

## Mitigation Monitoring Program (MMP) for the City of Oakley Westerly Annexation Program

Mitigation Measure	Monitoring and Reporting Procedure	Mitigation Timing	Mitigation Responsibility	Compliance Verification Responsibility
<b>1. Aesthetics</b>				
(a) New residential development shall be subject to design review approval by the City of Oakley, in accordance with City ordinance and provisions of the applicable P-1 and R-40 zoning districts.	Verify that construction plans are received design review approval.	Prior to issuance of construction permits.	BD	PD
(b) Improvement plans shall include location and details of street lighting; architectural plans shall call for use of low-level building lighting with shields to minimize direct and indirect glare on adjoining streets and properties. Plans to include illumination diagrams.	Verify through review of lighting diagrams and improvement plans.	Prior to issuance of construction permits.	ED	PD
<b>3. Air Quality</b>				
(a) Development of the Baldocchi property shall be reviewed in detail in order to assure compliance with programmatic mitigation measures adopted with the Oakley 2020 General Plan.	Verify through review of tentative maps and other initial entitlements.	Prior to approval of entitlements.	PD	PD
(b) Potentially elevated levels of PM resulting from construction activity dustfall shall be mitigated through the following measures:  (1) Water or cover stockpiles of debris, soil, sand or other materials that can be blown by the wind. (2) Water all active construction areas at least twice daily. (3) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard. (4) 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. (5) Sweep daily (preferably with water sweepers) all paved access road, parking areas and staging areas at construction sites. (6) Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets. (7) Hydroseed or apply non-toxic soil stabilizers to inactive construction areas.	Verify that recommended dust control measures are implemented.	Throughout all phases of construction.	BD & BAAQMD	PD

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<p>(8) Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).</p> <p>(9) Limit traffic speeds on unpaved roads to 15 mph.</p> <p>(10) Install sandbags or other erosion control measures to prevent silt runoff to public roadways.</p> <p>(11) Replant vegetation in disturbed areas as quickly as possible.</p> <p>(12) Posted the construction site in a conspicuous location with the name and phone number of a designated dust control coordinator who can respond to complaints by suspending dust-producing activities or providing additional personnel or equipment for dust control.</p>				
<p>© Use of heavy equipment, including truck traffic to and from the site, shall be limited to the hours of 8:00 AM to 5:00 PM.</p>	<p>Verify compliance with each development project.</p>	<p>Throughout all phases of construction.</p>	<p>BD &amp; BAAQMD</p>	<p>PD</p>
<p><b>4. Biological Resources</b></p>				
<p>(a) All Site development activities shall protect against accidental take of western burrowing owl during the breeding/nesting season as follows:</p> <p>(1) If ground disturbance must occur within the nesting season (February 1 to August 31), a pre-construction nesting burrowing owl survey following CDFG protocols shall first be performed by a qualified biologist to avoid impacts to burrowing owls. Protocol surveys include conducting a crepuscular (early morning or late evening) survey. Any active nests must not be disturbed until the young have fledged.</p> <p>(2) All burrows containing active nests shall be identified by flagging and be protected by a no disturbance buffer zone of 75 meters (approximately 250 feet). After the young have fledged, but before grading work is initiated, burrows shall be collapsed to prevent re-occupation by burrowing owls. Loss of habitat shall be compensated for by permanent protection of 6.5-acres of foraging habitat per pair at an off-site location approved by the CDFG.</p>	<p>Verify compliance with mitigation measures through review of grading and site development plans.</p>	<p>Prior to the issuance of grading and site development permits.</p>	<p>BD and CDFG</p>	<p>PD</p>

