

Contra Costa Farms Project Mitigation Monitoring and Reporting Program

August 2019

The California Environmental Quality Act (CEQA) and CEQA Guidelines require Lead Agencies to adopt a program for monitoring the mitigation measures required to avoid the significant environmental impacts of a project. The Mitigation Monitoring and Reporting Program (MMRP) 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 Contra Costa Farms Project are listed in the MMRP along with 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 AND REPORTING PROGRAM
CONTRA COSTA FARMS PROJECT**

Mitigation Measure	Implementation Schedule	Monitoring Agency	Sign-Off
<p>IV-1. <i>Prior to the initiation of any ground disturbing activities, a qualified biologist shall conduct preconstruction roosting bat surveys for all suitable roosting habitat (i.e., trees and manmade structures) that would be impacted during construction activities. If impacted suitable roosting habitat is identified for Townsend's big eared bat, a qualified biologist shall conduct an evening bat emergence survey that may include acoustic monitoring to determine whether bats are present. If Townsend's big eared bat or other special-status bat species are found, consultation with CDFW shall be required prior to the initiation of any construction activities. If special-status bats are not found during the preconstruction surveys, further measures pertaining to special-status bats are not necessary. All survey results shall be submitted to the City of Antioch Planning Division prior to the initiation of any construction activities or when construction has been halted for 30 days or more.</i></p> <p><i>Alternatively, the project applicant could comply with one of the following conditions:</i></p> <ol style="list-style-type: none"> <i>1. Comply with the applicable terms and conditions of the ECCC HCP/NCCP, as determined in written "Conditions of Coverage" by the Conservancy, provided that the City has first entered into an agreement with the Conservancy for coverage of impacts to ECCC HCP/NCCP Covered Species; or</i> <i>2. Comply with a habitat conservation plan and/or natural community conservation plan developed and adopted by the City, including payment of applicable fees, provided that CDFW and USFWS have approved the conservation plan.</i> 	<p>Prior to initiation of ground-disturbing activities</p>	<p>City of Antioch Planning Division</p>	
<p>IV-2. <i>Prior to the initiation of any ground disturbing activities for each phase, burrowing owl surveys shall be conducted by a qualified biologist walking the entire project site, including all off-site improvement areas, and (where possible) in areas within 150 meters (approx. 500 feet) of the proposed project impact zone. The 150-meter buffer zone is surveyed to identify burrows and owls</i></p>	<p>Prior to initiation of ground-disturbing activities</p>	<p>City of Antioch Planning Division</p>	

**MITIGATION MONITORING AND REPORTING PROGRAM
CONTRA COSTA FARMS PROJECT**

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<p><i>outside of the proposed project area which may be impacted by factors such as noise and vibration (heavy equipment) during project construction. If the qualified biologist does not find evidence of burrowing owls, further mitigation is not required. All survey results shall be submitted to the City of Antioch Planning Division prior to the initiation of any construction activities or where construction has been halted for 30 days or more.</i></p> <p><i>If the qualified biologist finds evidence of burrowing owls during the burrowing owl breeding season (February 1 through August 31), all project-related activities shall avoid nest sites during the remainder of the breeding season or while the nest remains occupied by adults or young (nest occupation includes individuals or family groups foraging on or near the site following fledging). Avoidance is establishment of a minimum 300-foot buffer zone around nests. Construction and other project-related activities may occur outside of the 300-foot buffer zone. Construction and other project-related activities may be allowed inside of the 300-foot non-disturbance buffer during the breeding season if the nest is not disturbed, and the project activities are monitored by a qualified biologist and subject to review and approval by the appropriate resource agencies (i.e., CDFW, USFWS, and the City of Antioch Planning Division).</i></p> <p><i>If monitoring by the qualified biologist indicates that the nest is abandoned prior to the end of nesting season and the burrow is no longer in use, the non-disturbance buffer zone may be removed if approved by CDFW. The qualified biologist shall excavate the burrow in accordance with the latest CDFW guidelines for burrowing owl to prevent reoccupation subject to review and approval from CDFW.</i></p> <p><i>As an alternative to completion of MM IV-1, the project applicant could comply with one of the following conditions:</i></p> <ol style="list-style-type: none"> <i>1. Comply with the applicable terms and conditions of the ECCC HCP/NCCP, as determined in written "Conditions of</i> 			

