

# 2480 Oakley Road Residential Development Project Mitigation Monitoring Program

– June 2020

The California Environmental Quality Act (CEQA) and CEQA Guidelines require Lead Agencies to adopt a program for monitoring the mitigation measures required to avoid significant environmental impacts of a project. The Mitigation Monitoring Program ensures that mitigation measures imposed by the City are completed at the appropriate time in the development process.

The mitigation measures identified in the Initial Study/Mitigated Negative Declaration for the 2480 Oakley Road Residential Development Project are listed below along with the party responsible for implementation of the mitigation measure, the party responsible for monitoring implementation of the mitigation measure, the milestones for implementation and monitoring, and a sign off that the mitigation measure has been implemented.

**MITIGATION MONITORING PROGRAM  
2480 OAKLEY ROAD RESIDENTIAL DEVELOPMENT PROJECT**

Impact	Mitigation Measures	Implementing Party	Monitoring Agency	Implementation Schedule	Sign-Off
<b>Biological Resources</b>					
IV. (a.)	<p><i>IV-1. Prior to the approval of a grading permit, the developer shall pay the applicable ECCCHCP/NCCP per-acre fee in effect for the applicable zone in compliance with Section 9.2.712 of the Oakley Municipal Code.</i></p> <p><i>Swainson's Hawk</i></p> <p><i>IV-2. Prior to any ground disturbance related to activities covered under the ECCCHCP/NCCP, which are conducted during the nesting season (March 15 to September 15), a qualified biologist shall conduct a preconstruction survey no more than one month prior to construction in order to establish whether occupied Swainson's hawk nests are located within 1,000 feet of the project site. A written summary of the survey results shall be submitted to the City of Oakley Planning Division. If occupied nests are not found during the survey, further mitigation is not required.</i></p>	Project Developer	City of Oakley Planning Division	Prior to the approval of a grading permit	
		Project Applicant	City of Oakley Planning Division	No more than one month prior to any ground disturbance related to activities covered under the ECCCHCP/NCCP during the nesting season (March 15 to September 15)	

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	<p><i>IV-3. 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 are required (see below).</i></p> <p><i>During the nesting season (March 15 to September 15), covered activities within 1,000 feet of occupied nests or nests under construction shall be prohibited to prevent nest abandonment. If site-specific conditions or the nature of the covered activity (e.g., steep topography, dense vegetation, limited activities) indicate that a smaller buffer could be used, the project applicant shall coordinate with CDFW/USFWS to determine the appropriate buffer size. If young fledge prior to September 15, covered activities may proceed normally. 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 may apply to the City of Oakley Planning Division for a waiver of this avoidance measure. Any waiver must also be</i></p>	Project Applicant	California Department of Fish and Wildlife  U.S. Fish and Wildlife Service  City of Oakley Planning Division	During the nesting season (March 15 to September 15) within 1,000 ft of the project site	

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	<p><i>approved by USFWS and CDFW. While the nest is occupied, activities outside the buffer may take place.</i></p> <p><i>All active nest trees shall be preserved on site, if feasible. Nest trees, including non-native trees, lost to covered activities shall be mitigated by the project proponent according to the requirements below.</i></p> <p><i>Golden Eagle</i></p> <p><i>IV-4. Prior to implementation of covered activities, a qualified biologist shall conduct a preconstruction survey to establish whether nests of golden eagles are occupied. If nests are occupied minimization requirements and construction monitoring shall be required. If occupied nests are not found during the survey, further mitigation is not required. A written summary of the survey results shall be submitted to the City of Oakley Planning Division.</i></p> <p><i>IV-5. If nests are occupied, minimization requirements and construction monitoring shall be required.</i></p> <p><i>Covered activities shall be prohibited within</i></p>	<p>Project Applicant</p> <p>Project Applicant</p>	<p>City of Oakley Planning Division</p> <p>California Department of Fish and Wildlife U.S. Fish and Wildlife Service</p>	<p>Prior to implementation of covered activities under ECCCHCP/NCCP</p> <p>Prior to and during construction activities covered under ECCCHCP/NCCP</p>	

