr. Strelo,

5-1

We have reviewed the City of Oakley's Emerson Property Project Partially Recirculated DEIR & Responses to Comments, which we received on May 3, 2010. We wish to bring to your attention that on pages 2.2-7 and again on 2.3-17 the Recirculated DEIR identifies the CCCFCWCD as the agency pursuing plans to underground the Contra Costa Canal. However, as we are sure you are aware, the agency responsible for and pursuing plans to underground the Contra Costa Canal is the Contra Costa Water District (CCWD).

5-2

We appreciate the opportunity to review plans involving drainage matters and welcome continued coordination. If you have any questions please contact me via e-mail at [jhem@pw.cccounty.us](mailto:jhem@pw.cccounty.us) or phone at (925) 313-2304; alternatively, you can reach Teri Rie at [trie@pw.cccounty.us](mailto:trie@pw.cccounty.us) or (925) 313-2363.

Truly yours,

Jorge Hernandez  
Staff Engineer



**Contra Costa County**  
**Flood Control**  
& Water Conservation District

255 Glacier Drive  
Martinez, CA 94553-4897  
Phone: (925) 313-2304  
Fax: (925) 229-7955  
**A Division of the Public Works Department**

**LETTER 5: JORGE HERNANDEZ, CONTRA COSTA COUNTY FLOOD CONTROL AND  
WATER CONSERVATION DISTRICT**

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**Response to Comment 5-1**

For clarification purposes, Chapter 2.2, Revisions to the Draft EIR Text, fifth sentence on page 2.2-7 of the PRDEIR, which refers to first paragraph under Impact Statement 4.10-1 on page 4.10-23 of the Draft EIR, is revised as follows:

However, ~~CCCCWCD~~ CCWD is currently pursuing plans to underground all or part of the Contra Costa Canal in the vicinity of the project. The District has indicated that the material in the levee may be needed as part of the project.

The above text change is for clarification purposes only and does not alter any of the conclusions contained within the PRDEIR.

For clarification purposes, Chapter 2.3, Comments and Responses, page 2.3-17 of the PRDEIR, which refers to first paragraph under Impact Statement 4.10-1 on page 4.10-23 of the Draft EIR, is revised as follows:

However, ~~CCCCWCD~~ CCWD is currently pursuing plans to underground all or part of the Contra Costa Canal in the vicinity of the project. The District has indicated that the material in the levee may be needed as part of the project.

The above text change is for clarification purposes only and does not alter any of the conclusions contained within the PRDEIR.

**Response to Comment 5-2**

The comment is a conclusory statement and does not address the adequacy of the PRDEIR.

WILLIAM B. WALKER, M.D.  
HEALTH SERVICES DIRECTOR  
SHERMAN L. QUINLAN, REHS, MPH  
ENVIRONMENTAL HEALTH DIRECTOR



CONTRA COSTA  
ENVIRONMENTAL HEALTH

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www.cocoeh.org

May 11, 2010

Letter 6

CITY OF OAKLEY  
Community Development Dept

MAY 12 2010

PLANNING DIVISION  
RECEIVED

Ken Strelo, Senior Planner  
City of Oakley  
3231 Main St.  
Oakley, CA 94561

**RE: Emerson Property (Proposed Housing and Commercial Development)  
Cypress Rd. and Sellers Ave., Oakley  
SCH#2007052073**

Dear Mr. Strelo:

6-1 The Contra Costa Environmental Health Division (CCEHD) has received a request for agency comments for the above referenced project. The following are our comments based on the assumption that the development will be served by public sewer and water:

6-2 1. A permit from CCEHD is required for any well or soil boring prior to commencing drilling activities, including those associated with environmental investigation and cleanup, and geotechnical investigation.

6-3 2. Any abandoned wells (water, environmental, or geotechnical) and septic tanks must be destroyed under permit from CCEHD. If the existence of such wells or septic tanks are known in advance or discovered during construction or other activities, these should be clearly marked, kept secure, and destroyed pursuant to CCEHD requirements.

6-4 3. New retail food facilities or public swimming pool/spa facilities could result from this project. Food facilities include restaurants, stores, bars, cafeterias, snack bars, kiosks at transit sites, and any business or operation that sells or gives food away to the public (including employees or students). Public swimming pools/spas include those found at health clubs, municipals pools, apartments, condominiums, and swim clubs; these facilities also include water parks, spray parks, and interactive water features.  
  
Plans must be submitted to CCEHD and approved prior to the issuance of building permits for such facilities. Prior to the submission of plans, CCEHD staff is available to meet with prospective developers/operators to discuss the requirements for these facilities and the plan review process.

6-5 4. Dumpster areas serving retail food facilities are required to have a drain to the sanitary sewer and provided with a hot/cold water supply. It is recommended that



• Contra Costa Community Substance Abuse Services • Contra Costa Emergency Medical Services • Contra Costa Environmental Health • Contra Costa Health Plan •  
• Contra Costa Hazardous Materials Programs • Contra Costa Mental Health • Contra Costa Public Health • Contra Costa Regional Medical Center • Contra Costa Health Centers •

**Letter 6  
Cont'd**

**6-5** ↑ developers be informed of this requirement, since it is usually easier to plan for  
**Cont'd** the installation of sewer and water in dumpster areas during initial construction  
rather than install these afterwards.

**6-6** 5. Medical waste generators include hospitals, clinics, doctors' offices, veterinarians,  
and laboratories. These facilities must register with CCEHD and meet the  
requirements of the Medical Waste Management Act.

**6-7** 6. The solid waste generated as a result of this project must be transported to  
approved transfer stations or sanitary landfills. It should be verified that these  
locations are identified and have sufficient capacity for the waste materials.

**6-8** These comments do not limit an applicant's obligation to comply with all applicable laws  
and regulations. If you should have any questions, please feel free to call me at (925)  
692-2535.

Sincerely,



Joseph G. Doser  
Supervising Environmental Health Specialist

cc: Roberto Rodriguez, Supervising Environmental Health Specialist  
Sal Ruiz, Environmental Health Specialist II  
Eric Fung, Environmental Health Specialist II

JGD:ssm

## **LETTER 6: JOSEPH G. DOSER, CONTRA COSTA HEALTH SERVICES**

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### **Response to Comment 6-1**

The comment is an introductory statement and does not address the adequacy of the PRDEIR.

### **Response to Comment 6-2**

The comment states that prior to commencement of drilling activities for any well or soil boring, a permit is required from the Contra Costa Environmental Health Division (CCEHD). All well or soil boring related activities on-site would be required to comply with all local regulations, including obtainment of necessary CCEHD permits. The comment does not specifically address the adequacy of the PRDEIR.

### **Response to Comment 6-3**

As stated on page 4.6-17, Mitigation Measure 4.6-9, Chapter 4.6, Hazards, of the PRDEIR,

In the event re-abandonment is required, prior to issuance of a grading permit, the applicant shall submit proof of abandonment to DOGGR and the City Engineer.

Abandonment of wells on-site would be required to comply with all local regulations, including obtainment of necessary CCEHD permits and destroyed pursuant to CCEHD requirements. The comment does not specifically address the adequacy of the PRDEIR.

### **Response to Comment 6-4**

The proposed project includes retail and commercial uses that could operate food handling services. However, site specific retail and commercial uses are not known currently. Prior to the issuance of buildings permits, the applicant would be required to submit plans for review and approval of the CCEHD. The comment does not specifically address the adequacy of the PRDEIR.

### **Response to Comment 6-5**

See Response to Comment 6-4.

### **Response to Comment 6-6**

The proposed project includes retail and commercial uses that could generate medical waste. However, site specific retail and commercial uses are not known currently. If commercial uses would generate medical wastes, the facilities would be required to register with CCEHD and meet the requirements of the Medical Waste Management Act. The comment does not specifically address the adequacy of the PRDEIR.

**Response to Comment 6-7**

Solid waste disposal was discussed in the Draft EIR on page 4.11-19 of Chapter 4.11, Public Services and Utilities. Impact statement 4.11-2 notes that adequate landfill and recycling capacity exists to serve the project. The comment does not specifically address the adequacy of the PRDEIR.

**Response to Comment 6-8**

The project would be required to comply with all applicable laws and regulations. The comment does not address the adequacy of the PRDEIR.

ADAMS BROADWELL JOSEPH & CARDOZO

DANIEL L. CARDOZO  
THOMAS A. ENSLOW  
TANYA A. GULESSERIAN  
JASON W. HOLDER  
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ELIZABETH KLEBANER  
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FELLOW  
AARON G. EZROJ

OF COUNSEL  
THOMAS R. ADAMS  
ANN BROADWELL  
GLORIA D. SMITH

June 29, 2010

Letter 7

CITY OF OAKLEY  
Community Development Dept

JUN 29 2010

PLANNING DIVISION  
RECEIVED

VIA EMAIL AND U.S. MAIL

Ken Strelow  
Senior Planner  
City of Oakley  
3231 Main Street  
Oakley, CA 94561

Re: Comments on the Partially Recirculated Draft Environmental  
Impact Report for the Emerson Property Project

Dear Mr. Strelow:

We are writing on behalf of the Oakley Coalition for Responsible Development ("Coalition") to provide comments on the April 2010 Recirculated Draft Environmental Impact Report ("RDEIR") prepared for the Emerson Property project ("Project") in the City of Oakley ("City"). We would like to thank the City for its detailed response to our February 4, 2009 comment letter on the November 2008 Project Draft EIR ("DEIR"). We commend the City for evaluating the Project's potential impacts in more detail and providing for additional mitigation measures to address these impacts, where appropriate.

The Oakley Coalition for Responsible Development is comprised of residents of the City of Oakley, including James Fessenden, Patrick Jensen, Hershel Barton, George Seligman, Daniel Gutierrez, Robert Howard and Virgil De La Grange, UA Plumbers and Steamfitters, Local 159, the International Brotherhood of Electrical Workers, Local 302, Sheet Metal Workers, Local 104 and their members and their families and other individuals that live and/or work in the City of Oakley and Contra Costa County. The Coalition represents hundreds of workers and residents of the City of Oakley and the surrounding area that are concerned about the environmental degradation and economic impacts of major development projects in the City and the region.

2038-023d

7-1

Ken Strelow  
City of Oakley  
June 29, 2010  
Page 2

**Letter 7  
Cont'd**

The Coalition actively participated in the City's environmental review process for this Project. When the City released the 2008 DEIR for the Project, the Coalition, with the help of technical experts, submitted extensive comments raising concerns about the DEIR's failure to provide adequate evaluation and mitigation of significant air quality, global warming, traffic, biological resources, hazards and storm water impacts. The City considered the issues we raised and prepared a supplemental RDEIR to evaluate and address these concerns. Specifically, the City added new information and mitigation measures in response to our comments as described below:

**7-1  
Cont'd**

- (1) The RDEIR contains mitigation measures to reduce fugitive dust emissions during construction.
- (2) The RDEIR includes new health risk assessments for potential toxic air contaminant impacts from the proposed gas station and loading docks.
- (3) The RDEIR evaluates and mitigates PM2.5 emissions.
- (4) The RDEIR analyzes and mitigates impacts related to increased toxic air contaminant emissions during Project operations.
- (5) The RDEIR contains additional feasible mitigation measures to reduce Project operational emissions.
- (6) The RDEIR updates its Traffic Impact Analysis to reflect more accurate pass-by trips and more accurate commercial traffic generation rates.
- (7) The RDEIR corrects the baseline against which it analyzes the Project's traffic impacts.
- (8) The RDEIR evaluates and proposes additional mitigation measures for railroad crossing safety.
- (9) The RDEIR provides substantial evidence that the levees around the Project site achieve a 200-year flood protection level.
- (10) The RDEIR analyzes and proposes mitigation measures for the abandoned natural gas test well on-site.
- (11) The RDEIR addresses our concerns over possible pesticide contamination.

