

**GBH COMMERCIAL
MITIGATION MONITORING PLAN**

The California Environmental Quality Act requires public agencies to report on and monitor measures adopted as part of the environmental review process (Section 21081.6, Public Resources Code [PRC]; Section 15097 of the CEQA Guidelines). This Mitigation Monitoring Plan (MMP) is designed to ensure that the measures identified in the Mitigated Negative Declaration are fully implemented. The MMP describes the actions that must take place as a part of each measure, the timing of these actions, the entity responsible for implementation, and the agency responsible for enforcing each action.

The City has the ultimate responsibility to oversee implementation of this Plan. The Community Development Director serves as the Project Monitor responsible for assigning monitoring actions to responsible agencies. Due to financial constraints, the City will require the applicant to fund a contract Project Monitor to undertake this effort. The commitment for this will be addressed in the Development Agreement and Conditions of Approval for the project.

As required by Section 21081.6 of the PRC, the Winters Community Development Department is the "custodian of documents and other material" which constitute the "record of proceedings" upon which a decision to approve the proposed project was based. Inquiries should be directed to:

Kate Kelly, Planning Manager
City of Winters
530-795-4910 x 113

The location of this information is:

Winters City Hall
Community Development Department
318 First Street
Winters, California 95694

In order to assist implementation of the mitigation measures, the MMP includes the following information:

Mitigation Measure: The mitigation measures are taken verbatim from the Negative Declaration.

Timing/Milestone: This section specifies the point by which the measure must be completed. Each action must take place during or prior to some part of the project development or approval.

Responsibility for Oversight: The City has responsibility for implementation of most mitigation measures. This section indicates which entity will oversee implementation of the measure, conduct the actual monitoring and reporting, and take corrective actions when a measure has not been properly implemented.

Implementation of Mitigation Measure: This section identifies how actions will be implemented and verified.

Responsibility for Implementation: This section identifies the entity that will undertake the required action.

Checkoff Date/Initials: This verifies that each mitigation measure has been implemented.

Pursuant to Section 18.04.090 of the Winters Municipal Code related to the required CEQA Mitigation Monitoring Plan, sign-off on the completion of each mitigation measure in the adopted Mitigation

Monitoring Plan (MMP) shall constitute the required "Program Completion Certificate".

The Mitigation Monitoring Plan shall be adopted pursuant to the requirements of Section 18.04.060.A and implemented pursuant to Section 18.04.070.A - E, of the Winters Municipal Code.

The applicant shall fund the costs of implementing the MMP including the payment of fees specified in Section 18.04.100.A – D of the Winters Municipal Code.

Pursuant to Section 18.04.050 of the Winters Municipal Code related to the required CEQA Mitigation Monitoring Plan (MMP), the following items shall apply:

- The adopted MMP shall run with the real property that is the subject of the project and successive owners, heirs, and assigns of this real property are bound to comply with all of the requirements of the adopted Plan.
- Prior to any lease, sale, transfer, or conveyance of any portion of the real property that is the subject of the project, the applicant shall provide a copy of the adopted Plan to the prospective lessee, buyer, transferee, or one to whom the conveyance is made.
- The responsibilities of the applicant and of the City, and whether any professional expertise is required for completion or evaluation of any part of the Plan, shall be as specified in the Plan and as determined by the Community Development Director or designated Project Monitor in the course of administering the MMP.
- Cost estimates for the implementation of this Plan and satisfaction of each measure are not known or available, but shall be developed by the applicant in the course of implementing each mitigation measure.
- Civil remedies and criminal penalties for noncompliance with the adopted MMP are as specified in Sections 18.04.110 and 18.04.120 of the Winters Municipal Code.

Mitigation Measure Aesthetics 1 – Outdoor light fixtures shall be low-intensity, shielded and/or directed away from adjacent areas and the night sky. All light fixtures shall be installed and shielded in such a manner that no light rays are emitted from the fixture at angles above the horizontal plane. Lighting plans with certification that adjacent areas will not be adversely affected and that offsite illumination will not exceed 2-foot candles shall be submitted to the City for review and approval as part of improvement plans.

Prior to issuance of a building permit, the applicant shall submit a photometric and proposed lighting plan for the project to the satisfaction of the Community Development Department to ensure no spillover light and glare onto adjoining properties.

Timing/Milestone – Prior to issuance of a building permit.

Responsibility for Oversight – City of Winters.

Implementation of Mitigation Measure – Prior to issuance of a building permit for each phase or building, the applicant shall submit a photometric and proposed lighting plan to the satisfaction of the Community Development Department to ensure no spillover light and glare onto adjoining properties.

Responsibility for Implementation – Applicant and subsequent builders.