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	<p><i>0.5-mile of active nests. Nests can be built and active at almost any time of the year, although mating and egg incubation occurs late January through August, with peak activity in March through July. If site-specific conditions or the nature of the covered activity (e.g., steep topography, dense vegetation, limited activities) indicate that a smaller buffer could be appropriate or that a larger buffer should be implemented, the project applicant shall coordinate with CDFW/USFWS to determine the appropriate buffer size.</i></p> <p><i>Construction monitoring shall focus on ensuring that covered activities do not occur within the buffer zone established around an active nest. Although known golden eagle nest sites do not occur within or near the Urban Limit Line (ULL), covered activities inside and outside of the Preserve System have the potential to disturb golden eagle nest sites. Construction monitoring shall ensure that direct effects to golden eagles are minimized.</i></p> <p><i>Nesting Raprtors and Migratory Birds</i></p>			<p>within 0.5-mile of active nests.</p>	

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	<p><i>IV-6. Prior to any ground disturbance related to covered activities during the nesting season (March 15 to September 15), a qualified biologist shall conduct a preconstruction survey 30 days or less prior to construction in order to establish whether occupied migratory bird and/or raptor nests are located within 250 feet of the project site. A written summary of the survey results shall be submitted to the City of Oakley Planning Division. If occupied nests occur on-site or within 250 feet of the project site, then Mitigation Measure IV-7 shall be implemented. If occupied nests are not found, further mitigation is not necessary.</i></p>	Project Applicant	City of Oakley Planning Division	Within 30 days prior to any ground disturbance related to covered activities under ECCCHCP/NCCP during the nesting season (March 15 to September 15)	
	<p><i>IV-7. During the nesting season (March 15 to September 15), if occupied nests occur on-site or within 250 feet of the project site, covered activities within 250 feet of occupied nests or nests under construction shall be prohibited to prevent nest abandonment. If site-specific conditions, or the nature of the covered activity (e.g., dense vegetation, limited activities) indicate that a smaller buffer could be used, the project applicant may coordinate with CDFW/USFWS to determine the appropriate buffer size. If young fledge prior to September 15, covered</i></p>	Project Applicant	California Department of Fish and Wildlife  U.S. Fish and Wildlife Service	During the nesting season (March 15 to September 15)	

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	<i>activities can proceed normally.</i>				
<b>Cultural Resources</b>					
V. (a-c.)	V-1.	<p><i>Prior to grading permit issuance, the developer shall submit plans to the Planning Division for review and approval which indicate (via notation on the improvement plans) that if historic and/or cultural resources are encountered during site grading or other site work, all such work shall be halted immediately within 100 feet and the developer shall immediately notify the Planning Division of the discovery. In such case, the developer shall be required, at their own expense, to retain the services of a qualified archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeologist for the purpose of recording, protecting, or curating the discovery as appropriate. The archaeologist shall be required to submit to the Planning Division for review and approval a report of the findings and method of curation or protection of the resources. Further grading or site work within the area of discovery shall not be allowed until the preceding work has occurred.</i></p>	Project Applicant	City of Oakley Planning Division	Prior to grading permit issuance

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	<p>V-2. <i>If human remains, or remains that are potentially human, are found during construction, a professional archeologist shall ensure reasonable protection measures are taken to protect the discovery from disturbance. The archaeologist shall notify the Contra Costa County Coroner (per §7050.5 of the State Health and Safety Code). The provisions of §7050.5 of the California Health and Safety Code, §5097.98 of the California Public Resources Code, and Assembly Bill 2641 will be implemented. If the Coroner determines the remains are Native American and not the result of a crime scene, then the Coroner will notify the Native American Heritage Commission (NAHC), which then will designate a Native American Most Likely Descendant (MLD) for the project (§5097.98 of the Public Resources Code). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the applicant does not agree with the recommendations of the MLD, the NAHC can mediate (§5097.94 of the Public Resources Code). If an agreement is not reached, the qualified archaeologist or most likely descendent must</i></p>	Project Applicant	Contra Costa County Coroner  Native American Heritage Commission (NAHC)	During project construction	

