

CITY OF STOCKTON
FINDINGS AND
MITIGATION MONITORING/REPORTING PROGRAM

FOR THE

ELDERBERRY RESIDENTIAL PROJECT
Stockton, CA

City of Stockton
Project File No: P18-0146

August 2019

Prepared for:

CITY OF STOCKTON
Community Development Department
345 N. El Dorado Street
Stockton, CA 95202
209-937-8266

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Prepared by:

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209-224-8213

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1.0 INTRODUCTION

This document sets forth the findings of the City of Stockton Planning Commission and/or City Council (City) relating to the Elderberry Residential Project. This document also describes the Mitigation Monitoring/Reporting Program (MMRP) for the project. The primary source document for the project findings and MMRP is the Final Initial Study/Mitigated Negative Declaration for the Elderberry Residential Project (P18-0146) (the "Final IS/MND").

The proposed project site is located in a developing area at the urban fringe of the City of Stockton in San Joaquin County, California. When referenced as such, the IS/MND includes both the Public Review Draft of the IS/MND (July 12, 2019) and the Final IS/MND (August 2019) for the project, as well as any documents, which have been incorporated into those documents by reference.

1.1 CEQA REVIEW OF PROPOSED PROJECT

The proposed project involves a request for City approval of a Tentative Subdivision Map and Planned Development Permit for subdivision of the southern 6.65 acres of the site into a gated low-density residential community; the subdivision would be age-restricted for persons 55 years of age and older. A total of 42 lots ranging from 3,500 sq. ft. to 7,500 sq. ft. in size would be created. Proposed front yard setbacks would be 18 feet and 20 feet, and side yards would be one foot and four feet, on adjacent lots. Each lot would have minimum 10-foot rear yard setbacks. The overall residential community also includes an entry area and private street access (Lot A), a community center (Lot B), a common open space area (Lot D), and a non-exclusive access lot (Lot E).

Villa Point Drive would be extended eastward from its existing terminus to Lower Sacramento Road as a part of the project; the extension would provide access for the proposed residential project as well as for future high-density residential development north of the site. The project would dedicate approximately 1.01 acres of land along the west side of Lower Sacramento Road to the City of Stockton for proposed and future street improvements. Extension of Villa Point Drive will include the installation of City wastewater, potable water and storm drain facilities, and installation of power, phone, gas and other regulated utilities to serve the proposed residential subdivision.

The City prepared an Initial Study/Mitigated Negative Declaration for the project, which was made available for public review between July 12 and July 31, 2019. Prior to public and agency review of the Draft IS/MND, the project applicant, on behalf of any future owners, applicants, developers and/or successors-in-interest, entered into a Mitigation Agreement with the City of Stockton. One agency comment was received on the IS/MND. This comment and other related CEQA matters are discussed in the Final IS/MND (August 2019), which will need to be adopted by the City, in conjunction with this document, prior to taking action on the project.

1.2 CEQA REQUIREMENTS REGARDING FINDINGS

When an Environmental Impact Report (EIR) has been prepared for a project, CEQA requires that, prior to project approval, the Lead Agency make specified findings related to each of the significant or potentially significant environmental effects considered in the EIR. Specific findings are not required by CEQA when the agency proposes to adopt a Negative Declaration. In the interest of public disclosure, however, it is the policy of the City of Stockton to make specific findings with respect to the environmental effects addressed in an Initial Study/Mitigated Negative Declaration.

The City's findings for Negative Declarations parallel the EIR findings requirements set forth in CEQA Guidelines Section 15091. All of the potentially significant effects of the project were reduced to less than significant by proposed mitigation measures.

CEQA findings must as a rule be based upon substantial evidence. The substantial evidence in this case consists of the information, analysis and mitigation measures described in the IS/MND, as well as any other information incorporated into these documents by reference. A copy of the Final IS/MND is available for review at the Stockton Permit Center, 345 North El Dorado Street, Stockton, CA. Specific references to supporting information for each finding are provided in Column 4 of the findings and mitigation monitoring table, following.

