

**Ashton Place Unit 3 Project
Mitigation Monitoring and
Reporting Program**



Lead Agency:

City of Vacaville
Community Development
Department
650 Merchant Street
Vacaville, California 95688

Technical Assistance:

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November 11, 2016

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1.0 Mitigation Monitoring and Reporting Program

1.1 Introduction

The purpose of the Mitigation, Monitoring, and Reporting Program (MMRP) is to briefly describe the roles and responsibilities of government agencies in implementing and enforcing the adopted mitigation measures identified in the Initial Study Mitigated Negative Declaration (ISMND) for the Ashton Place Unit 3 Project (proposed project).

Section 21081.6 of the Public Resources Code requires a Lead Agency that approves or carries out a project with potentially significant environmental effects to adopt a "reporting or monitoring program for the changes to the project which it has adopted or made a condition of a project approval in order to mitigate or avoid significant effects on the environment." The City of Vacaville (City) is the Lead Agency that must adopt the MMRP for the proposed project.

The California Environmental Quality Act (CEQA) Statutes and Guidelines provide direction for clarifying and managing the complex relationships between a Lead Agency and other agencies with respect to implementing and monitoring mitigation measures. In accordance with CEQA Guidelines Section 15097.d, "each agency has the discretion to choose its own approach to monitoring or reporting; and each agency has its own special expertise." This discretion will be exercised by implementing agencies at the time they consider any of the activities identified in the environmental document.

This MMRP is a working guide to facilitate both the implementation of the mitigation measures, and the monitoring, compliance, and reporting activities by the City and any monitors it may designate. If the City adopts the ISMND for the proposed project it will adopt the MMRP.

1.2 Overview of the Mitigation Monitoring and Reporting Program

The City and its contractors will be required to comply with this MMRP in all respects. In any instance where non-compliance occurs, the City-designated environmental monitors will issue a warning to the construction supervisor and the City's Project Manager. Any decisions to halt work due to non-compliance will be made by the City. The City's designated environmental monitors will keep records of any incidents on non-compliance with mitigation measures. Copies of these documents will be supplied to the City.

1.3 Mitigation Monitoring and Reporting Program Matrix

The MMRP Matrix is presented in the following table, and includes the mitigation measures identified in the ISMND prepared for the proposed project. The purpose of the MMRP matrix is to provide the City with a comprehensive list of the mitigation measures. The mitigation measures will be implemented through the verification of required approvals by City staff. The MMRP matrix consists of the following components:

- The list of mitigation measures contained in the ISMND, as adopted by the City.
- The party responsible for implementing the mitigation measures.
- The timing for implementation of the mitigation measure.
- The agency responsible for monitoring the implementation.
- The monitoring action and frequency.
- The completion of implementation which includes the action completed, the date completed, and signature of the agency responsible for monitoring.

The City will be responsible for ensuring compliance with the mitigation measures applicable to the proposed project. Staff will prepare, or require preparation of reports which identify compliance with mitigation measures. Once construction has begun and is underway, the City will carry out monitoring of the mitigation measures associated with construction. The MMRP will be maintained in the City's files for use in construction and operation of the proposed project.

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Mitigation Monitoring and Reporting Program Matrix

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Completion of Implementation	
						Action	Date Completed with Signature
Section 3.1: Aesthetics							
MM AES-1: In accordance with City's Municipal Code, Chapter 14.09.127.110, the Applicant shall provide a lighting plan to the City for review and approval. The lighting plan shall include provisions to ensure that outdoor lighting is designed so that potential glare or light spillover to surrounding roadways, properties, and residences are minimized through appropriate site design and shielding of light fixtures. The City shall review the lighting plan to ensure that all lighting is directed downward and away from adjacent properties and residences. This mitigation measure does not preclude the use of small-scale decorative lighting that may be directed upward, such as wall wash lighting or spot lighting for landscaping. This type of lighting is allowed if it does not spill over onto adjacent properties.	Applicant	Prior to issuance of building permits.	City	City to review lighting plan and fixture specifications and ensure these design specifications are incorporated into the project.	Once		
MM AES-2: Parking Lot lighting shall be designed so that lighting, glare, and reflection are directed away from residences. This may be accomplished with hoods, shields, or other ways of directing light. Final lighting design shall be reviewed and approved by the Community Development Director.	Applicant	Prior to issuance of building permits.	City	City to review lighting plan and fixture specifications and ensure these design specifications are incorporated into the project.	Once per development project.		
Section 3.2: Agriculture and Forestry Resources							
Not Applicable.	Not Applicable.	Not Applicable.	Not Applicable.	Not Applicable.	Not Applicable.	Not Applicable.	Not Applicable.
Section 3.3: Air Quality							
MM AIR-1: The following conditions would be included in the General Notes and/or Grading Plan for the proposed project, under the descriptive heading "Dust and Equipment Exhaust Control" and would be implemented during construction activities: <ul style="list-style-type: none"> Visible emissions from stationary diesel-powered equipment are not allowed to exceed 40 percent opacity for more than three minutes in any one-hour, as regulated under District Rule 2.3, Ringelmann Chart. All material excavated, stockpiled, or graded would be sufficiently watered, treated, or covered to prevent fugitive dust from leaving the property boundaries and causing a public nuisance or a 	Applicant Construction contractor	Prior to issuance of grading permits and during construction.	City	The Applicant shall incorporate requirements as part of construction contract specifications and bid documents. The City will require that a dust control program be included in the application for grading permit.	Once prior to issuance of grading permit and then as necessary during construction.		