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<p>(b) Disturbance during the nesting season which could result in potential burrowing owl nest abandonment and mortality of young shall be avoided through the following mitigation measures:</p> <ol style="list-style-type: none"> <li>(1) Grading within the grasslands or demolition of structures should be conducted outside the nesting season, which occurs between approximately February 1 and August 15. If grading/demolition before February 1 is infeasible and groundbreaking must occur within the breeding season, a pre-construction nesting bird survey of the grasslands and structures should be performed by a qualified biologist. If no nesting birds are observed no further action is required and grading may occur within one week of the survey to prevent "take" of individual birds that may have begun nesting after the survey. If birds are observed on site after February 1 it will be assumed that they are nesting on site or adjacent to the site. If nesting birds are observed, ground breaking will have to be delayed until after the young have fledged, as determined by bird surveys by a qualified biologist, or after the nesting season.</li> <li>(2) The CDFG Central Coast Regional office does allow grading to occur if nesting birds are observed on site, providing that a 75-100 foot buffer zone is created around the observed nest. However, because nests may occur in the middle of the grading area, this method is not advised.</li> </ol>	<p>Verify compliance with mitigation measures through review of grading and site development plans.</p>	<p>Prior to the issuance of grading and site development permits.</p>	<p>BD and CDFG</p>	<p>PD</p>
<p>(c) Accidental take of bats which may day or night-roost in the structures that occur within the annexation area shall be avoided through the following:</p> <ol style="list-style-type: none"> <li>(1) Structures possessing potential day and/or night roost habitat, and those not assessed during this effort, must be surveyed for evidence of bat roosting activity by a qualified bat biologist prior to demolition/construction activities. Surveys should be conducted 45 days in advance of construction or demolition, in order to provide ample time to conduct humane eviction, if required.</li> <li>(2) If a qualified bat biologist determines that no bat activity is taking place, but potential roost habitat exists, structures shall first be inspected to verify the absence of bats, and immediately thereafter sealed to prevent occupancy prior to demolition.</li> <li>(3) If bat roosting activity is found, humane eviction must be conducted by a qualified bat exclusion expert, or by a contractor under the supervision of</li> </ol>	<p>Verify compliance with mitigation measures through review of building, grading and site development plans.</p>	<p>Prior to the issuance of demolition, grading and site development permits.</p>	<p>BD and CDFG</p>	<p>PD</p>

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<p>a qualified bat biologist. Humane exclusion must be limited seasonally to between February 15 and April 15, or August 30 and October 15.</p>				
<p><b>5. Cultural Resources</b></p>				
<p>(a) In accordance with CEQA Subsection 15064.5 (f), should any previously unknown historic or prehistoric resources, including but not limited to charcoal, obsidian or chert flakes, grinding bowls, shell fragments, bone, pockets of dark, friable soils, glass, metal, ceramics, wood or similar debris, be discovered during grading, trenching, or other on-site excavation(s), earthwork within 100 feet of these materials shall be stopped until a professional archaeologist certified by the Registry of Professional Archaeologists (RPA) has had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s), as determined necessary.</p>	<p>Verify that upon discovery of finds, mitigation procedures are implemented.</p>	<p>Throughout all phases of site development.</p>	<p>Contractor and BD</p>	<p>PD</p>
<p>(b) In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27492 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of death, and the recommendations concerning treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code.</p>	<p>Verify that upon discovery of finds, mitigation procedures are implemented.</p>	<p>Throughout all phases of site development.</p>	<p>Contractor and BD</p>	<p>BD</p>
<p>(c) The County Coroner, upon recognizing the remains as being of Native American origin, is responsible to contact the Native American Heritage Commission within twenty-four hours. The Commission has various powers and duties to provide for the ultimate disposition of any Native American remains, as does the assigned Most Likely Descendant. Sections 5097.98 and 5097.99 of the Public Resources Code also call for "protection to Native American human burials and skeletal remains from vandalism and inadvertent destruction." A combination of preconstruction worker training and intermittent construction monitoring by a qualified archaeologist will serve to achieve compliance with this requirement for protection of human remains. Worker training typically instructs workers as to the potential for discovery of cultural or human remains, and both</p>	<p>Verify that upon discovery of finds, mitigation procedures are implemented.</p>	<p>Throughout all phases of site development.</p>	<p>Contractor and BD</p>	<p>BD</p>

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the need for proper and timely reporting of such finds, and the consequences of failure thereof. Once the find has been identified, the archaeologist will make the necessary plans for treatment of the find(s) and for the evaluation and mitigation of impacts if the finds are found to be significant according to CEQA.				
<b>b. Geology and Soils:</b>				
(a) A detailed soils report shall be prepared to provide specific recommendations on building and foundation design, and grading work on all new development within the project area.	Verify that construction plans have been reviewed and certified by a licensed engineering geologist.	Prior to issuance of grading and construction permits.	BD	PD
(b) Site is potentially subject to strong ground shaking, liquefaction, lateral spreading, and earthquake-induced landsliding. Final grading plans shall be prepared by a licensed civil engineer pursuant to the Uniform Building Code. These plans shall incorporate the recommendations of the soil engineering and engineering geology investigations. All grading activities shall be continuously inspected by the project geotechnical engineer in order to ensure that recommendations are incorporated during construction.	Verify that construction plans have been reviewed and certified by a licensed engineering geologist.	Prior to issuance of grading and construction permits.	BD	PD
(c) Site is potentially subject to strong ground shaking, lurching, liquefaction, and lateral spreading. A detailed soil engineering and engineering geology investigation shall be completed to guide preparation of construction plans, including specific architectural designs for planned homes. These plans shall incorporate the recommendations of the soil engineering and engineering geology investigation.	Verify that construction plans have been reviewed and certified by a licensed engineering geologist.	Prior to issuance of grading and construction permits.	BD	PD
(d) Project soils report shall provide recommendations for grading and foundation design. Final grading plans shall be prepared at a construction-level (40-scale) by a licensed civil engineer pursuant to the Uniform Building Code. These plans shall be reviewed by the project geotechnical engineer to assure compliance with specific geotechnical and engineering recommendations. All grading activities shall be continuously inspected by the project geotechnical	Verify that construction plans have been reviewed and certified by a licensed	Prior to issuance of grading and construction permits.	BD	PD