2038-023d

Ken Strelow  
City of Oakley  
June 29, 2010  
Page 3

**Letter 7  
Cont'd**

7-1  
Cont'd



- (12) The RDEIR contains additional discussion and analysis with regard to the Project's impacts on global warming.

The Coalition appreciates the willingness of the City of Oakley to take into account public comments and to make appropriate changes based upon these comments. The Project now offers greater protection to the environment and strikes a better balance between the overall costs and benefits for the people who live in the area impacted by the development. The Coalition looks forward to working with the City of Oakley again in the future.

Sincerely,

Daniel L. Cardozo

DLC:cnh

2038-023d

**LETTER 7: DANIEL L. CARDOZO, ADAMS BROADWELL JOSEPH & CARDOZO**

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**Response to Comment 7-1**

The comment explains who they represent and reiterates conclusions within the PRDEIR. The comment acknowledges an adequate response to their comments on the Draft EIR and does not raise further adequacy concerns related to the PRDEIR.

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## 4. MITIGATION MONITORING PLAN

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## 4. MITIGATION MONITORING PLAN

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### INTRODUCTION

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Section 15097 of the California Environmental Quality Act (CEQA) requires all state and local agencies to establish monitoring or reporting programs for projects approved by a public agency whenever approval involves the adoption of either a “mitigated negative declaration” or specified environmental findings related to environmental impact reports.

The following is the Mitigation Monitoring Plan (MMP) for the Emerson Property project. The MMP includes a description of the requirements of CEQA and a compliance checklist. The project as approved includes mitigation measures. The intent of the MMP is to prescribe and enforce a means for properly and successfully implementing the mitigation measures as identified within the Environmental Impact Report for this project. Unless otherwise noted, the cost of implementing the mitigation measures as prescribed by this MMP shall be funded by the applicant.

### COMPLIANCE CHECKLIST

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The MMP contained herein is intended to satisfy the requirements of CEQA as they relate to the Environmental Impact Report for the Emerson Property project prepared by the City of Oakley. This MMP is intended for use by City staff and mitigation monitoring personnel to ensure compliance with mitigation measures during project implementation. Mitigation measures identified in this MMP were developed in the Environmental Impact Report prepared for the proposed project.

The Emerson Property Project Environmental Impact Report (EIR) presents a detailed set of mitigation measures that will be implemented throughout the lifetime of the project. Mitigation is defined by CEQA as a measure that does one or more of the following:

- Avoids the impact altogether by not taking a certain action or parts of an action.
- Minimizes impacts by limiting the degree or magnitude of the action and its implementation.
- Rectifies the impact by repairing, rehabilitating, or restoring the impacted environment.
- Reduces or eliminates the impact over time by preservation and maintenance operations during the life of the project.
- Compensates for the impact by replacing or providing substitute resources or environments.

The intent of the MMP is to ensure the effective implementation and enforcement of adopted mitigation measures and permit conditions. The MMP will provide for monitoring of construction activities, as necessary, and in-the-field identification and resolution of environmental concerns.

Monitoring and documenting the implementation of mitigation measures will be coordinated by the City of Oakley. Table 4-1 identifies the mitigation measure, the monitoring action for the mitigation measure, the responsible party for the monitoring action, and timing of the monitoring action. The applicant will be responsible for fully understanding and effectively implementing the mitigation measures contained within the MMP. The City of Oakley will be responsible for ensuring compliance.

During construction of the project, the City will assign an inspector who will be responsible for field monitoring of mitigation measure compliance. The inspector will report to the City's Community Development Department and will be thoroughly familiar with permit conditions and the MMP. In addition, the inspector will be familiar with construction contract requirements, construction schedules, standard construction practices, and mitigation techniques. In order to track the status of mitigation measure implementation, field-monitoring activities will be documented on compliance monitoring report worksheets. The time commitment of the inspector will vary depending on the intensity and location of construction. Aided by the attached table, the inspector will be responsible for the following activities:

- On-site, day-to-day monitoring of construction activities.
- Reviewing construction plans and equipment staging/access plans to ensure conformance with adopted mitigation measures.
- Ensuring contractor knowledge of and compliance with the MMP.
- Verifying the accuracy and adequacy of contract wording.
- Having the authority to require correction of activities that violate mitigation measures. The inspector shall have the ability and authority to secure compliance with the MMP.
- Acting in the role of contact for property owners or any other affected persons who wish to register observations of violations of project permit conditions or mitigation. Upon receiving any complaints, the inspector shall immediately contact the construction representative. The inspector shall be responsible for verifying any such observations and for developing any necessary corrective actions in consultation with the construction representative and the City of Oakley.
- Obtaining assistance as necessary from technical experts in order to develop site-specific procedures for implementing the mitigation measures.
- Maintaining a log of all significant interactions, violations of permit conditions or mitigation measures, and necessary corrective measures.

## **MITIGATION MONITORING PLAN**

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The following table indicates the mitigation measure number; the impact the measure is designed to address, the measure text, the monitoring agency, implementation schedule, and an area for sign-off indicating compliance.

**TABLE 4-1  
EMERSON PROPERTY PROJECT  
MITIGATION MONITORING PLAN**

| Mitigation Number                              | Impact   | Mitigation Measure  | Implementing Party | Monitoring Agency   | Implementation Schedule   | Sign Off |
|--|--|---|--------------------|---|---|----------|
| <b>4.2 Land Use and Agricultural Resources</b> |  |   |                    |   |   |          |
| 4.2-2  | Impacts associated with new sources of light and glare.  | 4.2-2 <i>In conjunction with development of the proposed project, the developer shall shield all on-site lighting so that the light is directed within the project site and does not illuminate adjacent properties. In addition, the project applicant shall submit a detailed lighting plan, showing the locations and design of shielded light fixtures, for the review and approval of the Community Development Department, the Police Department, and the Engineering Department in conjunction with the approval of Improvement Plans.</i> | Project Applicant  | Community Development Department<br><br>Police Department<br><br>Engineering Department | In conjunction with the approval of Improvement Plans                                 |          |
| <b>4.3 Transportation and Circulation</b>      |  |   |                    |   |   |          |
| 4.3-2  | Project contribution to unacceptable LOS operations at the intersection of East Cypress Road and the minor (stop-controlled) shopping center entrance, the intersection of Laurel Road and | 4.3-2(a) <i>Prior to issuance of each building permit, or later as determined by the City Council, the proposed project would contribute to the mitigation of the above-identified impacts by paying the proposed project's fair share of the cost to implement the improvements through the payment of the City's Transportation Impact Fee. The amount of the project's fair-share fee shall be as established at the time of building permit issuance.</i>   | Project Applicant  | City Engineer   | Prior to issuance of each building permit, or later as determined by the City Council |          |

**TABLE 4-1  
EMERSON PROPERTY PROJECT  
MITIGATION MONITORING PLAN**

| <b>Mitigation Number</b> | <b>Impact</b>   | <b>Mitigation Measure</b>  | <b>Implementing Party</b>       | <b>Monitoring Agency</b>        | <b>Implementation Schedule</b>   | <b>Sign Off</b> |
|--------------------------|---|--|---------------------------------|---------------------------------|--|-----------------|
|                          | Rose Avenue and at the Main Street intersections at Rose Avenue, Brownstone Road, and Delta Road. | 4.3-2(b) <i>The minor (stop-controlled) shopping center driveway on East Cypress Road shall be restricted to right-turns only for both ingress and egress due to the close proximity to the planned signalized intersection at Sellers Avenue.</i>   | Project Applicant               | City Engineer                   | Prior to approval of Improvement Plans   |                 |
| 4.3-3                    | Impacts to traffic at nearby unsignalized intersections.  | 4.3-3 <i>Implement Mitigation Measure 4.3-2(a).</i>  | See Mitigation Measure 4.3-2(a) | See Mitigation Measure 4.3-2(a) | See Mitigation Measure 4.3-2(a)  |                 |
| 4.3-5                    | The project could result in impacts to the railroad crossing on East Cypress Road.                | 4.3-5 <i>Prior to approval of Improvement Plans, the Improvement Plans shall show that signs and pavement markings reading “Keep Intersections Clear” (or similar wording) shall be installed at the East Cypress Road intersections with Main Street and Picasso Drive.</i>   | Project Applicant               | City Engineer                   | Shown on plans prior to approval of Improvement Plans and implemented prior to occupancy of first residential or commercial building                               |                 |
| 4.3-6                    | Impacts related to alternative transportation facilities.   | 4.3-6 <i>The project shall include a bus stop on the north side of Cypress Road near Sellers Avenue. The final design and location of this bus stop shall be subject to the approval of the Oakley City Engineer prior to approval of final maps. The City Engineer shall coordinate with Tri-Delta Transit as to the placement of the bus stop.</i> | Project Applicant               | City Engineer                   | Design and location prior to approval of final maps and construction prior to certificate of occupancy for the first commercial (retail or office) or multi-family |                 |

**TABLE 4-1  
EMERSON PROPERTY PROJECT  
MITIGATION MONITORING PLAN**

| <b>Mitigation Number</b> | <b>Impact</b>   | <b>Mitigation Measure</b>   | <b>Implementing Party</b>    | <b>Monitoring Agency</b>     | <b>Implementation Schedule</b>  | <b>Sign Off</b> |
|--------------------------|---|---|------------------------------|------------------------------|---|-----------------|
|                          |   |   |                              |                              | apartment building  |                 |
| 4.3-10                   | The proposed project would result in impacts to intersections under cumulative conditions.    | <i>4.3-10 The Laurel Road/Empire Avenue intersection shall be revised to include exclusive right-turn lanes on the northbound and southbound approaches. This improvement is not currently included in the City's Capital Improvement Program; however, the improvement is covered in the City's Transportation Impact Fee Program. Therefore, the project applicant shall contribute to the mitigation by paying their fair share of the cost through the payment of the City's Transportation Impact Fee with the issuance of each building permit or later, as determined by City Council.</i> | Project Applicant            | City Engineer                | With the issuance of each building permit or later, as determined by City Council |                 |
| 4.3-11                   | The project could result in cumulative impacts to the railroad crossing on East Cypress Road. | <i>4.3-11 Implement Mitigation Measure 4.3-5.</i>   | See Mitigation Measure 4.3-5 | See Mitigation Measure 4.3-5 | See Mitigation Measure 4.3-5  |                 |
| <b>4.4 Air Quality</b>   |   |   |                              |                              |   |                 |
| 4.4-1                    | Impacts related to construction emissions.  | <i>4.4-1 Consistent with guidance from the BAAQMD, and prior to issuance of any grading permit(s), the applicant shall submit construction contract</i>   | Project Applicant            | City Engineer<br>BAAQMD      | Prior to issuance of any grading permit(s) and during                             |                 |