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<p>violation of an ambient air standard. Watering should occur at least twice daily, with complete site coverage.</p> <ul style="list-style-type: none"> All areas with vehicle traffic would be watered or have dust palliative applied as necessary for regular stabilization of dust emissions. All onsite and construction traffic would be limited to a speed of 15 miles per hour within the project site and surrounding neighborhood. All land clearing, grading, earth moving, or excavation activities on a project would be suspended as necessary to prevent excessive windblown dust when winds are expected to exceed 20 miles per hour. All inactive portions of the development site would be covered, revegetated, or watered until a suitable cover is established. Alternatively, the Applicant may apply County-approved non-toxic soil stabilizers (according to manufacturer's specifications) to all inactive construction areas (previously graded areas which remain inactive for 96 hours) in accordance with the local grading ordinance. All material transported off-site would be securely covered to prevent public nuisance, and there must be a minimum of two feet of freeboard in the bed of the transport vehicle. Paved roads adjacent to the project would be swept at the end of each day or more frequently if necessary, to remove excessive or visibly raised accumulations of dirt and/or mud that may have resulted from activities at the project site. The Applicant would re-establish ground cover on the site through revegetation and watering in accordance with the local grading and landscape ordinances. A publicly visible sign would be posted with the telephone number and person to contact at the City regarding dust complaints. This person would respond and take corrective action within 48 hours of a complaint or issue notification. The YSAQMD's phone number would also be visible to ensure compliance with applicable regulations. All unnecessary vehicle idling would be restricted adjacent to the project site for a period of five minutes. 							

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<p>MM AQ-1: (Southtown Project EIR)</p> <ul style="list-style-type: none"> Project contractors shall water all soil piles on-site at least twice daily unless they are covered or enclosed. Project contractors shall water all exposed soil at least twice per day during grading and construction. Project contractors shall water all haul roads at least twice per day during grading and construction. Maintain heavy-duty earthmoving, stationary, and mobile equipment in optimum running conditions. Project contractors shall ensure emissions from all off-road diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one-hour. An enforcement plan shall be established for weekly evaluation of Project related on- and off-road heavy-duty vehicle engine emission opacities, using standards as defined in California Code of Regulations, Title 13, and Sections 2180 - 2194. An Environmental Coordinator, CARB-certified to perform Visible Emissions Evaluations (VEE), shall routinely evaluate Project-related off-road and heavy duty on-road equipment emissions for compliance with this requirement. YSAQMD may conduct periodic site inspections to determine compliance. Any equipment found to exceed the opacity requirement requires repair or replacement within 72 hours. Construction equipment that uses combustion engines shall limit idling time to not more than five minutes. Project contractors shall provide a plan demonstrating that the heavy-duty (> 50 horsepower) off-road vehicles to be used in the construction Project will achieve a fleet average 20 percent NOx reduction compared to the most recent CARB fleet average. The plan requires the approval of the YSAQMD prior to approval of tentative maps. The required reduction can use several methods of reduction, including, but not limited to the following: <ul style="list-style-type: none"> Construction contracts shall stipulate that at least 20 percent of the heavy-duty offroad equipment included in the inventory be 	<p>Applicant Construction contractor</p>	<p>Prior to issuance of grading permits and during construction.</p>	<p>City</p>	<p>The Applicant shall incorporate requirements as part of construction contract specifications and bid documents.</p> <p>City will ensure that YSAQMD has approved the fleet plan prior to issuance of any grading permits.</p>	<p>Once prior to issuance of grading permits and then as necessary during construction.</p>		