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<p>engineer in order to ensure that recommendations are incorporated during construction.</p>	<p>engineering geologist.</p>			
<p>(e) Full erosion control measures must be incorporated into the improvement plans to reduce the potential for slope failure or erosion. These issues will be addressed through the following measures.</p> <ol style="list-style-type: none"> <li>(1) Final grading plans shall be prepared by a licensed civil engineer pursuant to the Uniform Building Code.</li> <li>(2) Plans to incorporate the recommendations of soil engineering and engineering geology investigations, which shall specifically address slope stability.</li> <li>(3) Full erosion control measures and drainage facility designs will be incorporated into the improvement plans, as recommended by the soils engineer.</li> <li>(4) All grading activities shall be continuously inspected by the project geotechnical engineer in order to ensure that recommendations are incorporated throughout all phases of construction.</li> <li>(5) A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared in accordance with RWQCB standards (see Mitigation Measure 8. a) 1 below).</li> </ol>	<p>Verify that construction plans have been reviewed and certified by a licensed engineering geologist.</p>	<p>Prior to issuance of grading and construction permits.</p>	<p>BD</p>	<p>PD</p>
<p>(f) Final grading plans must specifically address slope stability, erosion control and drainage facilities. In addition, all grading activities shall be inspected by the project engineer in order to ensure that recommendations are incorporated during construction</p>	<p>Verify that construction plans have been reviewed and certified by a licensed engineering geologist.</p>	<p>Prior to issuance of grading and construction permits.</p>	<p>BD</p>	<p>BD</p>
<p><b>7. Hazards and Hazardous Materials</b></p>				
<p>(a) Accurate locations of all any pipelines and utilities present on the site shall be investigated as part of the soils engineering study and identified on plans and in the field prior to construction.</p>	<p>Verify completion of plans and compliance in the field.</p>	<p>Prior to issuance of any permits, and throughout construction.</p>	<p>Contractor and BD</p>	<p>PD</p>

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<b>8. Hydrology and Water Quality</b>				
(a) Project shall incorporate on-site storm water collection and conveyance pursuant to City and CCCFCWCD standards. All project grading activities shall comply with the requirements of the National Pollution Discharge Elimination System (NPDES) Program, as established by the Clean Water Act. The applicant shall obtain the appropriate permits from the Central Valley Regional Water Quality Control Board (RWQCB), based on a Storm Water Pollution Prevention Plan (SWPPP) which incorporates Best Management Practices, consistent with the State General Permit. The SWPPP shall provide for reduction of impacts from each phase of the project, consistent with NPDES standards.	Verify that SWPPP is complete and followed.	Prior to issuance of permits and throughout construction.	Contractor and ED	PD
(b) Prior to approval of a tentative subdivision map for the Baldocchi property, the developer shall obtain approval from the City of Oakley and CCCFCWCD of plans for mitigation of peak storm water flows from development of the planned residential uses within the northerly portion of the project area. These plans shall address the pre-treatment of flows in accordance with NPDES standards and the project SWPPP, and shall be consistent with the area master plan to provide for reduction of peak flows. Approved facilities shall be implemented concurrently with issuance of construction permits; this requirement may be satisfied through a combination of approved on-site detention and/or contribution of off-site facilities owned and maintained by the City and/or CCCFCWCD.	Verify that all applicable requirements have been satisfied.	Prior to approval of project entitlements and throughout construction.	CCCFCWCD and ED	PD
(c) Prior to approval of a tentative subdivision map for the Baldocchi property, the developer shall obtain approval from the City of Oakley of plans for collection and conveyance of concentrated storm drainage flows to approved public facilities in accordance with the area master plan. All such improvements shall be constructed prior to issuance of building permits for residential uses within the project area.	Verify that all applicable requirements have been satisfied.	Prior to approval of project entitlements and throughout construction.	ED	PD
(d) All future development within the project area shall contribute to the cost of expanded storm drainage infrastructure and detention basins in accordance with General Plan Figure 4-2, Policy 4.10.10 and fees applicable at the time of permits.	Verify that all applicable requirements have been satisfied.	Prior to issuance of permits and throughout construction.	CCCFCWCD and ED	PD