**TABLE 4-1  
 EMERSON PROPERTY PROJECT  
 MITIGATION MONITORING PLAN**

| Mitigation Number | Impact | Mitigation Measure  | Implementing Party | Monitoring Agency | Implementation Schedule | Sign Off |
|-------------------|--------|---|--------------------|-------------------|-------------------------|----------|
|                   |        | <p><i>documents, for review and approval by the City Engineer to ensure incorporation of Best Management Practices. The mitigation measures shall include, but are not limited to, the following:</i></p> <ul style="list-style-type: none"> <li>• <i>Water all active construction areas at least twice daily and more often during windy periods; active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers or dust palliatives;</i></li> <li>• <i>All haul trucks transporting soil, sand, or other loose material off-site shall be covered.</i></li> <li>• <i>Pave, apply water three times daily, or apply non-toxic soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites;</i></li> <li>• <i>All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street</i></li> </ul> |                    |                   | construction            |          |

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|-------------------|--------|--|--------------------|-------------------|-------------------------|----------|
|                   |        | <p><i>sweepers at least once per day. The use of dry power sweeping is prohibited.</i></p> <ul style="list-style-type: none"> <li>• <i>All vehicle speeds on unpaved roads shall be limited to 15 mph.</i></li> <li>• <i>All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.</i></li> <li>• <i>Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.</i></li> <li>• <i>Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.);</i></li> <li>• <i>Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site, when required to remove dirt;</i></li> <li>• <i>Suspend excavation and grading activity when large visible dust plumes caused by the wind extend beyond the site boundaries into residential areas;</i></li> </ul> |                    |                   |                         |          |

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|-------------------|--------|--|--------------------|-------------------|-------------------------|----------|
|                   |        | <ul style="list-style-type: none"> <li>• <i>Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.</i></li> <li>• <i>All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</i></li> <li>• <i>Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number</i></li> </ul> |                    |                   |                         |          |

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| Mitigation Number | Impact   | Mitigation Measure   | Implementing Party | Monitoring Agency           | Implementation Schedule     | Sign Off |
|-------------------|--|--|--------------------|-----------------------------|-----------------------------|----------|
|                   |  | <p><i>shall also be visible to ensure compliance with applicable regulations.</i></p> <ul style="list-style-type: none"> <li>• <i>Install sandbags or other erosion control measures to prevent silt runoff to public roadways; and</i></li> <li>• <i>Replant vegetation in disturbed areas as quickly as possible.</i></li> </ul>   |                    |                             |                             |          |
| 4.4-5             | Impacts related to regional air pollutant emissions as a result of the proposed project. | <p>4.4-5 <i>Consistent with guidance from the BAAQMD, prior to final map approval, the applicant shall show on the plans incorporation of mitigation measures to reduce the impact to the highest degree feasible. The plans shall be reviewed and approved by the City Engineer to ensure proper incorporation of mitigation measures. The mitigation measures shall include, but are not limited to, the following:</i></p> <ul style="list-style-type: none"> <li>• <i>Provide bicycle lanes, sidewalks and/or paths, connecting project residences to adjacent schools, parks, the nearest transit stop and nearby commercial areas.</i></li> <li>• <i>Provide secure and</i></li> </ul> | Project Applicant  | City Engineer<br><br>BAAQMD | Prior to final map approval |          |

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| Mitigation Number | Impact | Mitigation Measure  | Implementing Party | Monitoring Agency | Implementation Schedule | Sign Off |
|-------------------|--------|---|--------------------|-------------------|-------------------------|----------|
|                   |        | <p><i>conveniently placed bicycle parking at parks and other facilities.</i></p> <ul style="list-style-type: none"> <li>• <i>Implement feasible travel demand management (TDM) measures for a project of this type. This would include coordination with regional ride-sharing organization and, provision of transit information.</i></li> <li>• <i>Only natural gas fireplaces, pellet stoves or EPA-Certified wood-burning fireplaces or stoves should be permitted. Conventional open-hearth fireplaces should not be permitted. EPA-Certified fireplaces and fireplace inserts are 75 percent effective in reducing emissions from this source.</i></li> <li>• <i>Install exterior outlets in the front and rear of each home to promote use of electric lawn and garden equipment for landscaping.</i></li> <li>• <i>Construct transit amenities such as bus turnouts/bus bulbs, benches, shelters, etc.</i></li> </ul> |                    |                   |                         |          |

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| Mitigation Number | Impact | Mitigation Measure   | Implementing Party | Monitoring Agency | Implementation Schedule | Sign Off |
|-------------------|--------|--|--------------------|-------------------|-------------------------|----------|
|                   |        | <p><i>in coordination with Tri-Delta Transit.</i></p> <ul style="list-style-type: none"> <li>• <i>Provide direct, safe, attractive pedestrian access from project land uses to transit stops and adjacent development.</i></li> <li>• <i>Include shade trees near buildings to shield them from the sun's rays and reduce local air temperature and cooling energy demand.</i></li> <li>• <i>Electrify service equipment where feasible.</i></li> <li>• <i>Install energy-efficient appliances, such as water heaters, refrigerators, furnaces and boiler units that meet or exceed Title 24 requirements.</i></li> <li>• <i>Install automatic lighting on/off controls and energy-efficient lighting.</i></li> <li>• <i>Landscape trees should have low ozone-forming potential.</i></li> <li>• <i>Landscape with drought-resistant species, using groundcover rather than pavement where feasible.</i></li> <li>• <i>Provide information to</i></li> </ul> |                    |                   |                         |          |

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| Mitigation Number | Impact | Mitigation Measure   | Implementing Party | Monitoring Agency | Implementation Schedule | Sign Off |
|-------------------|--------|--|--------------------|-------------------|-------------------------|----------|
|                   |        | <p><i>homebuyers about available local electric lawn and garden equipment exchange program.</i></p> <p><i>The commercial portion of the project shall be required to apply Transportation Systems Management (TSM) measures to reduce trips. Appropriate strategies would be:</i></p> <ul style="list-style-type: none"> <li><i>• Provide physical improvements, such as sidewalk improvements, landscaping and bicycle parking that would act as incentives for pedestrian and bicycle modes of travel.</i></li> <li><i>• Connect site with a regional bikeway/pedestrian trail system.</i></li> <li><i>• Implement feasible travel demand management (TDM) measures for a project of this type. This would include coordination with regional ridesharing organizations and transit incentives program.</i></li> <li><i>• Provide secure and conveniently located bicycle</i></li> </ul> |                    |                   |                         |          |

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| Mitigation Number | Impact | Mitigation Measure  | Implementing Party | Monitoring Agency | Implementation Schedule | Sign Off |
|-------------------|--------|---|--------------------|-------------------|-------------------------|----------|
|                   |        | <p><i>parking for workers and patrons.</i></p> <p><i>In addition to the above list of required mitigation measures, the City will ask the developer to consider implementing the following optional measures to further reduce emissions, or to participate in their implementation as part of possible future regional efforts. Notwithstanding the conclusion that this impact remains significant and unavoidable, it is infeasible, impractical, or unreasonable to impose these measures on this particular project in light of its size, location or other considerations. The City recognizes that future Title 24 or other state-adopted regulations to achieve energy conservation or reduce emissions may make such measures mandatory; in fact, the state amended the California Green Building Standards Codes (Title 24, Part 11) in January 2010 to mandate a number of measures that will reduce energy consumption and emissions.</i></p> <ul style="list-style-type: none"> <li><i>Participate in a satellite tele-</i></li> </ul> |                    |                   |                         |          |

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| Mitigation Number | Impact | Mitigation Measure  | Implementing Party | Monitoring Agency | Implementation Schedule | Sign Off |
|-------------------|--------|---|--------------------|-------------------|-------------------------|----------|
|                   |        | <p><i>commute center in the vicinity.</i></p> <ul style="list-style-type: none"> <li>• <i>Support a ride-matching program.</i></li> <li>• <i>Participate in a shuttle service to major destinations such as the nearest BART or eBART station.</i></li> <li>• <i>Require the use of CARB-certified or electric landscaping equipment where feasible.</i></li> <li>• <i>Install reflective (or high albedo) and emissive roofs and light colored construction materials.</i></li> <li>• <i>Install solar panels on roofs of commercial buildings.</i></li> <li>• <i>Install central water heating systems to serve multi-tenant commercial space.</i></li> <li>• <i>Provide transit information kiosks.</i></li> <li>• <i>Support a guaranteed ride home program (employers provide emergency transportation for employees who carpool).</i></li> <li>• <i>Provide showers and lockers for employees bicycling or</i></li> </ul> |                    |                   |                         |          |

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| Mitigation Number | Impact  | Mitigation Measure  | Implementing Party           | Monitoring Agency                                   | Implementation Schedule   | Sign Off |
|-------------------|---|---|------------------------------|---|---|----------|
|                   |   | <p>walking to work.</p> <ul style="list-style-type: none"> <li>• Provide electric vehicle charging facilities.</li> <li>• Provide preferential parking for Low Emission Vehicles.</li> <li>• Provide electrical hookups in commercial areas for delivery vehicles that need to cool their loads.</li> </ul>   |                              |   |   |          |
| 4.4-6             | Impacts related to the cumulative effects of the proposed project on air quality.                   | 4.4-6 Implement Mitigation Measure 4.4-5.   | See Mitigation Measure 4.4-5 | See Mitigation Measure 4.4-5                        | See Mitigation Measure 4.4-5  |          |
| 4.4-7             | Cumulative impacts related to GHGs.   | 4.4-7 Implement Mitigation Measure 4.4-5.   | See Mitigation Measure 4.4-5 | See Mitigation Measure 4.4-5                        | See Mitigation Measure 4.4-5  |          |
| <b>4.5 Noise</b>  |   |   |                              |   |   |          |
| 4.5-1             | Noise impacts related to land use compatibility of the proposed project and surrounding properties. | 4.5-1(a) <i>Prior to occupancy, the applicant shall construct noise barriers to reduce noise at exterior use residential areas adjacent to Cypress Road to 65 dB L<sub>dn</sub> or lower. An acoustical analysis shall be conducted using the final detailed design of the project to ensure that the noise barriers reduce the noise levels to 65 dBA L<sub>dn</sub>, or lower, for the review and approval of the City Engineer. The final detailed design of the heights</i> | Project Applicant            | Community Development Director<br><br>City Engineer | Barrier design and location shall be indicated on Improvement Plans prior to approval of Improvement Plans<br><br>Barriers shall be installed prior to occupancy of the |          |