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<p>powered by CARB certified off-road engines, as follows: 175 horsepower (hp)-750 hp, 1997 and newer engines; 100 hp-174 hp, 1998 and newer engines; 500 hp- 99 hp, 1999 and newer engines.</p> <ul style="list-style-type: none"> Construction contracts can require the use of emulsified diesel fuel and or particulate matter traps. 							
<p>MM AQ-2: (Southtown Project EIR)</p> <ul style="list-style-type: none"> Non-residential structures developed in the proposed Project site shall use reflective roofing material designed to reduce summer heat absorption (such as EPA Energy Star roofing materials). City shall encourage efficiency ratings higher than Title 24 requirements. City shall require exterior electrical outlets installed on all buildings to promote use of electric operated landscaping equipment. Conventional open-hearth fireplaces shall not be permitted in residences proposed on-site. Only natural gas fireplaces, pellet stoves, or EPA-certified wood-burning fireplaces or stoves, shall be allowed in the residences. The project shall accommodate any needs for bus stops, shelters, and other transit needs determined by the City to be necessary on-site. 	Applicant	Prior to issuance of building permits and occupancy permits.	City	<p>The City will review the building permit checklist or other specifications and ensure these measures are incorporated in the final construction.</p> <p>City will do a final inspection to ensure implementation of this measure.</p>	Once prior to issuance of building permits and once prior to issuance of occupancy permit.		
Section 3.4: Biological Resources							
<p>MM BIO-1: Avoid Disturbance of Nesting Special-Status and Non-Special-Status Raptors and other Migratory Birds, including Swainson's Hawk, White-tailed Kite, and Loggerhead Shrike.</p> <p>Depending on the specific construction timeframe, to avoid disturbing nesting raptors and other migratory birds, the following measures shall be implemented:</p> <ol style="list-style-type: none"> If construction activities are scheduled to occur during the nesting season (approximately February 15 through August 31), a qualified wildlife biologist shall be retained to conduct a pre-construction nesting survey within the appropriate habitat. <ul style="list-style-type: none"> Surveys shall be conducted within the project site and all potential nesting habitat within 500 feet of this area (this distance covers recommended Swainson's hawk and western burrowing owl buffers); 	Applicant Construction contractor Qualified biologist	Prior to issuance of grading permits and during construction.	City	<p>The Applicant shall incorporate measures into construction contract specifications and bid documents, where relevant.</p> <p>The qualified biologist shall conduct preconstruction surveys prior to construction. The biologist will also monitor periodically, if species is identified during the survey.</p>	<p>Within one week before initiation of construction activities at any time between February 15 and August 31.</p> <p>As necessary during construction depending on presence of bird nests.</p>		

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<ul style="list-style-type: none"> The surveys shall be conducted within one week before initiation of construction activities at any time between February 15 and August 31. If no active nests are detected, then no additional mitigation is required; or If surveys indicate that migratory bird nests are found in any areas that would be directly or indirectly affected by construction activities, a no-disturbance buffer shall be established around the site to avoid disturbance or destruction of the nest site until after the breeding season or after a wildlife biologist determines that the young have fledged (typically late June to mid-July). The extent of these buffers shall be determined by a qualified biologist and shall depend on the special-status species present, the level of noise or construction disturbance, line of sight between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers. These factors shall be analyzed to make an appropriate decision on buffer distances. <p>b. If construction activities begin outside the breeding season (approximately September 1 through February 14) then construction may proceed until it is determined that an active migratory bird or raptor nest would be subject to abandonment as a result of construction activities. Optimally, all necessary vegetation removal shall be conducted before the breeding season so that nesting birds would not be present in the construction area during construction activities. If any bird nests are in the project site under pre-existing construction conditions, then it is assumed that they are habituated (or would habituate) to the construction activities. Under this scenario, the pre-construction survey described previously shall still be conducted on or after February 15 to identify any active nests in the vicinity. Active sites shall be monitored by a qualified biologist periodically until after the breeding season or after the young have fledged (typically late June to mid-July). If active nests are identified on or immediately adjacent to the project site, then all</p>				<p>The biologist will provide results to the City in writing.</p> <p>The City shall retain results of survey in a project file.</p>			