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<b>9 Land Use and Planning</b>				
(a) Site and architectural plans for all future residential development shall be subject to Design Review approval. Consistency with all applicable City zoning, Design Standards and related requirements shall be verified as part of this process. Avoidance of impacts to adjoining uses is dependent on complete implementation of all other measures listed in this MMRP.	Verify consistency with approved plans.	Prior to issuance of construction permits and throughout construction.	BD and PD	PD
(b) Development of the Baldocchi property shall also be subject to Final Development Plan (P-1 Zoning) and Tentative Subdivision Map approval. The adequacy of proposed infrastructure to comply with related mitigation measures shall be verified at that time	Verify consistency with General Plan standards and applicable mitigation measures.	Prior to issuance of project entitlements.	PD	PD
<b>11 Noise</b>				
(a) Noise generating construction equipment, including truck traffic to and from the site, shall be limited to the hours of 8:00 AM to 5:00 PM. All construction equipment shall be properly muffled and maintained.	Verify consistency with General Plan standards and applicable mitigation measures.	Prior to issuance of project entitlements.	PD	PD
(b) The developer of the Baldocchi property shall provide a detailed noise study to demonstrate compliance with City of Oakley interior and exterior noise standards, as identified in the General Plan Noise Element and City Noise Ordinance. Measures which may be employed to achieve compliance with these standards include sound walls or earthen berms, closed windows with mechanical ventilation on residential second floors, use of specific building materials, etc. Compliance with these standards shall be verified prior to approval of site improvement plan and building plans.	Verify consistency with General Plan standards and applicable mitigation measures.	Prior to issuance of project entitlements.	PD	PD
<b>13 Public Services</b>				
(a) The site development plan for the Baldocchi property shall be reviewed and approved in accordance with inter-district agreements by the Contra Costa Fire Protection District prior to Development Plan and Tentative Subdivision Map approval by the City. The proposed street layout must ensure that fire engines can adequately be positioned, in order to provide access to within 150 feet of the perimeter of all structures, in accordance with California Fire Code and NFPA 13 requirements, where applicable.	Verify consistency with General Plan standards and applicable mitigation measures.	Prior to issuance of project entitlements.	PD	PD

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(b) Applicable ECFPD fees relating to capital facility funding shall be paid prior to issuance of a final map and building permits for all new residences.	Verify collection of applicable fees.	Prior to issuance of project entitlements and/or permits.	ECFPD and PD	PD
(c) All new development within the Westerly Annexation Area shall pay the applicable City impact fees for police services pursuant to current ordinances.	Verify collection of applicable fees.	Prior to issuance of project entitlements.	PD	PD
(d) All new residential development within the project area will pay mitigation fees to the Liberty Union High School District and Oakley Union Elementary School District pursuant to local ordinance.	Verify collection of applicable fees.	Prior to issuance of project entitlements and/or permits.	PD	PD
(e) The tentative subdivision map and final development plan for the Baldocchi property shall include provision for dedication and improvement of the first phase of a future 2.5-acre park. The initial phase of development for the park shall include sufficient acreage and facilities to address the needs of a planned 100 dwelling units (approx. 1.6 acres based on 5 acres per 1,000 population and 3.2 persons per unit).	Verify satisfaction of obligation.	Prior to issuance of project entitlements.	PD	PD
(f) Future very low density residential development on properties to the south and east of Baldocchi shall be required to contribute to the completion of the neighborhood park to an ultimate size of approximately 2.5 acres.	Verify satisfaction of obligation.	Prior to issuance of project entitlements.	PD	PD
(g) The Baldocchi property project shall provide for completion of remaining improvements along both street frontages, and shall pay all applicable impact fees, as determined by the Community Development Director and City Engineer.	Verify consistency with General Plan standards and applicable mitigation measures.	Prior to issuance of project entitlements.	PD	PD
<b>19. Transportation/Traffic</b>				
(a) Future development within the Westerly Annexation Area, including the planned Baldocchi property subdivision, shall pay a traffic impact fee to the City of Oakley which includes contribution for: (a) The cost of a future traffic signal at East Cypress Road / Delta Vista Middle School and at Delta Road / Sellers Avenue, and for modifications to the current signal at East Cypress Road / Sellers Avenue; and (b) Regional improvements to the State Route 4 Bypass and SR 4. The fee shall be collected by the City Engineer at the time of final map or building permit, whichever occurs first.	Verify collection of applicable fees.	Prior to issuance of project entitlements and/or permits.	PD	PD