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| Mitigation Number | Impact | Mitigation Measure  | Implementing Party | Monitoring Agency | Implementation Schedule   | Sign Off |
|-------------------|--------|---|--------------------|-------------------|---|----------|
|                   |        | <p><i>and limits of the barriers shall be confirmed by the Community Development Director at the time the final grading plan is submitted. The applicant/developer shall include soundwalls that conform to the following standards on the Improvement Plans to be approved by the City Engineer prior to the approval of the Improvement Plans:</i></p> <ul style="list-style-type: none"> <li>• <i>Barriers shall be constructed solidly over the entire surface and at the base. Openings or gaps between barrier materials or the ground decrease the noise reduction provided by a noise barrier; and</i></li> <li>• <i>Suitable materials for barrier construction shall have a minimum surface weight of 3 lbs/ft<sup>2</sup> (such as one-inch thick wood, masonry block, concrete, or metal).</i></li> </ul> <p>4.5-1(b) <i>Project-specific acoustical analyses shall be conducted during final detailed design of the project when building elevations and floor plans</i></p> | Project Applicant  | City Engineer     | <p>residential units</p> <p>At the time that final plans are available and prior to the issuance of</p> |          |

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| Mitigation Number | Impact                          | Mitigation Measure  | Implementing Party | Monitoring Agency     | Implementation Schedule | Sign Off |
|-------------------|---------------------------------|---|--------------------|-----------------------|-------------------------|----------|
|                   |                                 | <p><i>are available in order to determine how interior noise levels can be reduced to 45 dBA L<sub>dn</sub> or lower, for the review and approval of the City Engineer. The future noise environment at the project site shall require sound rated construction methods and the provision of forced-air mechanical ventilation so that windows could be kept closed at the occupants' discretion to control noise. Noise insulation features include sound-rated windows, sound-rated doors, and careful attention to exterior wall detailing (including caulking and possible sound insulating upgrades such as resilient channels, or stucco exterior siding). In addition the final design shall include a 30 percent window-to-wall ratio of the exteriors facing Cypress Road. The final detailed design of noise insulation features necessary to maintain interior noise levels at acceptable levels shall be completed at the time that the final plans are available and prior to the issuance of a building permit.</i></p> |                    |                       | a building permit       |          |
| 4.5-3             | Impacts related to construction | 4.5-3(a) <i>Noise-generating activities at the construction site or in areas adjacent</i>   | Project Contractor | Community Development | During construction     |          |

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| Mitigation Number | Impact | Mitigation Measure  | Implementing Party | Monitoring Agency                    | Implementation Schedule   | Sign Off |
|-------------------|--------|---|--------------------|--------------------------------------|---|----------|
|                   | noise. | <p><i>to the construction site associated with the project in any way shall be restricted to the hours of 7 a.m. to 6 p.m., Monday through Friday and 8 a.m. to 5 p.m. on Saturdays. Construction is prohibited on Sundays and City holidays unless prior authorization from the Community Development Director is obtained.</i></p> <p>4.5-3(b) <i>The applicant/developer shall include the following mitigation measures on the Improvement Plans to be approved by the City Engineer prior to the approval of the Improvement Plans or initiation of any grading or construction activity:</i></p> <ul style="list-style-type: none"> <li>• <i>Equip all equipment driven by internal combustion engines with intake and exhaust mufflers that are in good condition and appropriate to the equipment. Unnecessary idling of internal combustion engines should be strictly prohibited;</i></li> <li>• <i>Stationary noise-generating equipment, such as air compressors or portable</i></li> </ul> | Project Applicant  | <p>Director</p> <p>City Engineer</p> | <p>activities</p> <p>Prior to the approval of Improvement Plans or initiation of any grading or construction activity</p> |          |

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| Mitigation Number | Impact | Mitigation Measure   | Implementing Party | Monitoring Agency | Implementation Schedule | Sign Off |
|-------------------|--------|--|--------------------|-------------------|-------------------------|----------|
|                   |        | <p><i>power generators, must be located the greatest distance applicable from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses;</i></p> <ul style="list-style-type: none"> <li><i>• Utilize “quiet” air compressors and other stationary noise sources where technology exists;</i></li> <li><i>• Designate a “disturbance coordinator” who would be responsible for responding to any local complaints regarding construction noise. The disturbance coordinator will determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented; and</i></li> <li><i>• Notify prospective residents within the adjacent subdivision that the development of the</i></li> </ul> |                    |                   |                         |          |

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| Mitigation Number | Impact   | Mitigation Measure  | Implementing Party | Monitoring Agency                                   | Implementation Schedule   | Sign Off |
|-------------------|--|---|--------------------|---|---|----------|
|                   |  | <i>commercial portion of the site would generate noise levels during construction that may be considered excessive or annoying.</i>   |                    |   |   |          |
| 4.5-4             | Operational noise impacts to residences within the proposed project. | 4.5-4(a) <i>The applicant shall construct a noise barrier along the northern boundary of the commercial site. To be effective, the barriers should be constructed solidly over the entire surface and at the base. Openings or gaps between barrier materials or the ground decrease the reduction provided by a noise barrier. Suitable materials for barrier construction should have a minimum surface weight of 3 lbs./ft<sup>2</sup>. (such as one-inch thick wood, masonry block, concrete, or metal). An acoustical analysis shall be conducted using the final detailed design of the project to ensure that the noise barrier reduces operational noise levels by at least 8 dBA or more, for the review and approval of the City Engineer. The final detailed design of the height and limit of the barrier shall be confirmed by the Community Development Director at the time the final grading plan is submitted.</i> | Project Applicant  | City Engineer<br><br>Community Development Director | Design of the wall at the time the final grading plan is submitted. The wall shall be constructed prior to occupancy of the commercial site |          |

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|--------------------------|---------------|---|--------------------------------|--------------------------------|--|-----------------|
|                          |               | 4.5-4(b) <i>Deliveries shall be limited to daytime hours (7:30 a.m. to 9:00 p.m.) and the posted speed limit should not exceed 15 mph along the truck circulation route. These limits shall be clearly posted to advise delivery personnel as to the time and speed restrictions.</i>   | Project Applicant              | Community Development Director | During project operation               |                 |
|                          |               | 4.5-4(c) <i>Prior to final approval, the selection and location of mechanical equipment shall be submitted for the review and approval of the Community Development Director during the design phase of the project. Once the selection of the type of equipment and the placement of the equipment has been designed, the project plans should be reviewed by an acoustical specialist to verify that daytime and nighttime hourly noise standards are not exceeded at the property line. Potential mitigation for rooftop units could include rooftop unit placement, orientation, screens, or parapet walls.</i> | Project Applicant              | Community Development Director | During the design phase of the project |                 |
|                          |               | 4.5-4(d) <i>Parking lot cleaning activities behind the on-site commercial buildings proposed along the northern end of the commercial site shall be limited to</i>  | Commercial Property Management | Community Development Director | During parking lot cleaning            |                 |

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| Mitigation Number  | Impact                                    | Mitigation Measure   | Implementing Party                          | Monitoring Agency | Implementation Schedule                | Sign Off |
|--------------------|---|--|---|-------------------|--|----------|
|                    |   | <i>7:30 a.m. to 9:00 p.m.</i>  |   |                   |  |          |
| <b>4.6 Hazards</b> |   |  |   |                   |  |          |
| 4.6-2              | Impacts related to the off-site pipeline. | 4.6-2(a) <i>Prior to approval of Improvement Plans, the construction contractor, the developer, a representative from the local PG&amp;E land office, and a representative from the City's Engineering Department shall meet on the project site and prepare site-specific safety guidelines for construction in the field to the satisfaction of the City Engineer. The safety guidelines shall be noted on the improvement plans and be included in all construction contracts involving the project site (e.g., contact Underground Service Alert (USA)).</i> | Project Contractor<br><br>Project Applicant | City Engineer     | Prior to approval of Improvement Plans |          |
|                    |   | 4.6-2(b) <i>In addition to the requirements that may be imposed pursuant to Mitigation Measure 4.6-2(a), construction in the vicinity of the pipeline shall comply with all applicable regulations and procedures regarding identification and protection of underground pipelines and utilities.</i>  | Project Contractor<br><br>Project Applicant | City Engineer     | During construction activities         |          |

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|-------------------|--------|--|--------------------|------------------------|---|----------|
|                   |        | 4.6-2(c) <i>Prior to beginning any construction activity within the right-of-way of East Cypress Road, the applicant shall route a copy of the improvement plans to the local PG&amp;E land office for review and comment to ensure the utilization of proper construction methods near the pipeline.</i>  | Project Applicant  | Local PG&E land office | Prior to beginning any construction activity within the right-of-way of East Cypress Road |          |
|                   |        | 4.6-2(d) <i>DOGGR has jurisdiction over pipeline safety and implementation of the pipeline management plan requirements and procedures. Following approval of a final map allowing housing within 300 feet of the pipeline, the City shall notify DOGGR and the pipeline owner and request confirmation that a pipeline management plan for the pipeline will either be revised if already existing (to recognize the Cypress Grove development), or shall be prepared if not yet existing, in anticipation of construction of housing in this location. The City also shall request notification whether the pipeline passed the most recent integrity test or failed and then either was repaired or has been taken out of service, all pursuant to State regulations.</i> | Project Applicant  | DOGGR<br>City Engineer | Following approval of a final map allowing housing within 300 feet of the pipeline        |          |

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|--------------------------|---|---|---------------------------|--------------------------|---|-----------------|
| 4.6-4                    | Impacts related to the presence of asbestos and lead particles on the project site. | 4.6-4 <i>Prior to issuance of a demolition permit by the City for any on-site structures, the project proponent shall provide a site assessment that determines whether any structures to be demolished contain asbestos and/or lead paint. If structures do not contain asbestos or lead-based paint, further mitigation is not required. If any structures contain asbestos, the application for the demolition permit shall include an asbestos abatement plan consistent with local, state, and federal standards, subject to approval by the City Engineer. If lead-based paint is found, all loose and peeling paint shall be removed and disposed of by a licensed and certified lead paint removal contractor, in accordance with local, state, and federal regulations. The demolition contractor shall be informed that all paint on the buildings shall be considered as containing lead. The contractor shall take appropriate precautions to protect his/her workers, the surrounding community, and to dispose of construction waste containing lead paint in accordance with local, state, and federal</i> | Project Applicant         | City Engineer            | Prior to issuance of a demolition permit for any on-site structures |                 |

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|-------------------|---|---|---------------------------------|---|---|----------|
|                   |   | <i>regulations subject to approval of the City Engineer.</i>  |                                 |   |   |          |
| 4.6-5             | Exposure of residents to safety hazards due to the construction of additional residences near the Contra Costa Canal and the stormwater detention pond. | 4.6-5 <i>The project applicant/engineer shall submit a safety program for the proposed detention basin for the review and approval of the City Engineer prior to the approval of the improvement plans. The safety program shall address the public safety concerns associated with the development of the basins including but not limited to bank stabilization and restricting public access to the basin. Safety features are expected to be similar to those used in Cypress Grove (e.g., rip-rap along the edge of the pond, plantings, shallow sloped rims, etc.).</i> | Project Applicant/Engineer      | City Engineer                                   | Prior to the approval of Improvement Plans                                  |          |
| 4.6-6             | Exposure of proposed residences to wildland fires.  | 4.6-6(a) <i>When residential structures are developed, an approved fire apparatus access shall be provided to within 150 feet of all portions of the first floor as measured by an approved route around the exterior of the building.</i><br><br>4.6-6(b) <i>The East Contra Costa Fire Prevention Department shall, as necessary, ensure the installation of</i>  | Project Applicant<br><br>ECCFPD | City Engineer<br><br>City Engineer<br>Community | When residential structures are developed<br><br>Prior to project occupancy |          |