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	<p><i>rebury the remains where they will not be further disturbed (§5097.98 of the Public Resources Code). This will also include either recording the site with the NAHC or the appropriate Information Center, using an open space or conservation zoning designation or easement, or recording a reinternment document with the county in which the property is located (AB 2641). Work cannot resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the treatment measures have been completed to their satisfaction.</i></p>				
<b>Geology and Soils</b>					
VII (aiii-iv, c, f).	<p><i>VII-1. All grading and foundation plans for the development shall be designed by a Civil and Structural Engineer and reviewed and approved by the Director of Public Works/City Engineer, Chief Building Official, and a qualified Geotechnical engineer prior to issuance of grading and building permits to ensure that all geotechnical recommendations specified in the geotechnical report prepared for the proposed project by Geo-Engineering Solutions, Inc. are properly incorporated and utilized in the project design.</i></p>	Project Applicant	<p>Director of Public Works/City Engineer</p> <p>Chief Building Official</p> <p>A qualified Geotechnical engineer</p>	Prior to issuance of grading and building permits	

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	<i>VII-2. Implement Mitigation Measures V-1 and V-2.</i>	See Mitigation Measures V-1 and V-2.	See Mitigation Measures V-1 and V-2.	See Mitigation Measures V-1 and V-2.	
<b>Hazards and Hazardous Materials</b>					
IX (b.).	<i>IX-1. Prior to initiation of future demolition or construction activities on the proposed project site, the project applicant shall complete an analysis of on-site soils to determine whether substantial concentrations of organochloride pesticides or other soil contaminants are present above the applicable direct exposure Environmental Screening Levels (ESLs) set by the Regional Water Quality Control Board, the residential screening levels set by the Department of Toxic Substances Control's Human Health Risk Assessment Note 3, and/or the U.S. Environmental Protection Agency's Regional Screening Levels for Region 9. If contaminants are not detected above applicable ESLs/RSLs, then further mitigation is not required. If contaminants are detected above the applicable ESLs/RSLs, then the soils</i>	Project Applicant	City of Oakley Planning Division	Prior to initiation of future demolition or construction activities on the proposed project site	

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	<i>shall be remediated by off-hauling to a licensed landfill facility. Such remediation activities shall be performed by a licensed hazardous waste contractor (Class A) and contractor personnel that have completed 40-hour OSHA hazardous training. The results of soil sampling and analysis, as well as verification of proper remediation and disposal, shall be submitted to the Planning Division for review and approval.</i>				
<b>Hydrology and Water Quality</b>					
X (a, ci-iii).	X-1. <i>Prior to issuance of grading permits, the applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP). The developer shall file the Notice of Intent (NOI) and associated fee to the SWRCB. The SWPPP shall serve as the framework for identification, assignment, and implementation of BMPs. The SWPPP shall be submitted to the Director of Public Works/City Engineer for review and approval and shall remain on the project site during all phases of construction. Following implementation of the SWPPP, the contractor shall subsequently</i>	Project Applicant	State Water Resources Control Board  Director of Public Works/City Engineer	Prior to issuance of grading permits	

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	<p><i>demonstrate the SWPPP's effectiveness and provide for necessary and appropriate revisions, modifications, and improvements to reduce pollutants in stormwater discharges to the maximum extent practicable. The contractor shall implement BMPs to reduce pollutants in stormwater discharges to the maximum extent practicable.</i></p> <p>X-2. <i>In addition to a SWPPP, prior to issuance of grading permits, the project applicant shall create an interim and final erosion and sediment control plan which shall include a delineation and brief description of the measures to be undertaken to retain sediment on the site, including but not limited to, the design and specifications of bio-treatment areas and a schedule for maintenance. The plan shall also contain a delineation and brief description of the surface runoff and erosion control measures, including, but not limited to, types and method of applying mulches, and designs and specifications for diverters, dikes, and drains. The plan shall be reviewed and approved by the City Public Works and Engineering Department.</i></p>	Project Applicant	City of Oakley Public Works Department  City of Oakley Engineering Department	Prior to issuance of grading permits	