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<p>non-essential construction activities (e.g., equipment storage and meetings) shall be avoided in the immediate vicinity of the nest site, but the remainder of construction activities may proceed.</p>							
Section 3.5: Cultural Resources							
<p>MM CUL-1: If any cultural resource is encountered during ground disturbance or subsurface construction activities (e.g., trenching, grading), all construction activities within a 50 foot radius of the identified potential resource shall cease until a Secretary of the Interior qualified archaeologist evaluates the item for its significance and records the item on the appropriate State Department of Parks and Recreation (DPR) 523 series forms. All forms and associated reports will be submitted to the NWIC of the CHRIS. The archaeologist shall determine whether the resource requires further study. If after the qualified archaeologist conducts appropriate technical analyses, the resource is determined to be eligible for listing on the California Register of Historical Resources or as a unique archaeological resource as defined in PRC Section 15064.5, the archaeologist shall develop a plan for the treatment of the resource. This shall contain appropriate mitigation measures, including avoidance, preservation in place, data recovery excavation, or other appropriate measures, as outlined in Public Resources Code Section 21083.2.</p>	<p>Applicant Construction contractor</p>	<p>Prior to issuance of grading permits and during construction.</p>	<p>City</p>	<p>The Applicant shall incorporate requirements as part of construction contract specifications and bid documents.</p>	<p>As necessary during construction.</p>		
<p>MM CUL-2: If ground-disturbing activities uncover previously unknown human remains, Section 7050.5 of the California Health and Safety Code applies, and the following procedures shall be followed:</p> <p>There shall be no further excavation or disturbance of the area where the human remains were found or within 50 feet of the find until the Solano County Coroner and the appropriate City representative are contacted. Duly authorized representatives of the Coroner and the City shall be permitted onto the project site and shall take all actions consistent with Health and Safety Code Section 7050.5 and Government Code Sections 27460, et seq. Excavation or disturbance of the area where the human remains were found or within 50 feet of the find shall not be permitted to re-commence until the Coroner determines that the remains are not subject to the provisions of law concerning investigation of the circumstances, manner, and cause of</p>	<p>Applicant Construction Contractor</p>	<p>Prior to issuance of grading permits and during construction.</p>	<p>City</p>	<p>The Applicant shall incorporate requirements as part of construction contract specifications and bid documents.</p>	<p>As necessary during construction.</p>		

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any death. If the Coroner determines the remains are Native American, the Coroner shall contact the NAHC within 24 hours, and the NAHC shall identify the person or persons it believes to be the "most likely descendant" (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98. If the MLD does not make recommendations within 48 hours, the land owner shall reinter the remains in an area of the property secure from further disturbance. If the land owner does not accept the MLD's recommendations, the owner or the MLD may request mediation by NAHC.							
Section 3.6: Geology and Soils							
Not Applicable.	Not Applicable.	Not Applicable.	Not Applicable.	Not Applicable.	Not Applicable.	Not Applicable.	Not Applicable.
Section 3.7: Greenhouse Gases							
MM GHG-1: Prior to construction, the project plans shall demonstrate that the project incorporates strategies such as providing shade of sidewalks, paved areas, and common areas within five years of occupancy, using paving materials with a Solar Reflective Index (SRI) of at least 29, using an open grid pavement system, incorporating parking under a roof, and requiring any roof used to shade or cover parking to have an SRI of at least 29 in order to minimize heat gain.	Applicant	Prior to issuance of building permits.	City	City to review project plans and specifications and ensure these specifications are incorporated into the project.	Once		
MM GHG-2: Prior to construction, the project Applicant shall demonstrate that the homes would be constructed with solar ready roofs in accordance with California Green Building Standards.	Applicant	Prior to issuance of building permits and occupancy permits.	City	City to review project plans and specifications and ensure these specifications are incorporated into the project.	Once prior to building permits and once prior to occupancy permits.		
MM GHG-3: Prior to occupancy, the project Applicant shall demonstrate that the residences are equipped with energy-efficient appliances that meet Energy Star standards and with energy-efficient lighting technologies that meet or exceed Title 24 standards.	Applicant	Prior to issuance of building permits.	City	City to review building permit package prior to issuance of building permits and ensure these requirements are incorporated into the project.	Once per development project.		