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|-------------------|---|--|---|--|---|----------|
|                   |   | <p><i>radio repeater towers within the proposed project area. The location and design of any radio repeater towers shall be subject to the review and approval of the City Engineer and Community Development Department.</i></p> <p>4.6-6(c) <i>Development of the site should be carried out in accordance with East Contra Costa Fire Prevention Department rules and regulations and the Uniform Building Code regulations adopted by the East Contra Costa Fire Prevention Department.</i></p> <p>4.6-6(d) <i>Prior to approval of design review for residential structures, the applicant shall show that all roofs shall be Class A type.</i></p> | <p>Project Applicant</p> <p>Project Applicant</p> | <p>Development Department</p> <p>ECCFPD</p> <p>City Engineer</p> | <p>During Construction</p> <p>Prior to approval of design review for residential structures</p> |          |
| 4.6-9             | Impacts related to the abandoned natural gas test well on-site. | 4.6-9 <i>Prior to recordation of the final map, the applicant shall submit proof of a Construction Site Review from the DOGGR, to the City Engineer. The Construction Site Review shall include, but not be limited to, submittal of a construction site plan with the test well located plotted on the plan and required setbacks for review and approval of a DOGGR engineer. In the event re-</i>   | Project Applicant                                 | DOGGR<br>City Engineer   | Prior to recordation of the final map   |          |

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|---------------------------------|---|--|---------------------------|----------------------------------|---|-----------------|
|                                 |   | <i>abandonment is required, prior to issuance of a grading permit, the applicant shall submit proof of abandonment to DOGGR and the City Engineer. The final map shall implement City Code 9.1.1216.i(2) of a ten-foot required setback from the well or any greater setback that the DOGGR may require.</i>   |                           |                                  |   |                 |
| <b>4.7 Biological Resources</b> |   |  |                           |                                  |   |                 |
| 4.7-1                           | Impacts to jurisdictional waters of the U.S. and waters of the State. | <i>4.7-1 The proposed project site is within the HCP Development Fee Zone I: Cultivated and Disturbed Lands. Prior to the issuance of a grading permit, the applicant shall pay the appropriate development fee (either the HCP Development Fee or the East Cypress HCP Memorandum of Understanding) for the proposed project site.</i>                  | Project Applicant         | Community Development Department | Prior to the issuance of a grading permit   |                 |
| 4.7-2                           | Impacts to protected and heritage trees.                              | <i>4.7-2 Prior to the issuance of grading permits that would result in the removal of heritage trees, the applicant shall apply for a tree removal permit and submit a tree replacement plan for the review and approval of the Community Development Department. The plan shall be in compliance with the City of Oakley Zoning Ordinance. The plan</i> | Project Applicant         | Community Development Department | Prior to the issuance of grading permits that would result in the removal of heritage trees |                 |



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| Mitigation Number | Impact | Mitigation Measure   | Implementing Party | Monitoring Agency | Implementation Schedule | Sign Off |
|-------------------|--------|--|--------------------|-------------------|-------------------------|----------|
|                   |        | <ul style="list-style-type: none"> <li>• All construction activity within potential silvery legless lizard aquatic habitat shall be conducted between May 1 and October 1. This is the active period for silvery legless lizards and, if present, potential effects are lessened because the lizards are actively moving and can avoid danger.</li> <li>• Any dewatered areas within the sloughs shall remain dry for at least 15 consecutive days prior to excavating or filling of the dewatered area.</li> <li>• A qualified biologist shall provide project contractors and construction crews with a worker-awareness program appropriate for silvery legless lizards before any work within aquatic habitats or adjacent upland habitats is initiated. This program shall be used to describe the species, its habits and habitats, its legal status and required protection, all</li> </ul> |                    |                   |                         |          |

**TABLE 4-1  
EMERSON PROPERTY PROJECT  
MITIGATION MONITORING PLAN**

| Mitigation Number | Impact | Mitigation Measure  | Implementing Party | Monitoring Agency | Implementation Schedule | Sign Off |
|-------------------|--------|---|--------------------|-------------------|-------------------------|----------|
|                   |        | <p><i>applicable mitigation measures, and conditions of any state or federal permits as they relate to the silvery legless lizard. Proof of this instruction shall be submitted to the City.</i></p> <ul style="list-style-type: none"> <li>• <i>During project activities and following construction, all trash shall be properly contained, removed from the work site, and disposed of properly.</i></li> <li>• <i>24-hours prior to construction activities, the project area shall be surveyed for silvery legless lizards. Survey of the project area shall be repeated if a lapse in construction activity of two weeks or greater has occurred. If a silvery legless lizard is encountered during construction, activities shall not begin until appropriate corrective measures have been completed or it has been determined that the lizard shall not be harmed. Any sightings and any incidental</i></li> </ul> |                    |                   |                         |          |

**TABLE 4-1  
 EMERSON PROPERTY PROJECT  
 MITIGATION MONITORING PLAN**

| Mitigation Number | Impact | Mitigation Measure  | Implementing Party | Monitoring Agency | Implementation Schedule | Sign Off |
|-------------------|--------|---|--------------------|-------------------|-------------------------|----------|
|                   |        | <p><i>take shall be reported immediately to the USFWS at (916) 414-6600.</i></p> <ul style="list-style-type: none"> <li>• <i>Movement of heavy equipment to and from the project site shall be restricted to established roadways to minimize disturbance.</i></li> <li>• <i>After completion of construction activities, any temporary fill and construction debris shall be removed and, wherever feasible, disturbed areas shall be restored to pre-project conditions. Restoration work shall include replanting emergent vegetation.</i></li> <li>• <i>All fueling and maintenance of vehicles or other equipment and staging areas shall occur at least 66 feet from any water body. Prior to the onset of work, the applicant shall prepare a plan to allow prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate</i></li> </ul> |                    |                   |                         |          |

**TABLE 4-1  
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| <b>Mitigation Number</b> | <b>Impact</b>                  | <b>Mitigation Measure</b>   | <b>Implementing Party</b>    | <b>Monitoring Agency</b>         | <b>Implementation Schedule</b>            | <b>Sign Off</b> |
|--------------------------|--------------------------------|---|------------------------------|----------------------------------|---|-----------------|
|                          |                                | <p><i>measures to take should a spill occur.</i></p> <ul style="list-style-type: none"> <li><i>To control erosion during and after project implementation, the applicant shall implement best management practices, as identified by the Regional Water Quality Control Board. Drainage banks shall be stabilized by compacting additional soil after sediment and vegetation removal to minimize the potential for erosion. Additionally, during sediment and vegetation removal in a channel that still contains flowing water during August, September, and October, a silt fence shall be installed directly downstream of the project site. This will help to prevent silt accumulation downstream of the project site.</i></li> </ul> |                              |                                  |   |                 |
|                          |                                | 4.7-5(c) <i>Implement Mitigation Measure 4.7-1.</i>   | See Mitigation Measure 4.7-1 | See Mitigation Measure 4.7-1     | See Mitigation Measure 4.7-1              |                 |
| 4.7-6                    | Impacts to giant garter snake. | 4.7-6(a) <i>Prior to the issuance of a grading permit, pre-construction surveys for giant garter snake shall be conducted</i>   | Project Contractor           | Community Development Department | Prior to the issuance of a grading permit |                 |

**TABLE 4-1  
EMERSON PROPERTY PROJECT  
MITIGATION MONITORING PLAN**

| Mitigation Number | Impact                          | Mitigation Measure   | Implementing Party   | Monitoring Agency  | Implementation Schedule  | Sign Off |
|-------------------|---------------------------------|--|--|--|--|----------|
|                   |                                 | <p><i>and submitted for the review and approval of the City of Oakley. If the giant garter snake is not found, further mitigation is not required. If the giant garter snake is found, Mitigation Measure 4.7-6(b) shall be implemented.</i></p> <p>4.7-6(b) <i>Implement Mitigation Measure 4.7-5(b) for the giant garter snake instead of, or in addition to, the silvery legless lizard.</i></p> <p>4.7-6(c) <i>Implement Mitigation Measure 4.7-1.</i></p>       | <p>See Mitigation Measure 4.7-5(b)</p> <p>See Mitigation Measure 4.7-1</p> | <p>See Mitigation Measure 4.7-5(b)</p> <p>See Mitigation Measure 4.7-1</p> | <p>See Mitigation Measure 4.7-5(b)</p> <p>See Mitigation Measure 4.7-1</p> |          |
| 4.7-7             | Impacts to western pond turtle. | <p>4.7-7(a) <i>The project applicant shall comply with the East Contra Costa HCP's Wetland, Pond, and Stream Avoidance and Minimization measures, which include but are not be limited to:</i></p> <ul style="list-style-type: none"> <li>• <i>Applicants for coverage under the HCP/NCCP shall follow the guidelines in Conservation Measure 1.10 of the HCP/NCCP to minimize the effects of urban development on downstream hydrology, streams, and</i></li> </ul> | Project Contractor   | Community Development Department   | Prior to and during construction activities                                |          |

**TABLE 4-1  
 EMERSON PROPERTY PROJECT  
 MITIGATION MONITORING PLAN**

| Mitigation Number | Impact | Mitigation Measure   | Implementing Party | Monitoring Agency | Implementation Schedule | Sign Off |
|-------------------|--------|--|--------------------|-------------------|-------------------------|----------|
|                   |        | <p>wetlands.</p> <ul style="list-style-type: none"> <li>• All wetlands, ponds, streams, and riparian woodland/scrub to be avoided by covered activities shall be temporarily staked in the field by a qualified biologist.</li> <li>• Buffer zones shall be established where feasible between the aquatic resource and development. Required setbacks for streams are described in Conservation Measure 1.7 of the HCP/NCCP. Credit for preservation of aquatic habitat will be given only if these features meet minimum distances from dense urban development.</li> <li>• Fencing shall be erected between the outer edge of the buffer zone and the project area. The type of fencing shall match the activity and impact types. For example, projects that have the potential to cause erosion shall be required to include erosion control barriers (See below),</li> </ul> |                    |                   |                         |          |

**TABLE 4-1  
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| Mitigation Number | Impact | Mitigation Measure  | Implementing Party | Monitoring Agency | Implementation Schedule | Sign Off |
|-------------------|--------|---|--------------------|-------------------|-------------------------|----------|
|                   |        | <p><i>and projects that may bring more household pets to a site shall be fenced to keep the pets out. The temporal requirements for fencing also depend on the activity and impact type. For example, fencing for permanent impacts shall be permanent, and fencing for short-term impacts shall be removed after the activity is completed.</i></p> <ul style="list-style-type: none"> <li>• <i>Personnel conducting ground-disturbing activities within or adjacent to the buffer zone of wetlands, ponds, streams, or riparian woodland/scrub shall be trained by a qualified biologist in these avoidance and minimization East Contra Costa County measures and the permit obligations of project proponents working under the HCP/NCCP. Vehicles and equipment shall be parked on pavement, existing roads, and previously disturbed areas.</i></li> <li>• <i>Trash generated by covered</i></li> </ul> |                    |                   |                         |          |