1.3 CEQA REQUIREMENTS REGARDING MITIGATION MONITORING AND REPORTING

To ensure that mitigation measures included in a Mitigated Negative Declaration are actually implemented, CEQA requires the adoption of a mitigation monitoring or reporting program (CEQA Guidelines Section 15074). Specifically, the Guidelines require that the lead agency:

" . . . adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to mitigate or avoid significant environmental effects."

These requirements are met collectively by the Mitigation Monitoring/Reporting Table shown in Section 2.0 of this document. The table lists all of the potential environmental effects of the project that were identified in the Draft IS/MND, identifies all of the mitigation measures that address these effects, and identifies the entities that would be responsible for implementing, and monitoring implementation of, the mitigation measures.

1.4 ORGANIZATION OF THIS DOCUMENT

This document is divided into two chapters. Chapter 1.0 is this Introduction, which provides background information and summarizes CEQA requirements related to the project. Chapter 2.0 presents the Mitigation Monitoring/Reporting Program and findings

of fact for the project in the form of a table. The table lists all mitigation measures applicable to the project, identifies implementation responsibilities, sets forth the City's finding with regard to the disposition of each impact, and establishes the rationale for each finding. Section 3.0 sets forth the City's Mitigation Reporting Program for the project.

2.0 MITIGATION MONITORING/REPORTING PROGRAM AND FINDINGS

The following table summarizes the environmental effects that could result from approval of the proposed project. The table identifies 1) each environmental effect and its significance prior to mitigation, 2) how each significant environmental effect would be mitigated, 3) the responsibility for implementation of each mitigation measure, 4) the responsibility for monitoring of the mitigation measures, if the project is approved, 5) the City's finding with respect to each significant environmental effect, and 6) the City's rationale for that finding. The table follows the same sequence as the impact analysis in the IS/MND. Reporting actions required to ensure that the mitigation measures are implemented are described on the last page of the table.

The City's findings with respect to the project are listed in the last column of the table, for each of the significant effects identified by the IS/MND. Codes used to identify the significance of each environmental effect after mitigation measures are applied, and the City's finding with respect to each effect, are summarized on the first page of the table. For the purposes of this document:

- A "Significant" environmental effect is a substantial adverse change in the environment (CEQA Guidelines Section 15382),
- A "Potentially Significant" effect is one which is likely, but not certain, to cause future substantial adverse changes to the environment,
- A "Cumulatively Significant" effect is a substantial adverse change in the environment that is the result of cumulative development in the City of Stockton,
- A "Significant and Unavoidable" effect is one for which there is no known or feasible mitigation, and
- A "Not Significant" effect is one that may be adverse, but is not substantial, or has been rendered so as the result of mitigation measures.

CITY OF STOCKTON
CEQA FINDINGS AND MITIGATION MONITORING/REPORTING PROGRAM
(PURSUANT TO CALIFORNIA PUBLIC RESOURCES CODE SECTIONS 21081 AND 21081.6)