**MITIGATION MONITORING AND REPORTING PROGRAM
CONTRA COSTA FARMS PROJECT**

Mitigation Measure	Implementation Schedule	Monitoring Agency	Sign-Off
<p>Coverage” by the Conservancy, provided that the City has first entered into an agreement with the Conservancy for coverage of impacts to ECCC HCP/NCCP Covered Species; or</p> <p>2. Comply with a habitat conservation plan and/or natural community conservation plan developed and adopted by the City, including payment of applicable fees, provided that CDFW and USFWS have approved the conservation plan.</p>			
<p>IV-3. If pre-construction surveys required by Mitigation Measure IV-2 determine that burrowing owls occupy the site during the non-breeding season (September 1 through January 31), then a passive relocation effort (e.g., blocking burrows with one-way doors and leaving them in place for a minimum of three days) shall be necessary to ensure that the owls are not harmed or injured during construction. Once it has been determined that owls have vacated the site, the burrows shall be collapsed and ground disturbance may proceed.</p>	<p>Prior to initiation of ground-disturbing activities, if burrowing owls are determined to occupy the site during the non-breeding season (September 1 through January 31)</p>	<p>City of Antioch Planning Division</p>	
<p>IV-4. Prior to any project-related ground disturbance that occurs during the nesting season (March 15th to September 15th), a qualified biologist shall conduct a preconstruction survey at least two survey periods prior to the start of construction. Surveys shall follow the protocol in the Recommended Timing and Methodology for Swainson’s Hawk Nesting Surveys in California’s Central Valley (Swainson’s Hawk Technical Advisory Committee 2000), including the survey period lengths identified therein. A written summary of the survey results shall be submitted to the City of Antioch Community Development Department.</p> <p>If an active nest is found within any off-site trees, a minimum buffer distance of 600 feet shall be established for a nest that is already active prior to construction, and a minimum buffer distance of 150 feet shall be used for a nest that starts after construction has already initiated. Such minimum distances are based on potential impact distances stated in the Swainson’s Hawk Technical Advisory Committee’s Recommended Timing and Methodology for Swainson’s Hawk Nesting Surveys in California’s Central Valley</p>	<p>Prior to initiation of ground-disturbing activities that occur during the nesting season (March 15 to September 15)</p>	<p>City of Antioch Community Development Department</p>	

**MITIGATION MONITORING AND REPORTING PROGRAM
CONTRA COSTA FARMS PROJECT**

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<p><i>(2000). Appropriate buffer distances shall be determined on the ground by a qualified biologist and shall be based on actual observations of the nest and parent behavior, the stage of nesting, and level of potential disturbance. The buffer(s) shall be identified on the ground with flagging or fencing, and shall be maintained until a qualified biologist has determined that the young have fledged and the nest is inactive. The biologist shall have the authority to stop construction if construction activities are likely to result in nest abandonment.</i></p> <p><i>Alternatively, the project applicant could comply with one of the following:</i></p> <ol style="list-style-type: none"> <i>1) Comply with the applicable terms and conditions of the ECCCHCP/NCCP, as determined in written "Conditions of Coverage" by the East Contra Costa County Habitat Conservancy (Conservancy), provided that the City has first entered into an agreement with the Conservancy for coverage of impacts to ECCCHCP/NCCP Covered Species; or</i> <i>2) Comply with a habitat conservation plan and/or natural community conservation plan developed and adopted by the City, including payment of applicable fees, provided that CDFW and USFWS have approved the conservation plan.</i> 			
<p><i>IV-5. Pre-construction surveys for nesting birds shall be conducted by a qualified biologist within on-site nesting habitat and a 250-foot buffer around the project site boundaries, if feasible, not more than 14 days prior to site disturbance during the breeding season (February 1st to August 31st). If site disturbance commences outside the breeding season, pre-construction surveys for nesting birds are not required. If active nests of migratory birds are not detected within approximately 250 feet of the project site, further mitigation is not required.</i></p> <p><i>If nesting raptors or other migratory birds are detected on or adjacent to the site during the survey, an appropriate construction-</i></p>	<p>Not more than 14 days prior to site disturbance during the breeding season (February 1 to August 31)</p>	<p>City of Antioch Community Development Department</p>	