**TABLE 4-1  
 EMERSON PROPERTY PROJECT  
 MITIGATION MONITORING PLAN**

| Mitigation Number | Impact | Mitigation Measure   | Implementing Party | Monitoring Agency | Implementation Schedule | Sign Off |
|-------------------|--------|--|--------------------|-------------------|-------------------------|----------|
|                   |        | <p><i>activities shall be promptly and properly removed from the site.</i></p> <ul style="list-style-type: none"> <li>• <i>No construction or maintenance vehicles shall be refueled within 200 feet of wetlands, ponds, streams, or riparian woodland/scrub unless a bermed and lined refueling area is constructed and hazardous material absorbent pads are available in the event of a spill.</i></li> <li>• <i>Appropriate erosion-control measures (e.g., fiber rolls, filter fences, vegetative buffer strips) shall be used on site to reduce siltation and runoff of contaminants into wetlands, ponds, streams, or riparian woodland/scrub. Filter fences and mesh shall be of material that will not entrap reptiles and amphibians. Erosion control blankets shall be used as a last resort because of their tendency to biodegrade slowly and trap reptiles and amphibians. Erosion-control measures shall be placed</i></li> </ul> |                    |                   |                         |          |

**TABLE 4-1  
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 MITIGATION MONITORING PLAN**

| Mitigation Number | Impact | Mitigation Measure   | Implementing Party | Monitoring Agency | Implementation Schedule | Sign Off |
|-------------------|--------|--|--------------------|-------------------|-------------------------|----------|
|                   |        | <p><i>between the outer edge of the buffer and the project site.</i></p> <ul style="list-style-type: none"> <li>• <i>Fiber rolls used for erosion control shall be certified as free of noxious weed seed.</i></li> <li>• <i>Seed mixtures applied for erosion control shall not contain invasive nonnative species, and shall be composed of native species or sterile nonnative species.</i></li> <li>• <i>Where feasible, stream crossings shall be located in stream segments without riparian vegetation, and bridge footings shall be built outside the stream banks (i.e., clear span structures).</i></li> <li>• <i>Herbicide shall not be applied within 100 feet of wetlands, ponds, streams, or riparian woodland/scrub; however, where appropriate to control serious invasive plants, herbicides that have been approved for use by EPA in or adjacent to aquatic habitats may be used as long as label instructions are followed and applications</i></li> </ul> |                    |                   |                         |          |

**TABLE 4-1  
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| <b>Mitigation Number</b> | <b>Impact</b>                     | <b>Mitigation Measure</b>  | <b>Implementing Party</b>    | <b>Monitoring Agency</b>                     | <b>Implementation Schedule</b>            | <b>Sign Off</b> |
|--------------------------|-----------------------------------|--|------------------------------|--|---|-----------------|
|                          |                                   | <p><i>avoid or minimize impacts on covered species and their habitats. In seasonal or intermittent stream or wetland environments, appropriate herbicides may be applied during the dry season to control nonnative invasive species (e.g., yellow star-thistle). Herbicide drift shall be minimized by applying the herbicide as close to the target area as possible.</i></p> <p><i>Implementation of the above measures would reduce impacts to the habitat of the western pond turtle in compliance with the requirements of the HCP/NNCP.</i></p> |                              |  |   |                 |
|                          |                                   | 4.7-7(b) <i>Implement Mitigation Measure 4.7-1.</i>  | See Mitigation Measure 4.7-1 | See Mitigation Measure 4.7-1                 | See Mitigation Measure 4.7-1              |                 |
| 4.7-8                    | Impacts to western burrowing owl. | 4.7-8(a) <i>Prior to the issuance of a grading permit, pre-construction surveys of all potential burrowing owl habitat shall be conducted by a qualified biologist within the project area and within 250 feet of the project boundary. Presence or sign of burrowing owl and all</i>  | Project Contractor           | Community Development Department<br><br>CDFG | Prior to the issuance of a grading permit |                 |

**TABLE 4-1  
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| Mitigation Number | Impact | Mitigation Measure  | Implementing Party | Monitoring Agency                            | Implementation Schedule                     | Sign Off |
|-------------------|--------|---|--------------------|--|---|----------|
|                   |        | <p><i>potentially occupied burrows shall be recorded and monitored according to CDFG and California Burrowing Owl Consortium guidelines.</i></p> <p><i>and</i></p> <p><i>Prior to the issuance of a grading permit, focused over-wintering surveys of all potential burrowing owl habitat shall be conducted by a qualified biologist within the Emerson property. Presence or sign of burrowing owl shall be recorded and monitored according to CDFG and California Burrowing Owl Consortium guidelines. If burrowing owls are not found, further mitigation is not required. If burrowing owls are found, Mitigation Measure 4.7-8(b) shall be implemented.</i></p> <p>4.7-8(b) <i>If burrowing owls are detected, a 50 meter buffer zone during non-breeding season (September 1 through January 31) or a 75 meter buffer zone during breeding season (February 1 through August 31) shall be established around each occupied burrow to minimize disturbance. In</i></p> | Project Contractor | Community Development Department<br><br>CDFG | Prior to and during construction activities |          |

**TABLE 4-1  
EMERSON PROPERTY PROJECT  
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| Mitigation Number | Impact                                  | Mitigation Measure  | Implementing Party           | Monitoring Agency                            | Implementation Schedule          | Sign Off |
|-------------------|---|---|------------------------------|--|----------------------------------|----------|
|                   |   | <p><i>addition, if owls must be moved away from the disturbance area, passive relocation techniques, which involve the placement of one-way exclusion doors on occupied and potential burrowing owl burrows, shall be used. Owls shall be excluded from burrows within the project area and within a 160-foot buffer zone of the impact area. A minimum of one week shall be allowed to accomplish this task and to allow for owls to acclimate to alternate burrows. The California Department of Fish and Game shall be informed and updated regarding any passive relocation efforts. Passive relocation shall be performed prior to burrowing owl breeding season.</i></p> <p>4.7-8(b) <i>Implement Mitigation Measure 4.7-1.</i></p> | See Mitigation Measure 4.7-1 | See Mitigation Measure 4.7-1                 | See Mitigation Measure 4.7-1     |          |
| 4.7-9             | Impacts to raptors and migratory birds. | 4.7-9(a) <i>If removal of buildings, trees, emergent aquatic vegetation, or shrubs occurs, or construction begins between February 1 and August 31 (nesting season for passerine or non-passerine land birds) or December 15 and August 31 (nesting season for raptors), a nesting bird survey shall</i>  | Project Contractor           | Community Development Department<br><br>CDFG | Prior to construction activities |          |

**TABLE 4-1  
 EMERSON PROPERTY PROJECT  
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| Mitigation Number | Impact | Mitigation Measure   | Implementing Party | Monitoring Agency                            | Implementation Schedule                     | Sign Off |
|-------------------|--------|--|--------------------|--|---|----------|
|                   |        | <p><i>be performed by a qualified biologist within 14 days prior to the removal or disturbance of a potential nesting structure, trees, emergent aquatic vegetation, or shrubs, or the initiation of other construction activities during the early part of the breeding season (late December through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, a qualified biologist shall inspect all potential nesting habitat (trees, shrubs, structures, grasslands, pastures, emergent aquatic vegetation, etc.) in and immediately adjacent to the impact areas for nests.</i></p> <p>4.7-9(b) <i>All vegetation and structures with active nests shall be flagged and an appropriate non-disturbance buffer zone shall be established around the nesting tree. The size of the buffer zone shall be determined by the project biologist in consultation with CDFG and will depend on the species involved, site conditions, and type of work to be conducted in the area. Typically, if active nests are found,</i></p> | Project Contractor | Community Development Department<br><br>CDFG | Prior to and during construction activities |          |

**TABLE 4-1  
 EMERSON PROPERTY PROJECT  
 MITIGATION MONITORING PLAN**

| Mitigation Number | Impact | Mitigation Measure   | Implementing Party                  | Monitoring Agency                   | Implementation Schedule             | Sign Off |
|-------------------|--------|--|-------------------------------------|-------------------------------------|-------------------------------------|----------|
|                   |        | <p><i>construction activities shall not take place within 500 feet of the raptor nests and within 100 feet of other migratory birds until the young have fledged. A qualified biologist shall monitor active nests to determine when the young have fledged and are feeding on their own. The project biologist and CDFG shall be consulted for clearance before construction activities resume in the vicinity.</i></p> <p>4.7-9(c) <i>Implement Mitigation Measure 4.7-1.</i></p> <p><i>Mitigation Measures 4.7-9(a) and 4.7-9(b) include measures to avoid take of birds covered under the Migratory Bird Treaty Act, as required by the HCP, which states the following:</i></p> <ul style="list-style-type: none"> <li>• <i>All no-take species shall be avoided; and</i></li> <li>• <i>Construction activities shall comply with the Migratory Bird Treaty Act and shall consider seasonal requirements for birds and migratory non-resident species, including covered</i></li> </ul> | <p>See Mitigation Measure 4.7-1</p> | <p>See Mitigation Measure 4.7-1</p> | <p>See Mitigation Measure 4.7-1</p> |          |

**TABLE 4-1  
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MITIGATION MONITORING PLAN**

| Mitigation Number | Impact                      | Mitigation Measure   | Implementing Party | Monitoring Agency                            | Implementation Schedule   | Sign Off |
|-------------------|-----------------------------|--|--------------------|--|---|----------|
| 4.7-10            | Impacts to Swainson's hawk. | <p data-bbox="762 402 856 428"><i>species.</i></p> <p data-bbox="537 435 1125 1068">4.7-10(a) <i>Prior to the issuance of a grading permit that occurs during the nesting season (March 15–September 15), a qualified biologist shall conduct a preconstruction survey no more than 1 month prior to construction to establish whether Swainson's hawk nests within 1,000 feet of the project site are occupied. If potentially occupied nests within 1,000 feet are off the project site, then their occupancy will be determined by observation from public roads or by observations of Swainson's hawk activity (e.g., foraging) near the project site. If nests are occupied, minimization measures and construction monitoring shall be required.</i></p> <p data-bbox="663 1110 1125 1403"><i>If preconstruction surveys identify occupied nests within 1,000 feet of the project site during the nesting season (March 15–September 15), construction shall be prohibited within 1,000 feet of occupied nests or nests prevent nest abandonment. If site-specific conditions or the nature of the covered activity (e.g., steep</i></p> | Project Contractor | Community Development Department<br><br>CDFG | Prior to the issuance of a grading permit that occurs during the nesting season |          |