PROJECT DATA

KEY

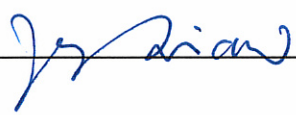
<p>INITIAL STUDY FILE NO.: P18-0146</p> <p>Property Owner(s): Wayne LeBaron Address: 2087 Grand Canal Blvd, Suite 5, Stockton, CA 95207</p> <p>Project Applicant: Wayne LeBaron Address: 2087 Grand Canal Blvd, Suite 5, Stockton, CA 95207</p> <p>Project Title: Elderberry Residential Development Project</p> <p>Requested entitlements include a Tentative Subdivision Map, Planned Development Permit (PDP), utility services, extension of Villa Point Drive to Lower Sacramento Road and associated frontage improvements along Lower Sacramento Road.</p> <p>The proposed Tentative Subdivision Map would provide for the subdivision of the southern 6.65 acres of the site for use as a gated single-family residential community, which would be age-restricted for seniors 55 years of age and older. A total of 42 lots would be created ranging in area from 3,500 sq. ft. to 7,500 sq. ft. The typical 41' by 88' lots would have reduced front yard setbacks of 18 to 20 feet, one-foot and four-foot side yards on adjacent lots, and 10-foot rear yards.</p> <p>The overall residential community also would include an entry area and private street access (Lot A), a community center (Lot B), a common open space area (Lot D), and a non-exclusive access lot (Lot E). Lot C, located south of the proposed residential development, contains an existing cell tower. There are no new development plans for Lot C.</p>	<p>1. The impacts are shaded and followed by related mitigation measures, implementation and monitoring provisions, and findings.</p> <p>2. Abbreviations: N/A = (Not Applicable); COS = (City of Stockton); ODS = (Owners, Developers and/or Successors-in-Interest); CDD = (Community Development Department); CD-P = (Community Development-Planning Division); CD-B = (Community Development-Building Division); PW = (Public Works Department); CM = (City Manager); CA = (City Attorney); P&R = (Parks and Recreation Department); HR = (Housing and Redevelopment Department); MUD = (Municipal Utilities Department); FD = (Fire Department); PD = (Police Department); PC = (Planning Commission); CC = (City Council); SJC = (San Joaquin County); ALUC = (Airport Land Use Commission).</p>
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FINDINGS AND LEVEL OF SIGNIFICANCE AFTER MITIGATION

<p>Findings for significant and potentially significant impacts identified in the Final EIR or Negative Declaration/Initial Study are listed as follows:</p> <ol style="list-style-type: none"> Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect identified in the Final EIR or Negative Declaration/Initial Study, or Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the City of Stockton. Such changes have been adopted by such other agency, or can and should be adopted by such other agency, or The City of Stockton has previously adopted findings of specific economic, social, or other considerations which make infeasible the mitigation measures and project alternatives identified in the Final EIR or Negative Declaration/Initial Study. <p>The level of significance (LS) of each impact after mitigation is listed as: SU= (significant and unavoidable), PS=(potentially significant), or NS=(not significant). The basis for the Findings is provided in applicable sections of the Final EIR, Negative Declaration/Initial Study, or previously adopted Findings or Statement of Overriding Considerations, as referenced in the last (fourth) column on the following pages under "Rationale."</p>

LEAD AGENCY:

CITY OF STOCKTON
c/o Community Development Dept./Planning Division
345 North El Dorado Street, Stockton, CA 95202-1997
(209) 937-8266



8-21-19

DATE (FINDINGS/MONITORING PROGRAM ADOPTED)

IMPACT/MITIGATION MEASURES	IMPLEMENTATION RESPONSIBILITY AND TIMING/SCHEDULE	MONITORING/REPORTING RESPONSIBILITY AND TIMING	FINDINGS/LS AFTER MITIGATION
3.1 AESTHETICS			
a) Effects on Scenic Vistas. There are no significant or potentially significant impacts in this issue area.			
b) Effects on Scenic Resources. There are no significant or potentially significant impacts in this issue area.			
c) Effects on Visual Character and Quality;. There are no significant or potentially significant impacts in this issue area.			
d) Project Effects on Light and Glare. There are no significant or potentially significant impacts in this issue area.			
3.2 AGRICULTURE AND FORESTRY RESOURCES			
a) Agricultural Land Conversion. There are no significant or potentially significant impacts in this issue area.			
b) Agricultural Zoning and Williamson Act. There are no significant or potentially significant impacts in this issue area.			
c,d) Forest Land Conversion and Zoning. There are no significant or potentially significant impacts in this issue area.			
e) indirect Conversion of Farmland and Forest Land. There are no significant or potentially significant impacts in this issue area.			
3.3 AIR QUALITY			
a,b) Air Quality Plan Consistency. There are no significant or potentially significant impacts in this issue area.			
c) Cumulative Emissions. There are no significant or potentially significant impacts in this issue area.			
d) Exposure of Sensitive Receptors. There are no significant or potentially significant impacts in this issue area.			
e) Odors. There are no significant or potentially significant impacts in this issue area.			
3.4 BIOLOGICAL RESOURCES			
a) Effects on Special-Status Species. This is a potentially significant impact.			
BIO 1: The owners, developers, or successors in Interest (ODS) shall mitigate for the proportionate loss of potential wildlife habitat from proposed residential	The ODS will be responsible for applying	The CDD will verify that ITMMs have been or will be implemented prior to the	1, NS