**MITIGATION MONITORING AND REPORTING PROGRAM
CONTRA COSTA FARMS PROJECT**

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<p><i>free buffer shall be established around all active nests. Actual size of the buffer would be determined by the project biologist, and would depend on species, topography, and type of activity that would occur in the vicinity of the nest. Typical buffers are 25 feet for non-raptors and up to 250 feet for raptors. The project buffer would be monitored periodically by the project biologist to ensure compliance. After the nesting is completed, as determined by the biologist, the buffer would no longer be required. Buffers shall remain in place for the duration of the breeding season or until a qualified biologist has confirmed that all chicks have fledged and are independent of their parents.</i></p> <p><i>Alternatively, the project applicant could comply with one of the following:</i></p> <ol style="list-style-type: none"> <i>1) Comply with the applicable terms and conditions of the ECCCHCP/NCCP, as determined in written "Conditions of Coverage" by the East Contra Costa County Habitat Conservancy (Conservancy), provided that the City has first entered into an agreement with the Conservancy for coverage of impacts to ECCCHCP/NCCP Covered Species; or</i> <i>2) Comply with a habitat conservation plan and/or natural community conservation plan developed and adopted by the City, including payment of applicable fees, provided that CDFW and USFWS have approved the conservation plan.</i> 			
<p><i>IV-6. All trees that are legally removed as part of the proposed project shall be replaced according to the following schedule:</i></p> <ol style="list-style-type: none"> <i>1. Each established tree: two 24-inch box trees.</i> <i>2. Each mature tree: two 48-inch box trees.</i> <p><i>Legally removed indigenous and land-mark trees shall be replaced by boxed specimens at a rate and size to be established by the decision-making body at the time of regular development application approval.</i></p>	<p>During construction</p>	<p>City of Antioch Community Development Department</p>	

**MITIGATION MONITORING AND REPORTING PROGRAM
CONTRA COSTA FARMS PROJECT**

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<p>V-1. <i>In the event of the accidental discovery or recognition of any human remains, further excavation or disturbance of the find or any nearby area reasonably suspected to overlie adjacent human remains shall not occur until compliance with the provisions of CEQA Guidelines Section 15064.5(e)(1) and (2) has occurred. The Guidelines specify that in the event of the discovery of human remains other than in a dedicated cemetery, no further excavation at the site or any nearby area suspected to contain human remains shall occur until the County Coroner has been notified to determine if an investigation into the cause of death is required. If the coroner determines that the remains are Native American, then, within 24 hours, the Coroner must notify the Native American Heritage Commission, which in turn will notify the most likely descendants who may recommend treatment of the remains and any grave goods. If the Native American Heritage Commission is unable to identify a most likely descendant or most likely descendant fails to make a recommendation within 48 hours after notification by the Native American Heritage Commission, or the landowner or his authorized agent rejects the recommendation by the most likely descendant and mediation by the Native American Heritage Commission fails to provide a measure acceptable to the landowner, then the landowner or his authorized representative shall rebury the human remains and grave goods with appropriate dignity at a location on the property not subject to further disturbances. Should human remains be encountered, a copy of the resulting County Coroner report noting any written consultation with the Native American Heritage Commission shall be submitted as proof of compliance to the City's Community Development Department.</i></p>	<p>In the event of the accidental discovery or recognition of any human remains during ground-disturbing activities</p>	<p>City of Antioch Community Development Department</p> <p>County Coroner</p> <p>Native American Heritage Commission</p>	
<p>V-2. <i>In the event any potentially significant prehistoric or historic artifacts, or other indications of cultural deposits, such as historic privy pits or trash deposits, are found once ground disturbing activities are underway, all work within the vicinity of the find(s) shall cease, the City shall be notified, and the find(s) shall be immediately evaluated by a qualified archaeologist. If the find is determined to be a historical or unique archaeological resource, contingency funding and a time allotment to allow for</i></p>	<p>If any prehistoric or historic artifacts, or other indications of cultural deposits are found during ground-disturbing activities</p>	<p>City of Antioch Community Development Department</p> <p>Qualified Archaeologist</p>	