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Section 3.8: Hazards and Hazardous Materials							
Not Applicable.	Not Applicable.	Not Applicable.	Not Applicable.	Not Applicable.	Not Applicable.	Not Applicable.	Not Applicable.
Section 3.9: Hydrology and Water Quality							
<p>MM HYD-1: Prior to the issuance of any construction related permits, the City would prepare and submit an NOI to the State Water Board and prepare a SWPPP in compliance with the NPDES GCP requirements. The final drainage plan shall demonstrate the ability of the planned onsite storm drainage to adequately collect onsite stormwater flows in accordance with all applicable standards and requirements by: minimizing impervious surfaces, and directing flows to BMPs; integrating appropriately sized BMPs to minimize impact on local water quality by controlling runoff from erosion and potential contaminants; and incorporating dispersion of runoff in combination with site planning to meet Low Impact Development (LID) requirements.</p>	Applicant Construction Contractor	Prior to issuance of grading permits and during construction.	City	<p>City to review the SWPPP prior to approval from the State Water Board.</p> <p>The Applicant shall incorporate requirements as part of construction contract specifications and bid documents and include the approved SWPPP.</p>	Once during contractor specifications review and then as necessary during construction.		
Section 3.10: Land Use and Planning							
<p>MM LU-1: Implementation of the following multi-part mitigation measure is required to reduce the GHG emissions and be consistent with the applicable plan and policies.</p> <ul style="list-style-type: none"> Prior to construction, the project Applicant shall demonstrate that all water use and efficiency measures comply with City Codes. During construction, the Applicant shall ensure that at least 50 percent diversion (i.e. reuse or recycling) of non-hazardous construction waste from disposal, consistent with CALGreen - the Statewide Green Building code is implemented. 	Applicant Construction Contractor	Prior to construction and during construction.	City	<p>City to review specifications or other plans, demonstrating that these requirements have been incorporated into the project.</p> <p>The Applicant shall incorporate requirements as part of construction contract specifications and bid documents. The construction contractor shall submit the waste diversion receipts or some other proof of diversion to the City for record.</p>	Once during development of project and then as necessary during construction		

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Section 3.11: Minerals							
Not Applicable.	Not Applicable.	Not Applicable.	Not Applicable.	Not Applicable.	Not Applicable.	Not Applicable.	Not Applicable.
Section 3.12: Noise							
<p>MM NOI-1: Implementation of the following multi-part mitigation measure is required to reduce the potential construction period noise impacts.</p> <ul style="list-style-type: none"> Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment. Locate stationary noise-generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction area. Utilize "quiet" air compressors and other stationary noise sources where technology exists. Construction activities shall be limited to daylight hours between 8 a.m. and 6 p.m. Limit hours of operation of outdoor noise sources through conditions of approval. If construction activities are required outside of the daytime working hours allowed within the conditions of approval, the City would notify residents 48 hours in advance. If after-hour construction is required due to an emergency, the City would notify nearby residents immediately. The construction contractor would prohibit unnecessary idling of internal combustion engines. Where necessary noise-reducing enclosures or temporary barriers would be used around noise-generating equipment. Where feasible existing barrier features (terrain, structures) would be used to block sound transmission especially where sensitive receptors are located less than 50 feet from construction activities and construction noise levels are expected to exceed the maximum exterior noise standard. 	Applicant Construction Contractor	During construction.	City	The Applicant shall incorporate requirements as part of construction contract specifications and bid documents.	Once during development of project and then as necessary during construction.		
Section 3.13: Population and Housing							
Not Applicable.	Not Applicable.	Not Applicable.	Not Applicable.	Not Applicable.	Not Applicable.	Not Applicable.	Not Applicable.

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Section 3.14: Public Services							
Not Applicable.	Not Applicable.	Not Applicable.	Not Applicable.	Not Applicable.	Not Applicable.	Not Applicable.	Not Applicable.
Section 3.15: Recreation							
Not Applicable.	Not Applicable.	Not Applicable.	Not Applicable.	Not Applicable.	Not Applicable.	Not Applicable.	Not Applicable.
Section 3.16: Transportation and Traffic							
MM TRANS-1: Prior to the issuance of building permits, the Applicant shall prepare a detailed site design plan to the City for review and approval that demonstrates that all project driveways, crosswalks, and bicycle crossings would provide clear sight lines and pedestrian safety features. The approved plan shall be incorporated in the proposed project.	Applicant	Prior to issuance of building permits.	City	The City will review the site plans.	Once at the time of site plan review.		
MM TRANS-2: To assure adequate emergency access to/from the fire station during construction, the contractor shall submit a construction plan showing that traffic flow would not be substantially impacted and that the fire station driveways shall not be obstructed during construction.	Applicant Construction contractor	Prior to issuance of construction permits.	City	The City will review the traffic control plans to ensure these measures are implemented during construction.	Once at the time of construction permit review.		
Section 3.17: Tribal Cultural Resources							
Not Applicable.	Not Applicable.	Not Applicable.	Not Applicable.	Not Applicable.	Not Applicable.	Not Applicable.	Not Applicable.
Section 3.18: Utilities and Service Systems							
Not Applicable.	Not Applicable.	Not Applicable.	Not Applicable.	Not Applicable.	Not Applicable.	Not Applicable.	Not Applicable.