

St. John's Church/Southbrook Drive Mixed Use Planned Development Project Mitigation Monitoring and Reporting Program

October 2016

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 St. John's Church/Southbrook Drive Mixed Use Planned Development 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 Measure	Monitoring Agency	Implementation Schedule	Compliance Verification (Date / Initials)
<p>Mitigation Measure 1. Removal of trees shall occur between September 1st and January 31st, outside the bird nesting season, to the extent feasible. If tree removal must occur during the avian breeding season (February 1st to August 31st), a qualified biologist shall conduct a survey for nesting birds of all trees and shrubs within 75 feet of the entire project site 14 days prior to the commencement of construction, and submit the findings of the survey to the Community Development Department. If nesting passerines are identified during the survey within 75 feet of the project site, a 75-foot buffer around the nest tree shall be fenced with orange construction fencing. If the nest tree is located off the project site, then the buffer shall be demarcated as per above. The size of the buffer may be altered if a qualified biologist conducts behavioral observations and determines the nesting passerines are well acclimated to disturbance. If acclimation has occurred, the biologist shall prescribe a modified buffer that allows sufficient room to prevent undue disturbance/harassment to the nesting passerines. Construction or earth-moving activity shall not occur within the established buffer until a qualified biologist has determined that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid project construction zones, which typically occurs by July 15th. However, the date may be earlier or later, and would have to be determined by a qualified biologist. If a qualified biologist is not hired to watch the nesting passerines, then the buffers shall be maintained in place through the month of August and work within the buffer may commence September 1st.</p>	<p>City of Clayton Community Development Department</p> <p>Qualified Biologist</p>	<p>If tree removal must occur during the avian breeding season (February 1st to August 31st), then nesting bird survey shall be conducted 14 days prior to the commencement of construction</p>	
<p>Mitigation Measure 2. Prior to issuance of a grading permit, in accordance with the City's Tree Protection Ordinance, the applicant shall submit to the Community Development Department a Tree Replacement Plan identifying the protected tree that would be removed during project construction. Based upon the current tentative parcel map, the arborist report indicates that one protected tree is proposed for removal, and is rated by the Arborist Report as being of moderate health (Tree #6). Protected trees rated as being in fair or good health shall be replaced at the ratios specified in City of Clayton Municipal Code Section 15.70.040. The Tree Replacement Plan shall be submitted for review and approval by the Community Development Director prior to issuance of a grading permit.</p>	<p>City of Clayton Community Development Department</p>	<p>Prior to the issuance of a grading permit</p>	
<p>Mitigation Measure 3. The following construction policies and guidelines for tree preservation and protection for the existing trees put forth by the City of Clayton shall be followed during project implementation:</p>	<p>City of Clayton Community Development Department</p>	<p>Prior to the commencement of any construction activity and during</p>	

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<ul style="list-style-type: none"> • The applicant shall submit for the review and approval of the Community Development Director a tree protection plan to identify the location of the tree trunk and dripline of all protected oaks subject to City of Clayton Municipal Code Section 15.70.020. • A protective fence shall be installed around all oaks subject to the tree protection plan. The protective fence shall be installed prior to commencement of any construction activity and shall remain in place for the duration of construction. • Grading, excavation, deposition of fill, erosion, compaction, and other construction-related activities shall not be permitted within the dripline or at locations which may damage the root system of trees subject to the tree protection plan, unless such activities are specifically allowed by the tree protection plan. Tree wells may be used if specifically allowed by the tree protection plan. • Oil, gas, chemicals, vehicles, construction equipment, machinery, and other construction materials shall not be allowed within the dripline of trees subject to the tree protection plan. 		construction	
<p>Mitigation Measure 4. Prior to the issuance of a grading permit, the grading plan shall include a requirement (via notation) indicating that if cultural resources, or human remains are encountered during site grading or other site work, all such work shall be halted immediately within 100 feet of the area of discovery and the contractor shall immediately notify the City of the discovery. In such case, the City, at the expense of the project applicant, shall retain the services of a qualified archaeologist for the purpose of recording, protecting, or curating the discovery as appropriate. The archaeologist shall be required to submit to the City 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 vicinity of the discovery, as identified by the qualified archaeologist, shall not be allowed until the preceding steps have been taken.</p>	City of Clayton Community Development Department	Prior to the issuance of a grading permit, mitigation requirements shall be noted on grading plan	
<p>Mitigation Measure 5. Pursuant to State Health and Safety Code §7050.5(c) State Public Resources Code §5097.98, if human bone or bone of unknown origin is found during construction, all work shall stop in the vicinity of the find and the Contra Costa County Coroner shall be contacted immediately. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission who shall notify the person believed to be the most likely descendant. The most likely descendant shall work with the</p>	City of Clayton Community Development Department Contra Costa County Coroner (If	During construction	