**TABLE 4-1  
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| Mitigation Number | Impact | Mitigation Measure   | Implementing Party | Monitoring Agency                            | Implementation Schedule          | Sign Off |
|-------------------|--------|--|--------------------|--|----------------------------------|----------|
|                   |        | <p><i>topography, dense vegetation, limited activities) indicate that a smaller buffer could be used, the City of Oakley will coordinate with CDFG/USFWS to determine the appropriate buffer size. If young fledge prior to September 15, covered activities can proceed normally.</i></p> <p><i>If the active nest site is shielded from view and noise from the project site by other development, topography, or other features, the project applicant can apply to the City of Oakley for a waiver of this avoidance measure. Any waiver must also be approved by USFWS and CDFG. While the nest is occupied, activities outside the buffer can take place.</i></p> <p>4.7-10(b) <i>Any active Swainson’s hawk nest trees identified during the preconstruction surveys shall be preserved on site, to the extent feasible. Any nest trees, including non-native trees, lost to construction shall be mitigated by the project proponent in compliance with the HCP guidelines, which requires the applicant to purchase, plant, maintain, and monitor 15 saplings for every nest tree removed, or to pay an</i></p> | Project Contractor | Community Development Department<br><br>CDFG | Prior to construction activities |          |



**TABLE 4-1  
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| Mitigation Number | Impact | Mitigation Measure  | Implementing Party | Monitoring Agency                            | Implementation Schedule                 | Sign Off |
|-------------------|--------|---|--------------------|--|---|----------|
|                   |        | <p><i>occupation shall be sealed before the hibernation season (November–March), and nursery sites shall be sealed before the nursery season (April–August). If the site is occupied, then the action shall occur either prior to or after the hibernation season for hibernacula and after August 15 for nursery colonies. Construction shall not take place as long as the site is occupied.</i></p> <p>4.7-11(c) <i>If a non-breeding bat hibernacula is found in a tree or structure scheduled for removal, the individuals shall be safely evicted, under the direction of a qualified biologist (as determined by a Memorandum of Understanding with CDFG), by opening the roosting area to allow airflow through the cavity. Demolition shall then follow at least one night after initial disturbance for airflow. This action shall allow bats to leave during darkness, thus increasing their chance of finding new roosts with a minimum of potential predation during daylight. Trees or structures with roosts that need to be removed shall first be disturbed at dusk, just prior to</i></p> | Project Contractor | Community Development Department<br><br>CDFG | Prior to demolition and/or tree removal |          |

**TABLE 4-1  
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| Mitigation Number            | Impact   | Mitigation Measure  | Implementing Party                           | Monitoring Agency                            | Implementation Schedule                      | Sign Off |
|------------------------------|--|---|--|--|--|----------|
|                              |  | <p><i>removal that same evening, to allow bats to escape during the darker hours.</i></p> <p>4.7-11(d) Mitigation Measures 4.7-11(a-c) include the avoidance and impact minimization measures included in the HCP. In addition, the applicant shall implement Mitigation Measure 4.7-1.</p>   | See Mitigation Measure 4.7-1                 | See Mitigation Measure 4.7-1                 | See Mitigation Measure 4.7-1                 |          |
| 4.7-13                       | Contribution to cumulative impacts to biological resources in the project area.  | 4.7-13 Implement Mitigation Measures 4.7-1 through 4.7-11.  | See Mitigation Measures 4.7-1 through 4.7-11 | See Mitigation Measures 4.7-1 through 4.7-11 | See Mitigation Measures 4.7-1 through 4.7-11 |          |
| <b>4.8 Geology and Soils</b> |  |   |  |  |  |          |
| 4.8-1                        | Damage to foundations, pavements, and other structures constructed within the project site as a result of heaving and settlement of expansive soils. | 4.8-1 Prior to approval of Improvement Plans, the project proponent shall conduct a design-level geotechnical study, which shall consider the recommendations in the existing geology report and additional recommendations as needed. The study shall specifically address whether expansive soils are present in the development area and include measures to address these soils where they occur. The recommendations from the geotechnical study shall be incorporated into the design of roadway and infrastructure | Project Applicant                            | City Engineer                                | Prior to the approval of Improvement Plans   |          |

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| Mitigation Number | Impact  | Mitigation Measure  | Implementing Party | Monitoring Agency | Implementation Schedule  | Sign Off |
|-------------------|---|---|--------------------|-------------------|--|----------|
|                   |   | <i>improvements as well as foundation and building design for the review and approval of the City Engineer.</i>   |                    |                   |  |          |
| 4.8-2             | Impacts related to weak or compressible clay.             | 4.8-2 <i>Prior to the approval of Improvement Plans, and after the project grading plans are completed and the approximate building loads are determined, a qualified geotechnical engineer shall determine if remediation measures such as removing and surcharging the compressible materials are necessary to minimize future settlement to acceptable levels. The applicant shall provide the findings of the consolidation analysis to the City Engineer for review and approval.</i>                          | Project Applicant  | City Engineer     | Prior to the approval of Improvement Plans and after the project grading plans are completed and the approximate building loads are determined |          |
| 4.8-3             | Loss of structural support due to potential liquefaction. | 4.8-3(a) <i>Prior to issuance of a grading permit, the applicant/developer shall incorporate the recommendations of a design-level geotechnical report into the Improvement Plans. The following measures include, but are not limited to, the options available to reduce site liquefaction potential and/or adverse effects to structures located above potentially liquefiable soils. Once final grading plans are designed, the project's geotechnical engineers shall determine the appropriate methods of</i> | Project Applicant  | City Engineer     | Prior to issuance of a grading permit  |          |

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| Mitigation Number | Impact | Mitigation Measure   | Implementing Party | Monitoring Agency | Implementation Schedule | Sign Off |
|-------------------|--------|--|--------------------|-------------------|-------------------------|----------|
|                   |        | <p><i>mitigating the effects of liquefaction, such as:</i></p> <ul style="list-style-type: none"> <li>• <i>Remove and replace potentially liquefiable soils;</i></li> <li>• <i>Strengthen foundations (e.g., post-tensioned slab, reinforced mat or grid foundation, or other similar system) to resist excessive differential settlement associated with seismically-induced liquefaction;</i></li> <li>• <i>Support the proposed structures on an engineered fill pad (minimum of 5 feet thick) in order to reduce differential settlement resulting from seismically-induced liquefaction and post-seismic pore pressure dissipation; and/or</i></li> <li>• <i>Densify potentially liquefiable soils with an in situ ground improvement technique such as deep dynamic compaction, vibro-compaction, vibro-replacement, compaction grouting, or other similar methods.</i></li> </ul> |                    |                   |                         |          |

**TABLE 4-1  
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| Mitigation Number | Impact | Mitigation Measure  | Implementing Party | Monitoring Agency | Implementation Schedule | Sign Off |
|-------------------|--------|---|--------------------|-------------------|-------------------------|----------|
|                   |        | <p>4.8-3(b) <i>If deep dynamic compaction is expected to be implemented as the method of densification or for any other reason, the following measures shall be implemented:</i></p> <ul style="list-style-type: none"> <li><i>Geotechnical engineers for the District and the Group Member performing Deep Dynamic Compaction (the “DDC Member”) shall mutually agree upon acceptable threshold limits for peak particle velocities measured during deep dynamic compaction at the toe of the Canal berm (the “Threshold Limits”) along the DDC Member’s Project. The sole purpose of the Threshold Limits is to attempt to avoid damage to the canal. The parties are not warranting that peak particle velocities at the toe of the Canal berm along the DDC Member’s Project less than said Threshold Limits is safe or would not cause or</i></li> </ul> | Project Applicant  | City Engineer     | During compaction       |          |

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| Mitigation Number | Impact | Mitigation Measure  | Implementing Party | Monitoring Agency | Implementation Schedule | Sign Off |
|-------------------|--------|---|--------------------|-------------------|-------------------------|----------|
|                   |        | <p><i>contribute to Canal damage. In determining Threshold Limits, in addition to general safety and engineering factors, the District and DDC Member Engineers may also consider the types and amounts of comprehensive general liability insurance coverage provided by the DDC Member and its contractors or sub-contractors, as well as specific design, construction monitoring, and other measures that are developed to protect the Canal's Integrity, stability, and water quality as set forth above. (For example, if the District believes the amounts of comprehensive general liability insurance coverage provided by the DDC Member and its contractors or sub-contractors is insufficient, the Threshold Limits should be reduced accordingly to reflect this fact.) An independent licensed engineer selected by</i></p> |                    |                   |                         |          |

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| Mitigation Number | Impact | Mitigation Measure   | Implementing Party | Monitoring Agency | Implementation Schedule | Sign Off |
|-------------------|--------|--|--------------------|-------------------|-------------------------|----------|
|                   |        | <p><i>the District (with the concurrence of the DDC Member) shall, at the DDC Member's sole cost and expense, monitor measurements of peak particle velocities at the toe of the Canal berm along the DDC Member's Project during the period that Deep Dynamic Compaction is being performed, and shall submit to the District logs reflecting such measurements on a daily basis during such period.</i></p> <ul style="list-style-type: none"> <li><i>To help ensure that the threshold limits are not exceeded, the DDC Member shall commence deep dynamic compaction on those portions of the project site located farthest from the Canal, and thereafter shall proceed with Deep Dynamic Compaction from those portions of the Project toward the Canal. That is, the DDC Member shall always conduct Deep Dynamic Compaction on this</i></li> </ul> |                    |                   |                         |          |

**TABLE 4-1  
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| Mitigation Number | Impact  | Mitigation Measure   | Implementing Party | Monitoring Agency | Implementation Schedule               | Sign Off |
|-------------------|---|--|--------------------|-------------------|---------------------------------------|----------|
|                   |   | <p><i>Project in a manner that the progression is in a direction toward the canal.</i></p> <ul style="list-style-type: none"> <li><i>If the threshold limits are exceeded while deep dynamic compaction is being performed, then the DDC Member shall immediately cease performing deep dynamic compaction within its Project and promptly notify the District. Deep dynamic compaction shall not resume unless and until (i) measures are developed and implemented by the DDC Member to ensure that the threshold limits are not exceeded, and (ii) the DDC Member notifies the District in writing of such measures.</i></li> </ul> |                    |                   |                                       |          |
| 4.8-4             | Increased soil erosion, wind and water erosion, and siltation of local drainage during and after construction from excavation and grading activities. | <p><i>4.8-4 Prior to issuance of a grading permit, the project applicant shall submit, for the review and approval of the City Engineer, an erosion control plan that utilizes best management practices to limit the erosion effects during construction of the proposed project. Measures could include, but are not limited to:</i></p>   | Project Applicant  | City Engineer     | Prior to issuance of a grading permit |          |