Checkoff Date/Initials/Notes –

Mitigation Measure Air 1 – Install an ozone destruction catalyst on all air conditioning systems. With the applicant's agreement to accept and implement the following mitigation measure, NOx emissions would be minimized and this impact would be held to a less-than-significant level.

Timing/Milestone – Prior to issuance of a building permits

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – This shall be documented on each set of building plans and verified during plan check.

Responsibility for Implementation – Applicant and subsequent builders.

Checkoff Date/Initials/Notes –

Mitigation Measure Air 2

- a. Construction equipment exhaust emissions shall not exceed District Rule 2-11 Visible Emission limitations.
- b. Construction equipment shall minimize idling time to 5 minutes or less.
- c. The prime contractor shall submit to the District a comprehensive inventory (i.e. make, model, year, emission rating) of all the heavy-duty off-road equipment (50 horsepower or greater) that will be used an aggregate of 40 or more hours for the construction project. District personnel, with assistance from the California Air Resources Board, will conduct initial Visible Emission Evaluations of all heavy-duty equipment on the inventory list.

An enforcement plan shall be established to weekly evaluate project-related on-and-off-road heavy-duty vehicle engine emission opacities, using standards as defined in California Code of Regulations, Title 13, 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. Operators of vehicles and equipment found to exceed opacity limits will be notified and the equipment must be repaired within 72 hours.

Construction contracts shall stipulate that at least 20% of the heavy-duty off-road equipment included in the inventory be powered by CARB certified off-road engines, as follows:

175 hp - 750 hp	1996 and newer engines
100 hp - 174 hp	1997 and newer engines
50 hp - 99 hp	1998 and newer engines

In lieu of or in addition to this requirement, the applicant may use other measures to reduce particulate matter and nitrogen oxide emissions from project construction through the use of emulsified diesel fuel and or particulate matter traps. These alternative measures, if proposed, shall be developed in consultation with District staff.

Timing/Milestone – Prior to and during grading, and during appropriate period of construction.

Responsibility for Oversight – Yolo-Solano Air Quality Management District

Implementation of Mitigation Measure – The applicant shall satisfy the terms of the measure. Evidence of this shall be provided to the City.

Responsibility for Implementation – Applicant

Checkoff Date/Initials/Notes –

Mitigation Measure Air 3

- a) Nontoxic soil stabilizers according to manufacturer's specifications shall be applied to all inactive construction areas (previously graded areas inactive for ten days or more).
- b) Ground cover shall be reestablished in disturbed areas quickly.
- c) Active construction sites shall be watered at least three times daily to avoid visible dust plumes.
- d) Paving, applying water three times daily, or applying (non-toxic) soil stabilizers shall occur on all unpaved access roads, parking areas and staging areas at construction sites
- e) Enclosing, covering, watering daily, or applying non-toxic soil binders to exposed stockpiles (dirt, sand, etc.) shall occur.
- f) A speed limit of 15 MPH for equipment and vehicles operated on unpaved areas shall be enforced.
- g) All vehicles hauling dirt, sand, soil, or other loose materials shall be covered or shall be maintained at least two feet of freeboard.
- h) Streets shall be swept at the end of the day if visible soil material is carried onto adjacent public paved roads.

Timing/Milestone – Prior to and during grading, and during appropriate period of construction.

Responsibility for Oversight – Yolo-Solano Air Quality Management District

Implementation of Mitigation Measure – The applicant shall satisfy the terms of the measure. Evidence of this shall be provided to the City.

Responsibility for Implementation – Applicant

Checkoff Date/Initials/Notes –

Mitigation Measure Biological 1 – The project proponent shall mitigate for potential project-related impacts to burrowing owl by conducting a pre-construction survey no more than 30 days prior to the initiation of construction activity. The pre-construction survey shall be conducted by a qualified biologist familiar with the identification of burrowing owls and the signs of burrowing owl activity. If active burrows are found on the project site, the California Department of Fish and Game (CDFG) shall be consulted regarding appropriate mitigation measures for project-related impacts to burrowing owl. Pursuant to the CDFG document entitled “Staff Report on Burrowing Owl Mitigation” (September 25, 1995), it is likely that replacement habitat will be required by CDFG. The guidelines include specific mitigation to protect nesting and wintering owls and to compensate for loss of breeding sites. In general, if the project would remove habitat of an occupied breeding site (e.g., if an active nest and surrounding habitat are removed), the project proponent will be required to compensate by preserving equivalent suitable habitat for each active nest site. In addition, the project proponent must install artificial burrows to offset the direct loss of the breeding site. Mitigation shall be consistent with the City’s adopted Habitat Mitigation Program. Implementation of this mitigation measure shall be confirmed by the City of Winters prior to the initiation of construction activity.

Timing/Milestone – Not more than 30 days prior to commencement of grading or any physical modification of undeveloped portions of the site.