IMPACT/MITIGATION MEASURES	IMPLEMENTATION RESPONSIBILITY AND TIMING/SCHEDULE	MONITORING/REPORTING RESPONSIBILITY AND TIMING	FINDINGS/LS AFTER MITIGATION
development by applying for coverage, paying required fees and implementing Incidental Take Minimization Measures (ITMMs) as required by the adopted San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP).	for SJMSCP participation and for implementation of any required ITMMS	issuance of a building permit.	Rationale: IS/MND Pages 3-11 – 3-12
b) Riparian and Other Sensitive Habitats. There is no impact in this issue area.			
c) Wetlands and Waters of the U.S. There is no impact in this issue area.			
d) Fish and Wildlife Movement. There is no impact in this issue area.			
e) Local Biological Requirements. There is no impact in this issue area.			
f) Conflict with Habitat Conservation Plans. See Implementation of Mitigation Measure BIO-1			
<h3>3.5 CULTURAL RESOURCES</h3>			
a, b) Historical and Archaeological Resources. This is a potentially significant impact.			
<p>CULT-1: If any subsurface cultural or paleontological resources are encountered during project construction, all construction activities in the vicinity of the encounter shall be halted until a qualified archaeologist or paleontologist, as appropriate, can examine these materials and make a determination of their significance. If the resource is determined to be significant, recommendations shall be made on further mitigation measures needed to reduce potential effects on the resource to a level that would be less than significant. Such measures could include 1) preservation in place or 2) excavation, recovery and curation by qualified professionals. The CDD shall be notified of any find, and the ODS shall be responsible for retaining qualified professionals, implementing recommended mitigation measures, and documenting mitigation efforts in a written report to the CDD, consistent with the requirements of the CEQA Guidelines.</p>	<p>The ODS and contractor will be responsible for reporting any cultural or paleontological find to the CDD. The ODS will be responsible for retaining a paleontologist to evaluate paleontological resources or an archeologist to evaluate and report archeological or burial finds.</p>	<p>The CDD will be responsible for overseeing archaeological and paleontological reports and recommendations.</p>	<p>1, NS Rationale: IS/MND Pages 3-13 – 3-17</p>
Paleontological Resources. This is a potentially significant impact.			