**MITIGATION MONITORING AND REPORTING PROGRAM
CONTRA COSTA FARMS PROJECT**

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<p><i>implementation of avoidance measures or appropriate mitigation shall be made available (CEQA Guidelines Section 15064.5). Work may continue on other parts of the project site while historical or unique archaeological resource mitigation takes place (Public Resources Code Sections 21083 and 21087).</i></p>			
<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 City of Antioch Building Division prior to issuance of grading and building permits to ensure that all geotechnical recommendations specified in the Geotechnical Investigation prepared for the proposed project are properly incorporate and utilized in the project design in order to minimize any potential impacts related to liquefaction.</i></p>	<p>Prior to issuance of grading and building permits</p>	<p>City of Antioch Building Division</p>	
<p><i>VII-2. Prior to issuance of grading and building permits, the project applicant shall submit, for the review and approval by the City Engineer, an erosion control plan that utilizes standard construction practices to limit the erosion effects during construction of the proposed project. Measures shall include, but are not limited to, the following:</i></p> <ul style="list-style-type: none"> • <i>Hydro-seeding;</i> • <i>Placement of erosion control measures within drainage ways and ahead of drop inlets;</i> • <i>The temporary lining (during construction activities) of drop inlets with “filter fabric” (a specific type of geotextile fabric);</i> • <i>The placement of straw wattles along slope contours;</i> • <i>Directing subcontractors to a single designation “wash-out” location (as opposed to allowing them to wash-out in any location they desire);</i> • <i>The use of siltation fences; and</i> • <i>The use of sediment basins and dust palliatives.</i> 	<p>Prior to issuance of grading and building permits</p>	<p>City of Antioch City Engineer</p>	
<p><i>VII-3. Prior to initiation of ground-disturbing activities, the applicant shall retain the services of a professional paleontologist to educate the construction crew that will be conducting grading and excavation at the project site. The education shall consist of an introduction to</i></p>	<p>Prior to initiation of ground-disturbing activities and during ground-disturbing activities</p>	<p>City of Antioch Community Development Department</p>	

**MITIGATION MONITORING AND REPORTING PROGRAM
CONTRA COSTA FARMS PROJECT**

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<p><i>the geology of the project site and the kinds of fossils that may be encountered, as well as what to do in case of a discovery. Should any vertebrate fossils (e.g., teeth, bones), an unusually large or dense accumulation of intact invertebrates, or well-preserved plant material (e.g., leaves) be unearthed by the construction crew, then ground-disturbing activity shall be diverted to another part of the project site and the paleontologist shall be called on-site to assess the find and, if significant, recover the find in a timely matter. Finds determined significant by the paleontologist shall then be conserved and deposited with a recognized repository, such as the University of California Museum of Paleontology. The alternative mitigation would be to leave the significant finds in place, determine the extent of significant deposit, and avoid further disturbance of the significant deposit. Proof of the construction crew awareness training shall be submitted to the City's Community Development Department in the form of a copy of training materials and the completed training attendance roster.</i></p>			
<p>VIII-1. <i>Prior to issuance of a certificate of occupancy for any buildings constructed within the project site, the project applicant shall demonstrate a reduction in GHG emissions of 6.46 MTCO₂e/yr per 1,000 sf of building area proposed (equating to a project-wide total of 710.25 MTCO₂e/yr). Examples of measures that may be used by the project applicant include, but are not limited to, the following:</i></p> <ul style="list-style-type: none"> • <i>Exceedance of Title 24 Energy Efficiency requirements;</i> • <i>Inclusion of on-site renewable energy;</i> • <i>Indoor water use efficiency;</i> • <i>Institution of a composting and recycling program in excess of local standards;</i> • <i>Use of energy efficient lighting fixtures;</i> • <i>Inclusion of Electric Vehicle parking infrastructure; and</i> • <i>Purchase of off-site mitigation credits.¹</i> 	<p>Prior to issuance of a certificate of occupancy</p>	<p>City of Antioch Community Development Department</p>	

¹ Purchase of off-site credits shall be negotiated with the City and BAAQMD at the time that credits are sought.