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	<p>X-3. <i>The project applicant shall submit a complete Stormwater Control Plan and Report compliant with the requirements set forth in the City's most current NPDES permit. The C.3 treatment facilities shall be adequately sized to treat the stormwater runoff from the associated drainage management areas. The grading and/or building plans shall include drawings and specifications necessary to implement all measures in the approved Stormwater Control Plan. Design features shall incorporate low impact development design standards as outlined in the most current edition of the Contra Costa Clean Water Program's C.3 Guidebook. All plans shall be reviewed and approved by the City Public Works and Engineering Department.</i></p>	Project Applicant	<p>City of Oakley Public Works Department</p> <p>City of Oakley Engineering Department</p>	Prior to issuance of grading permits	
<b>Noise</b>					
XIII(a-b).	<p>XIII-1. <i>Construction activities shall comply with the Oakley Municipal Code and shall be limited to the hours set forth below:</i></p> <p style="text-align: center;"><i>Monday—Friday: 7:30 AM to 7:00 PM Saturdays, Sundays, and holidays: 9:00</i></p>	Project Applicant / Developer	<p>City of Oakley Public Works Department</p> <p>Chief Building Official</p>	Prior to Issuance of grading permits	

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	<p align="center"><i>AM to 7:00 PM</i></p> <p><i>These criteria shall be included in the grading plan submitted by the applicant/developer for review and approval of the Public Works Department prior to issuance of grading permits. Exceptions to allow expanded construction activities shall be reviewed on a case-by-case basis as determined by the Chief Building Official and/or City Engineer.</i></p> <p><i>XIII-2. Construction activities shall adhere to the requirements of the City of Oakley with respect to hours of operation, muffling of internal combustion engines, and other factors that affect construction noise generation and its effects on noise-sensitive land uses. In addition, all diesel-powered equipment, pneumatic tools, and noise generating construction equipment shall be used and staged as far away as possible from the nearest sensitive receptors. Prior to issuance of grading permits, these criteria shall be included in the grading plan submitted by the applicant/developer for the review and approval of the Public Works Department.</i></p>	Project Applicant / Developer	City Engineer  City of Oakley Public Works Department	Prior to issuance of grading permits	

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	<p><i>XIII-3. During construction, the applicant/developer shall designate a disturbance coordinator and conspicuously post this person's number around the project site and in adjacent public spaces. The disturbance coordinator shall receive all public complaints about construction noise disturbances and be responsible for determining the cause of the complaint, and implement feasible measures to be taken to alleviate the problem. The disturbance coordinator shall report all complaints and corrective measures taken to the Planning Division. Proof of posting of the disturbance coordinator's contact information shall be submitted to the Planning Division.</i></p> <p><i>XIII-3. During construction activities associated with the proposed project, any compaction required within 26 feet of existing structures adjacent to the project site shall be accomplished by using static drum rollers rather than vibratory compactors. The above requirement shall be included via notation on any grading plans approved for the project to the satisfaction of the City of Oakley Planning Division.</i></p>	<p>Project Applicant / Developer</p> <p>Project Applicant / Developer</p>	<p>City of Oakley Planning Division</p> <p>City of Oakley Planning Divison</p>	<p>During project construction</p> <p>During construction activities and included on any grading plans approved for the project</p>	

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<b>Tribal Cultural Resources</b>					
XVIII (a-b).	<i>XVIII-1. Implement Mitigation Measures V-1 and V-2.</i>	See Mitigation Measures V-1 and V-2.	See Mitigation Measures V-1 and V-2.	See Mitigation Measures V-1 and V-2.	