IMPACT/MITIGATION MEASURES	IMPLEMENTATION RESPONSIBILITY AND TIMING/SCHEDULE	MONITORING/REPORTING RESPONSIBILITY AND TIMING	FINDINGS/LS AFTER MITIGATION
Implement Mitigation Measure CULT-1			
Human Burials. This is a potentially significant impact.			
CULT-2: Project construction shall comply with the provisions of CEQA Guidelines Section 15064.5(e) regarding the treatment of any human burials encountered, including halting all work in the vicinity of the find and notifying the County Coroner.	The ODS will be responsible for all activities specified in CEQA Guidelines Section 15064.5 (e) and the documentation of these activities with the CDD.	The CDD will be responsible for monitoring ODS compliance with CEQA Guideline requirements.	1, NS Rationale: IS/MND Pages 3-13 – 3-17
3.6 ENERGY			
a,b) Project Energy Consumption and Consistency with Energy Plans. There are no significant or potentially significant impacts in this issue area.			
3.7 GEOLOGY AND SOILS			
a-i) Fault Rupture Hazards. There are no significant or potentially significant impacts in this issue area.			
a-ii, iii) Seismic Hazards. There are no significant or potentially significant impacts in this issue area.			
a-iv) Landslides. There are no significant or potentially significant impacts in this issue area.			
b) Soil Erosion. There are no significant or potentially significant impacts in this issue area.			
e) Geologic Instability. There are no significant or potentially significant impacts in this issue area.			
d) Expansive Soils. This is a potentially significant impact.			
GEO-1: Prior to approval of public road and utility improvements, a geotechnical study shall be submitted to the City Engineer addressing potential adverse effects related to expansive soils. The Building Department shall review and approve grading plans, improvement plans and building design for private lands. The City Engineer and/or Building Department shall verify the implementation of geotechnical requirements in the field.	The ODS will be responsible for preparation of the geotechnical study and grading plans.	The Building Department shall review and approve grading plans, improvement plans and building design for private lands. The City Engineer and/or Building Department shall verify the implementation of geotechnical requirements in the field.	1, NS Rationale: IS/MND Pages 3-19 – 3-23
d) Expansive Soils. There are no significant or potentially significant impacts in this issue area.			

IMPACT/MITIGATION MEASURES	IMPLEMENTATION RESPONSIBILITY AND TIMING/SCHEDULE	MONITORING/REPORTING RESPONSIBILITY AND TIMING	FINDINGS/LS AFTER MITIGATION
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3.8 GREENHOUSE GAS EMISSIONS

a) Project GHG Emissions and Consistency with GHG Reduction Plans. There are no significant or potentially significant impacts in this issue area.

3.9 HAZARDS AND HAZARDOUS MATERIALS

a, b) Hazardous Materials Transportation, Use and Potential Release. There are no significant or potentially significant impacts in this issue area.

c) Hazards Materials Release Near Schools. There are no significant or potentially significant impacts in this issue area.

d) Hazardous Materials Sites. There are no significant or potentially significant impacts in this issue area.

e, f) Airport and Airstrip Operations. There are no significant or potentially significant impacts in this issue area.

g) Emergency Response and Evacuations. There are no significant or potentially significant impacts in this issue area.

h) Wildland Fire Hazards. There are no significant or potentially significant impacts in this issue area.

3.10 HYDROLOGY AND WATER QUALITY

a, f) Surface Waters and Water Quality. There are no significant or potentially significant impacts in this issue area.

b) Groundwater Supplies. There are no potentially significant or significant impacts in this issue area.

c, d, e) Drainage Patterns and Runoff. There are no potentially significant or significant impacts in this issue area.

g, h) Residences and Other Structures in 100-Year Floodplain. There are no potentially significant or significant impacts in this issue area.

i) Exposure to Flooding from Dam Failure. There are no potentially significant or significant impacts in this issue area.

j) Seiche, Tsunami or Mudflow Hazards. There are no potentially significant or significant impacts in this issue area.

3.11 LAND USE AND PLANNING

a) Division of Established Community. There are no potentially significant or significant impacts in this issue area.