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(b) Improvement plans for the Baldocchi property subdivision shall include dedication and widening of the Sellers Avenue (4 lanes total) and East Cypress Road (6 lanes total) frontages. Plans shall include details of transition paving and other traffic control measures along both street frontages, and/or a deferred improvement agreement. Future development on R-40 zoned properties to the east and south of Baldocchi shall also be subject to this requirement.	Verify consistency with General Plan standards and applicable mitigation measures.	Prior to issuance of project entitlements.	PD	PD
(c) Internal street design within the Baldocchi property shall be subject to further review and approval by the City engineer prior to tentative map approval. The street system shall provide for a continuous internal collector roadway between Sellers Avenue and Knightsen Avenue (with a temporary stub at the easterly boundary of the Baldocchi property). This roadway connection will allow future project traffic to disperse to both Sellers Ave. and Knightsen Ave. without need for left-turn movements directly onto East Cypress Ave. under cumulative conditions. It shall also provide for safe movement of pedestrians and bicyclists.	Verify consistency with General Plan standards and applicable mitigation measures.	Prior to issuance of project entitlements.	PD	PD
(d) The proposed Baldocchi property development shall provide parking for residential uses in accordance with City zoning ordinance standards. Overall parking arrangements for the residential lots and the neighborhood park shall be subject to further review and approval at part of the final development plan review process.	Verify consistency with adopted zoning standards and applicable mitigation measures.	Prior to issuance of project entitlements.	PD	PD
<b>16. Utilities and Service Systems</b>				
(a) Upon successful annexation to DWD and CCWD, application must be made to the U.S. Bureau of Reclamation for inclusion of these 87.9 acres within the Central Valley Project (CVP) Service Area. Under the terms of CCWD's contract with the Bureau for CVP water, the Secretary of the Interior (or designee) must consent to inclusion of the newly annexed lands before such lands can receive CVP water. Prior to initiating this inclusion process with the Bureau, confirmation through the U.S. Fish and Wildlife Service (USFWS) is needed to demonstrate that no federally listed endangered species will be adversely impacted by future development associated with the annexations. The developer of the Baldocchi property shall work with CCWD staff to complete this documentation utilizing the analysis presented in Section 3 of this report and Appendix B (the Biological Resources Analysis).	Verify completion of inclusion process.	Prior to issuance of construction permits.	CCWD and PD	PD

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(b) In addition to normal CCWD and DWD annexation impact fees, development of the Baldocchi property may require participation in a fee-based program designed to enhance the long-term quality and reliability of service associated with operation and protection of the Contra Costa Canal. Payment of the \$2,500 per newly created lot or parcel (adjusted for inflation) to CCWD shall be determined as a condition of tentative map approval, and if required, shall be collected at the time of building permit issuance	Verify collection of applicable fees.	Prior to issuance of project entitlements and/or permits.	CCWD, DWD and PD	PD
(c) Developer of the Baldocchi property shall obtain approval from the City of detailed plans providing for storm drainage collection and conveyance, including required detention, based on the approved area master plan. All applicable fees associated with these facilities shall be paid prior to recordation of a final map.	Verify consistency with General Plan standards and applicable mitigation measures.	Prior to issuance of project entitlements.	CCFCWCD and ED	PD
(d) All future development within the project area shall be subject to payment of Ironhouse Sanitary District impact fees prior to recordation of a final map or issuance of building permits, whichever occurs first. Prior to recordation of a final map, the developer of the Baldocchi property shall obtain approval from the City Engineer and ISD of plans to extend and connect to current District facilities for collection of wastewater effluent.	Verify collection of applicable fees and approval of improvement plans.	Prior to issuance of project entitlements.	ISD and ED	PD

**Legend**

BD – City of Oakley Building Division

PWD – City of Oakley Engineering Division

PD – City of Oakley Planning Division

CCFCWCD – Contra Costa County Flood Control and Water Conservation District

ISD – Ironhouse Sanitary District

CCWD – Contra Costa Water District

BAAQMD – Bay Area Air Quality Management District

CDFG – California Department of Fish and Game

ECFPD – East County Fire Protection District

DWD - Diablo Water District