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| Mitigation Number                            | Impact   | Mitigation Measure   | Implementing Party           | Monitoring Agency                | Implementation Schedule               | Sign Off |
|--|--|--|------------------------------|----------------------------------|---------------------------------------|----------|
|  |  | <ul style="list-style-type: none"> <li>• <i>Hydro-seeding;</i></li> <li>• <i>Placement of erosion control measures within drainageways and ahead of drop inlets;</i></li> <li>• <i>The temporary lining (during construction activities) of drop inlets with “filter fabric” (a specific type of geotextile fabric);</i></li> <li>• <i>The placement of straw wattles along slope contours;</i></li> <li>• <i>Directing subcontractors to a single designation “wash-out” location (as opposed to allowing them to wash-out in any location they desire);</i></li> <li>• <i>The use of siltation fences; and</i></li> <li>• <i>The use of sediment basins and dust palliatives.</i></li> </ul> |                              |                                  |                                       |          |
| 4.8-5  | Grading and import of fill.  | 4.8-5 <i>Implement Mitigation Measure 4.8-4.</i>   | See Mitigation Measure 4.8-4 | See Mitigation Measure 4.8-4     | See Mitigation Measure 4.8-4          |          |
| <b>4.9 Historical and Cultural Resources</b> |  |  |                              |                                  |                                       |          |
| 4.9-1  | Substantial adverse change in the significance of a historical resource. | 4.9-1(a) <i>If avoidance of the former location of Iron House School at the northwest corner of the Cypress Road/Sellers Avenue intersection is not feasible as determined by the City,</i>  | Project Applicant            | Community Development Department | During ground disturbing construction |          |

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| Mitigation Number | Impact | Mitigation Measure  | Implementing Party | Monitoring Agency                | Implementation Schedule                  | Sign Off |
|-------------------|--------|---|--------------------|----------------------------------|--|----------|
|                   |        | <p><i>archaeological monitoring during ground disturbing construction shall be conducted in the vicinity of the former school. In the event that any historic and cultural materials are uncovered during construction, work within 25 feet of the find shall cease immediately, and a qualified professional archaeologist shall be contacted for further review and recommendations to determine if the resource is significant and to determine appropriate mitigation.</i></p> <p>4.9-1(b) <i>Prior to the issuance of grading permits, the City shall determine if the Iron House School can be relocated to the 55-acre future community park site immediately north of the project site, in accordance with the terms and conditions of the Memorandum of Understanding between the City of Oakley and Emerson, Burroughs, and Gilbert Families, entered into as of September 23, 2002. The specific location within the community park site shall be approved by the Community Development Department. The project proponent shall mitigate as follows:</i></p> | Project Applicant  | Community Development Department | Prior to the issuance of grading permits |          |

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| Mitigation Number | Impact | Mitigation Measure  | Implementing Party | Monitoring Agency | Implementation Schedule | Sign Off |
|-------------------|--------|---|--------------------|-------------------|-------------------------|----------|
|                   |        | <p><i>The project proponent shall offer to move the Iron House School to another location in the Dutch Slough area. If the Iron House School is moved from the building's original location, the new location shall be appropriate to the historic character of the building (i.e., a rural location similar to the current historic location).</i></p> <p><i>If moving the Iron House School is not feasible, the historic materials and features of the building shall be salvaged. The salvaged materials may be able to be incorporated into buildings on the proposed project site or on other sites in the project area. Representatives of the East Contra Costa County Historical Society, the Contra Costa County Historical Society, the City of Oakley, and other interested parties shall be contacted and given the opportunity to examine the building and provide suggestions for salvaging various features.</i></p> <p><i>Prior to the demolition, salvage, or moving of the Iron House School</i></p> |                    |                   |                         |          |

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| Mitigation Number | Impact | Mitigation Measure   | Implementing Party | Monitoring Agency | Implementation Schedule | Sign Off |
|-------------------|--------|--|--------------------|-------------------|-------------------------|----------|
|                   |        | <p><i>building and related landscape features, the building and features shall be photographically documented according to the Historic American Building Survey (HABS) “Photographic Specifications” published by the Great Pacific Basin Office of the National Park Service in Oakland, California. The documentation shall include archival quality, large format (minimum four by five inch) photographs of the exterior and interior of the building. The documentation shall focus on the individual structure. Written documentation shall include a narrative report according to the instructions in the “Historic American Building Survey Guidelines for Preparing Written Historic and Descriptive Data” published by the Cultural Resources Division of the Great Pacific Basin Office of the National Park Service. In addition to photographs, the documentation shall include historic maps and aerials. A copy of the documentation, with original photo negatives, prints, and plans, shall be donated to a historical archive accessible to the public and</i></p> |                    |                   |                         |          |



**TABLE 4-1  
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| <b>Mitigation Number</b>                              | <b>Impact</b>   | <b>Mitigation Measure</b>  | <b>Implementing Party</b>                | <b>Monitoring Agency</b>                 | <b>Implementation Schedule</b>           | <b>Sign Off</b> |
|---|---|--|--|--|--|-----------------|
|   |   | <i>immediately contacted and all work halted until final disposition by the Coroner. Should the remains be determined to be of Native American descent, the Native American Heritage Commission shall be consulted to determine the appropriate disposition of such remains.</i>   |  |  |  |                 |
| 4.9-3   | In combination with other known and foreseeable projects in the Oakley area, the project's contribution to cumulative cultural resources impacts. | 4.9-3 <i>Implement Mitigation Measures 4.9-2(a) and (b).</i>   | See Mitigation Measures 4.9-2(a) and (b) | See Mitigation Measures 4.9-2(a) and (b) | See Mitigation Measures 4.9-2(a) and (b) |                 |
| <b>4.10 Hydrology, Water Supply and Water Quality</b> |   |  |  |  |  |                 |
| 4.10-2  | Maintenance of levees surrounding the project.  | 4.10-2 <i>Prior to issuance of building permit, the applicant shall annex into the existing Cypress Grove Community Facilities District (CFD) or create a new CFD to collect funding for the maintenance of the levee system, for review and approval of the Community Development Department. The Community Development Department shall ensure the</i> | Project Applicant                        | Community Development Department         | Prior to issuance of a building permit   |                 |

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| Mitigation Number | Impact  | Mitigation Measure  | Implementing Party | Monitoring Agency | Implementation Schedule             | Sign Off |
|-------------------|---|---|--------------------|-------------------|-------------------------------------|----------|
|                   |   | <i>annexation/creation prior to approval of the first building permit.</i>  |                    |                   |                                     |          |
| 4.10-4            | Adequate water supply and delivery for new residents. | <i>4.10-4(a) Prior to recording of the final map, the applicant shall be required to pay a fair-share fee as determined by the DWD toward the CIP for water service infrastructure improvements.</i>                              | Project Applicant  | DWD               | Prior to recording of the final map |          |
|                   |   | <i>4.10-4(b) Prior to recording of the final map, the applicant shall be required to obtain written verification from DWD to verify that water supplies are sufficient to serve the proposed project, consistent with SB 221.</i> | Project Applicant  | DWD               | Prior to recording of the final map |          |
|                   |   | <i>4.10-4(c) Prior to final map approval, each subdivision map shall be conditioned to ensure that the property included within each subdivision map is within the CCWD's CVP contractual service area.</i>                       | Project Applicant  | CCWD              | Prior to final map approval         |          |

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| <b>Mitigation Number</b> | <b>Impact</b>                      | <b>Mitigation Measure</b>  | <b>Implementing Party</b>     | <b>Monitoring Agency</b>      | <b>Implementation Schedule</b>     | <b>Sign Off</b> |
|--------------------------|------------------------------------|--|-------------------------------|-------------------------------|------------------------------------|-----------------|
| 4.10-6                   | Maintenance of stormwater lake.    | 4.10-6 <i>Prior to Improvement Plan approval, the project engineer shall develop a storm drain system maintenance program. The maintenance program shall be submitted for the review and approval of the City Engineer and include the plan for financing and maintenance of the water quality detention basin. The maintenance program shall include measures that would ensure that impacts related to the maintenance of the stormwater lake and sedimentation are fully mitigated to the satisfaction of the City Engineer. The plan shall address aquatic vegetation and vector control, pond bank and inlet structure conditions, and pond sediment removal. In addition, the program shall include an organization chart that identifies the parties responsible for design, planning, current development review, clean water program compliance, and maintenance.</i> | Project Engineer              | City Engineer                 | Prior to Improvement Plan approval |                 |
| 4.10-7                   | Maintenance of storm drain system. | 4.10-7 <i>Implement Mitigation Measure 4.10-6.</i>   | See Mitigation Measure 4.10-6 | See Mitigation Measure 4.10-6 | See Mitigation Measure 4.10-6      |                 |

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| Mitigation Number                         | Impact  | Mitigation Measure   | Implementing Party | Monitoring Agency                | Implementation Schedule                   | Sign Off |
|---|---|--|--------------------|----------------------------------|---|----------|
| <b>4.11 Public Services and Utilities</b> |   |  |                    |                                  |   |          |
| 4.11-3                                    | Adequate ratio of law enforcement personnel to residents. | <p>4.11-3 <i>Prior to approval of the final map for the proposed project, the landowner shall participate in the provision of funding to maintain police services by voting to approve a special tax for the parcels within the project site. The tax shall be the per parcel annual amount (with appropriate future cost of living adjustment) as established at the time of voting by the City Council. The election to provide for the tax shall be completed prior to issuance of permits. Should the buildings be ready for occupancy prior to the City receiving the first disbursement from the tax bill, the project proponent shall be responsible for paying the pro-rata share for the remainder of the tax year prior to the City conducting a final inspection.</i></p> | Project Applicant  | Community Development Department | Prior to approval of the final map        |          |
| 4.11-4                                    | Adequate ratio of fire department personnel to residents. | <p>4.11-4(a) <i>Prior to the issuance of building permits, the project proponent shall pay a fair share of costs for new fire protection facilities and services, consistent with fire impact fees adopted by the City of Oakley.</i></p>  | Project Applicant  | Community Development Department | Prior to the issuance of building permits |          |
|   |   | <p>4.11-4(b) <i>Prior to approval of the building plans, the project applicant shall</i></p>   | Project Applicant  | Community Development            | Prior to approval of the building         |          |

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| <b>Mitigation Number</b> | <b>Impact</b>  | <b>Mitigation Measure</b>  | <b>Implementing Party</b> | <b>Monitoring Agency</b>  | <b>Implementation Schedule</b>   | <b>Sign Off</b> |
|--------------------------|--|--|---------------------------|---|--|-----------------|
|                          |  | <i>provide proof to the Community Development Department that fire flow requirements shall be met.</i>   |                           | Department  | plans  |                 |
| 4.11-5                   | Adequate capacity for students enrolled in school districts within the project area. | <i>4.11-5 Prior to issuance of final building permit, or as otherwise provided by State law, the proposed project property owner shall pay appropriate SB 50 and AB 16 school impact fees.</i>   | Project Applicant         | Community Development Department                                    | Prior to issuance of final building permit or as otherwise provided by State law |                 |
| 4.11-6                   | Adequate provision of parks and recreation space for new residents.                  | <i>4.11-6 Prior to issuance of building permits, the proposed project property owner shall pay the remaining park in-lieu fee to facilitate the provision of the community park facilities to be located north of the CCWD/USBR canal.</i> | Project Applicant         | Community Development Department                                    | Prior to issuance of building permits  |                 |
| 4.11-7                   | Cumulative impacts to public services and facilities.                                | <i>4.11-7 Prior to the issuance of building permits, the project proponent shall pay a fair share of costs for new wastewater collection facilities, as determined by the Ironhouse Sanitary District.</i>                                 | Project Applicant         | Community Development Department<br><br>Ironhouse Sanitary District | Prior to the issuance of building permits  |                 |