**MITIGATION MONITORING AND REPORTING PROGRAM
CONTRA COSTA FARMS PROJECT**

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<p><i>Thus, as development progresses within the project site, each individual phase of development would be required to show GHG emissions reductions in keeping with the project-wide reduction requirement.</i></p>			
<p><i>IX-1. Prior to the issuance of grading permits and removal of existing structures on the project site, a surficial soil sample laboratory analysis shall be conducted in areas around existing structures on the project site. Once the soils are collected, the soils are to be tested for pesticides, including chlordane. If soil contaminants are not found, further action is not required; however, if concentrations of pesticides are detected in excess of established thresholds, the assessment shall include the appropriate mitigation including, but not limited to, soil remediation to an acceptable total threshold limit concentration (TTL) level per applicable State and federal regulations. All recommended mitigation measures shall be implemented by the project applicant, subject to review and approval by the Contra Costa County Health Services Department, as well as the City of Antioch Community Development Department.</i></p>	<p>Prior to issuance of grading permits and removal of existing structures</p>	<p>City of Antioch Community Development Department</p> <p>Contra Costa County Health Services Department</p>	
<p><i>IX-2. Prior to initiation of construction or demolition activities, the existing on-site septic system shall be abandoned in an approved manner as determined by the Contra Costa County Health Services Department. Proof of abandonment shall be provided to the City of Antioch Community Development Department.</i></p>	<p>Prior to initiation of construction or demolition activities</p>	<p>City of Antioch Community Development Department</p>	
<p><i>IX-3. Prior to issuance of a demolition permit for any on-site structures, the Developer shall consult with certified Asbestos and/or Lead Risk Assessors are to complete and submit for review to the Community Development Department an asbestos and lead survey. If asbestos-containing materials ACMs or lead-containing materials are not discovered during the survey, further mitigation related to ACMs or lead containing materials will not be required.</i></p> <p><i>If ACMs and/or lead-containing materials are discovered by the survey, the project applicant shall prepare a work plan to demonstrate how the on-site ACMs and/or lead-containing materials shall be removed in accordance with current California Occupational Health and Safety (Cal-OSHA) Administration</i></p>	<p>Prior to issuance of a demolition permit</p>	<p>City of Antioch Community Development Department</p>	

**MITIGATION MONITORING AND REPORTING PROGRAM
CONTRA COSTA FARMS PROJECT**

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<p><i>regulations and disposed of in accordance with all California Environmental Protection Agency regulations, prior to the demolition and/or removal of the on-site structures. The plan shall include the requirement that work shall be conducted by a Cal-OSHA registered asbestos and lead abatement contractor in accordance with Title 8 California Code of Regulations (CCR) 1529 and Title 8 CCR 1532.1 regarding asbestos and lead training, engineering controls, and certifications. The applicant shall submit the work plan to the City and the Contra Costa County Health Services Department for review and approval. Materials containing more than one (1) percent asbestos that is friable are also subject to BAAQMD regulations. Removal of materials containing more than one (1) percent friable asbestos shall be completed in accordance with BAAQMD Section 11-2-303.</i></p>			
<p>X-1. <i>Prior to issuance of grading permits, the contractor 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 contractor shall implement BMPs to reduce pollutants in stormwater discharges to the maximum extent practicable. 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 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.</i></p>	<p>Prior to issuance of grading permits</p>	<p>City of Antioch Director of Public Works/City Engineer</p>	
<p>XVIII-1. <i>Implement Mitigation Measures V-1 and V-2.</i></p>	<p>See Mitigation Measures V-1 and V-2</p>	<p>See Mitigation Measures V-1 and V-2</p>	