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – The applicant shall coordinate with the appropriate agency(s) to satisfy the terms of the measure. Evidence of this shall be provided to the City. The survey shall be performed by a qualified biologist in accordance with accepted protocols.

Responsibility for Implementation – Applicant and subsequent builders

Checkoff Date/Initials/Notes –

Mitigation Measure Biological 2 -- The project proponent shall mitigate for potential project-related impacts to nesting raptors (Swainson's Hawk, White-tailed Kite, Northern Harrier, and Loggerhead Shrike) by conducting a pre-construction survey of all trees suitable for use by nesting raptors on the subject property or within 0.25 mile of the project boundary as allowable. The preconstruction survey shall be performed no more than 30 days prior to the implementation of construction activities. The preconstruction survey shall be conducted by a qualified biologist familiar with the identification of raptors known to occur in the vicinity of the City of Winters. If active special-status raptor nests are found during the preconstruction survey, a 0.25-mile (1,320-feet) buffer zone shall be established around the nest and no construction activity shall be conducted within this zone during the raptor nesting season. The buffer zone shall be marked with flagging, construction lathe, or other means to mark the boundary of the buffer zone. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. Implementation of this mitigation measure shall be confirmed by the City of Winters prior to the initiation of construction activity.

Timing/Milestone – Not more than 30 days prior to commencement of grading or any physical modification of the site.

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – The applicant shall coordinate with the appropriate agency(s) to satisfy the terms of the measure. Evidence of this shall be provided to the City. The survey shall be performed by a qualified biologist in accordance with accepted protocols.

Responsibility for Implementation – Applicant

Checkoff Date/Initials/Notes –

Mitigation Measure Biological 3 -- The project proponent shall mitigate for potential project-related

impacts to migratory birds by conducting a pre-construction survey for nests on the site. The preconstruction survey shall be performed no more than 14 days prior to the onset of vegetation and/or tree removal. The preconstruction survey shall be conducted by a qualified biologist familiar with the identification of migratory bird known to occur in the vicinity of the City of Winters. If active migratory bird nest(s) are found onsite during the preconstruction survey, the nest(s) shall not be disturbed or removed until the young have fledged and the nest is no longer active. A buffer may be required. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. Implementation of this mitigation measure shall be confirmed by the City of Winters prior to the initiation of construction activity.

Alternatively, potential impacts to nesting birds or unfledged young would be avoided if vegetation and/or tree removal occurred only between September 1 and January 21.

Timing/Milestone – Not more than 14 days prior to commencement of grading or any physical modification of the site.

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – The applicant shall coordinate with the appropriate agency(s) to satisfy the terms of the measure. Evidence of this shall be provided to the City. The survey shall be performed by a qualified biologist in accordance with accepted protocols.

Responsibility for Implementation – Applicant

Checkoff Date/Initials/Notes –

Mitigation Measure Biological 4 -- Any mitigation required shall be implemented in a manner consistent with requirements, purpose and intent of the City of Winters' Habitat Mitigation Program.

Timing/Milestone – Prior to commencement of grading or any physical modification of the site.

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – The applicant shall coordinate with the appropriate agency(s) to satisfy the terms of the measure. Evidence of this shall be provided to the City.

Responsibility for Implementation – Applicant

Checkoff Date/Initials/Notes –

Mitigation Measure #5 – If cultural resources (historic, archeological, paleontological, and/or human remains) are encountered during construction, workers shall not alter the materials or their context until an appropriately trained cultural resource consultant has evaluated the situation. Project personnel shall not collect cultural resources. Prehistoric resources include chert or obsidian flakes, projectile points, mortars, pestles, dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Historic resources include stone or adobe foundations or walls, structures and remains with square nails, and refuse deposits often in old wells and privies.

Timing/Milestone – During grading, construction of infrastructure, and construction of each building.

Responsibility for Oversight – City of Winters; Yolo County Coroner; State Native American Heritage Commission.

Implementation of Mitigation Measure – If other archeological or cultural resources are found, all grading and activity in the immediate area shall cease, the finds shall be left in place, and the project archeologist and the Community Development Department (530) 795-4910 x 114 shall be contacted to assess the find and determine how to proceed.

Responsibility for Implementation – Applicant and subsequent builders.

Checkoff Date/Initials/Notes –

Mitigation Measure Cultural 2 - Should human remains be discovered, no further site disturbance shall occur until the county coroner has determined that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, in the manner provided in Section 5097.98 of the Public Resources Code. If the coroner determines that the remains are not subject to his or her authority and the remains are recognized to be those of a Native American, the coroner shall contact the Native American Heritage Commission within 24 hours.

Timing/Milestone – During grading, construction of infrastructure, and construction of each building.