IMPACT/MITIGATION MEASURES	IMPLEMENTATION RESPONSIBILITY AND TIMING/SCHEDULE	MONITORING/REPORTING RESPONSIBILITY AND TIMING	FINDINGS/LS AFTER MITIGATION
b) Conflict with Applicable Plans, Policies and Regulations. There are no potentially significant or significant impacts in this issue area.			
c) Conflict with Habitat Conservation Plans. There are no potentially significant or significant impacts in this issue area.			
3.12 MINERAL RESOURCES			
a, b) Availability of Mineral Resources of State Value. There are no significant or potentially significant impacts in this issue area.			
3.13 NOISE			
a) Exposure to Noise Exceeding Local Standards. This is a potentially significant impact			
NOISE-1: Site and building plans for any two-story or taller homes located along the eastern boundaries of the project site shall be reviewed by a qualified acoustical professional to ensure that City outdoor and indoor noise standards are met.	The ODS will be responsible for project design in accordance with the specified noise standards and submittal of plans for City review and approval.	The CDD will ensure that approved building plans reflect the specified noise standards.	1, NS Rationale: IS/MND Pages 3-39 – 3-49
NOISE-2: Air conditioning or other suitable mechanical ventilation shall be provided in all residential units to allow all residents to close windows and doors to reduce noise levels.			
b) Project Exposure to Groundborne Noise. There are no significant or potentially significant impacts in this issue area.			
c) Permanent Increase in Ambient Noise. There are no significant or potentially significant impacts in this issue area.			
d) Temporary or Periodic Increase in Ambient Noise. This is a potentially significant impact.			
NOISE-3: Temporary noise impacts resulting from project construction shall be minimized by restricting hours of operation by noise-generating equipment to 7:00 a.m. to 10:00 p.m. Monday through Friday, and to 7:00 a.m. to 6:00 p.m. on Saturday and Sunday when such equipment is to be used near noise-sensitive land uses, and by requiring residential type mufflers where applicable.	The contractor will be responsible for implementing noise controls.	The CD-B will be responsible for monitoring controls on contractor activities.	1, NS Rationale: IS/MND Page 3-42
e, f) Public Airport and Private Airstrip Operations Noise. There are no significant or potentially significant impacts in this issue area.			

IMPACT/MITIGATION MEASURES	IMPLEMENTATION RESPONSIBILITY AND TIMING/SCHEDULE	MONITORING/REPORTING RESPONSIBILITY AND TIMING	FINDINGS/LS AFTER MITIGATION
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3.14 POPULATION AND HOUSING

a) Population Growth Inducement. There are no significant or potentially significant impacts in this issue area.

b, c) Displacement of Housing or People. There are no significant or potentially significant impacts in this issue area.

3.15 PUBLIC SERVICES/FACILITIES

a) Fire Protection. There are no significant or potentially significant impacts in this issue area.

b) Police Protection Impacts. This is a potentially significant impact.

SERV-1: The ODS shall coordinate with the Stockton Police Department as required during City review of site improvement and building plans to establish adequate security and visibility of the construction site.

The contractor will be responsible for obtaining plan approval for emergency access and landscaping/parking design and maintenance from the Stockton PD and PSD, and for construction security in the project plans and specifications.

The Stockton PD and PSD will verify adequate emergency access and landscaping/parking design. The MUD will verify that coordination requirements have been included for security, and that coordination activities are occurring as required. The CDD will verify collections of Public Facility Fees.

1, NS
Rationale:
IS/MND Pages
3-45 – 3-46

c) School. There are no significant or potentially significant impacts in this issue area.

3.16 RECREATION

a, b) Recreational Facilities. There are no significant or potentially significant impacts in this issue area.

3.17 TRANSPORTATION/CIRCULATION

a) Consistency with Applicable Plans, Ordinances and Policies. There are no significant or potentially significant impacts in this issue area.

b) Conflict With Congestion Management Program. There are no significant or potentially significant impacts in this issue area.