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<p>contractor to develop a program for re-internment of the human remains and any associated artifacts. Additional work is not to take place in the immediate vicinity of the find, which shall be identified by the qualified archaeologist at the applicant's expense, until the preceding actions have been implemented.</p>	<p>human bone or bone of unknown origin is found during construction)</p> <p>Native American Heritage Commission (if remains determined to be Native American)</p>		
<p>Mitigation Measure 6. Prior to the issuance of a grading permit, the project applicant shall prepare to the satisfaction of the City Engineer, an erosion control plan that utilizes standard construction practices to limit the erosion effects during construction of the proposed project. Actions should include, but are not limited to:</p> <ul style="list-style-type: none"> • Hydro-seeding; • Placement of erosion control measures within drainage ways and ahead of drop inlets; • The temporary lining (during construction activities) of drop inlets with "filter fabric"; • The placement of straw wattles along slope contours; • Use of a designated equipment and vehicle "wash-out" location; • Use of siltation fences; • Use of on-site rock/gravel road at construction access points; and • Use of sediment basins and dust palliatives. 	<p>City Engineer</p>	<p>Prior to the issuance of a grading permit</p>	
<p>Mitigation Measure 7. During construction, the project contractor, at the expense of the project applicant, shall completely remove and re-compact the existing non-engineered fill on-site under the supervision of a registered geotechnical engineer, according to the recommendations presented in the Geotechnical Investigation. The contractor shall remove the upper undocumented fill soil from the area extending at least five feet beyond the edge of the planned building envelopes and also below the planned rear retaining wall. Once removed, subsequent engineered fill may be used as approved by a licensed geotechnical engineer. A written summary of the operations shall be</p>	<p>City Engineer</p>	<p>During construction</p>	

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submitted to the City Engineer.			
Mitigation Measure 8. The applicant shall submit a Final Stormwater Control Plan (including an Operations and Maintenance Manual) fully addressing the requirements of the City's recently amended Municipal Regional Stormwater NPDES Permit (Permit No. CAS612008, as amended November 19, 2015), and including an alternative to the use of sump pumps, such as dry wells, to the satisfaction of the City Engineer.	City Engineer	Prior to approval of improvement plans	
<p>Mitigation Measure 9. During grading and construction, the project contractor shall ensure that the following measures are implemented, consistent with the recommendations in the Environmental Noise and Vibration Analysis:</p> <ul style="list-style-type: none"> • Grading and construction activities shall be limited to the daytime hours between 7:00 AM to 5:00 PM Monday through Friday, as specified in Section 15.01.101 of the Clayton Municipal Code. Any such work beyond said hours and days is strictly prohibited unless previously specifically authorized in writing by the City Engineer or designee or by project conditions of approval; • The distances between on-site construction and demolition staging areas and the nearest surrounding residences shall be maximized to the extent possible; and • All construction and demolition equipment that utilizes internal combustion engines shall be fitted with manufacturer's mufflers or equivalent. 	<p>City of Clayton Community Development Department</p> <p>City Engineer</p>	During grading and construction	