Responsibility for Oversight – City of Winters; Yolo County Coroner; State Native American Heritage Commission.

Implementation of Mitigation Measure – If human remains are found, all grading and activity in the immediate area shall cease, the find shall be left in place, and the applicant shall immediately notify the Yolo County Coroner at (530) 666-8282, the Community Development Department at (530) 795-4910 x114, and the project archeologist to assess the find and determine how to proceed. If the remains are found to be of Native American descent, the Native American Heritage Commission shall also be notified at (916) 653-4082, pursuant to the terms of the measure.

Responsibility for Implementation – Applicant and subsequent builders.

Checkoff Date/Initials/Notes –

Mitigation Measure Geology 1 -- Grading of the site, design of foundations for proposed structures and construction of other related facilities on the property shall follow the criteria identified in the Geotechnical Investigation (Wallace Kuhl, March 8, 2007) prepared for the project.

Timing/Milestones – Prior to issuance of first building permit.

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – This shall be documented on each set of building plans and verified during plan check.

Checkoff Date/Initials/Notes –

Mitigation Measure Land Use 1 -- All aspects of the project shall be subject to design review to ensure compatibility with the surrounding area and satisfaction of the Community Design Guidelines and other applicable principles of good community design.

Timing/Milestone – Prior to issuance of a building permit for each phase of construction of the project, the applicant shall submit full architectural renderings, including building elevations and floor plans, for design review and approval.

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – Per the terms of the measure.

Responsibility for Implementation – Applicant and subsequent builders

Checkoff Date/Initials/Notes –

Mitigation Measure Noise 1 – HVAC noise shall not exceed 45 dBA at the nearest residential property line. This shall be demonstrated to the City via a noise analysis prepared by a qualified consultant prior to issuance of occupancy permits for Buildings 6, 7, 8, and 9.

Timing/Milestone – Prior to issuance of occupancy permit for each building.

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – The applicant shall satisfy the terms of the measure. Recommendations of the noise analysis to comply with measure shall be implemented by the applicant.

Responsibility for Implementation – Applicant and subsequent home builders

Checkoff Date/Initials/Notes –

Mitigation Measure Noise 2 – Construction equipment shall be fitted with adequate engine mufflers and enclosures.

Timing/Milestone – The disclosure statement shall be prepared prior to marketing of the homes.

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – During grading, construction of infrastructure, and construction of each building.

Responsibility for Implementation – Applicant and subsequent builders

Checkoff Date/Initials/Notes –

Mitigation Measure Traffic 1

a) Grant Avenue/Dutton Street – The project applicant shall make a fair-share contribution toward construction of either a two-way left-turn lane or a median with eastbound left-turn pocket at the intersection. This improvement would provide acceptable intersection operations during the AM and PM peak hours.

b) Grant Avenue/East Street – Consistent with the findings of the Grant Avenue Access Study the project applicant shall close the East Street approach to Grant Avenue as part of the frontage improvements to the project site. The traffic diversion caused by this closure does not cause a significant LOS impact to the adjacent intersections and the grid street network allows for reasonable alternatives for the residents and businesses along East Street.

c) Grant Avenue/Walnut Lane – The project applicant shall realign the north leg of Walnut Lane and construct a traffic signal or roundabout at the Walnut Lane intersection to provide access to the project site.

d) Grant Avenue/Morgan Street – The applicant shall make a fair share contribution toward construction a roundabout or signalizing this intersection. This improvement will require consolidating access to the parcels on the north side of the street and relocating their access point to be opposite of Morgan Street.

Timing/Milestone – As specified by City Engineer as determined by project schedule.

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure –

Traffic 1a and Traffic 1d - Payment of fees to City Finance Department.
Traffic 1b and 1c – The Applicant shall be required to complete all roadway improvements, including traffic calming, to City Standards

Responsibility for Implementation – Applicant

Checkoff Date/Initials/Notes –

Mitigation Measure Utilities 1 -- The proposed systems for conveying project sewage, water, and drainage shall be finalized and approved by the City Engineer prior to final map. The project is required to fund and construct off-site improvements necessary to support the development. Such improvements could include, but not be limited to a water well, water lines, sewer lines and storm drainage lines. Should property acquisition or additional CEQA clearance be required for off-site improvements, this will be the responsibility of the developer.

Timing/Milestone – Prior to final map.

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – As specified in the measure.

Responsibility for Implementation – Applicant

Checkoff Date/Initials/Notes –

Mitigation Measure Utilities 2 – Building permits shall be issued for each building only after the City Engineer has established that water supply will be available to serve the building.

Timing/Milestone – Prior to issuance of building permits.

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – As specified in the measure.

Responsibility for Implementation – Applicant

Checkoff Date/Initials/Notes –