IMPACT/MITIGATION MEASURES	IMPLEMENTATION RESPONSIBILITY AND TIMING/SCHEDULE	MONITORING/REPORTING RESPONSIBILITY AND TIMING	FINDINGS/LS AFTER MITIGATION
c) Air Traffic Patterns. There are no significant or potentially significant impacts in this issue area.			
d) Traffic Hazards. There are no significant or potentially significant impacts in this issue area.			
e) Emergency Access. There are no significant or potentially significant impacts in this issue area.			
f) Conflict with Non-vehicular Transportation Plans. There are no significant or potentially significant impacts in this issue area.			
<h3>3.18 TRIBAL CULTURAL RESOURCES</h3>			
a, b) Tribal Cultural Resources. This is a potentially significant issue.			
<p>TCR-1: Mitigation Measures CULT-1 and CULT-2 shall also be implemented to address potentially significant effects relating to Tribal Cultural Resources.</p> <p>TCR-2: If potential Tribal Cultural Resources are discovered during construction activities, work shall immediately cease within 100 feet of the find, and the ODS shall: (a) notify the City of Stockton and United Auburn Indian Community; and (b) retain a qualified cultural resources specialist to assess the significance of the find. If the discovery concerns human remains, Mitigation Measure CULT-2 shall apply.</p> <p>TCR-3: The assessment required by Mitigation Measure TCR-2 shall include full participation by the United Auburn Indian Community including, but not limited to, the tribe's ability to observe and participate in all on-site data-gathering activities.</p> <p>TCR-4: If the City of Stockton determines that a Tribal Cultural Resources are present and that the project would result a substantial adverse change to them, it shall consult the United Auburn Indian Community on appropriate mitigation measures. Said consultation shall include, but not be limited, consideration of those mitigation measures listed at CEQA §21084.3. The ODS shall, in turn, implement those measures to the satisfaction of the City of Stockton.</p>	As specified for CULT-1 and CULT-2	The CDD will be responsible for overseeing and approving, monitoring and reporting activities.	1, NS Rationale: IS/MND Pages 3-54 – 3-55

IMPACT/MITIGATION MEASURES	IMPLEMENTATION RESPONSIBILITY AND TIMING/SCHEDULE	MONITORING/REPORTING RESPONSIBILITY AND TIMING	FINDINGS/LS AFTER MITIGATION
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3.19 UTILITIES AND SERVICE SYSTEMS

a, e) Wastewater Systems. There are no significant or potentially significant impacts in this issue area.

b, d) Water Systems and Supply. There are no significant or potentially significant impacts in this issue area.

c) Stormwater Systems. There are no significant or potentially significant impacts in this issue area.

f, g) Solid Waste Services. There are no significant or potentially significant impacts in this issue area.

3.20 WILD FIRE

a) Emergency Response and Emergency Evacuation Plans. There are no significant or potentially significant impacts in this issue area.

b) Exposure of Project Occupants to Pollutants. There are no significant or potentially significant impacts in this issue area.

c) Installation and Maintenance of Infrastructure. There are no significant or potentially significant impacts in this issue area.

d) Risks from Runoff, Post-Fire Slope Instability, or Drainage Changes. There are no significant or potentially significant impacts in this issue area.

3.21 MANDATORY FINDINGS OF SIGNIFICANCE

a) Findings on Biological and Cultural Resources. There are no significant or potentially significant impacts in this issue area.

b) Findings on Individually Limited but Cumulatively Considerable Impacts. There are no significant or potentially significant impacts in this issue area.

c) Findings on Adverse Effects on Human Beings. There are no significant or potentially significant impacts in this issue area.

3.0 MITIGATION REPORTING PROGRAM

This section describes the mitigation reporting program established for the above-described project pursuant to Section 21081.6 of the Public Resources Code. This program consists of the following steps:

- a. The Community Development Department shall utilize the above-listed Mitigation Implementation and Monitoring Program (Section I) as a checklist of mitigation measures to be implemented for the project. Implementation of the applicable measures shall be included as a condition of all applicable discretionary approvals, improvement plans and/or construction permits.
- b. The project applicant (i.e., owner, developer, originating City department, or other responsible agency, as applicable) and/or successors-in-interest shall file a written report with the Community Development Department, which will monitor the implementation of required mitigation measures. Similarly, any public agency having jurisdiction over natural resources affected by the project shall monitor and report upon the implementation of any mitigation measures incorporated at their request. Such written report(s) shall be submitted to the Community Development Department approximately once every twelve (12) months following approval of improvement plans and/or construction permits. The written report shall briefly state the status in implementing each adopted mitigation measure.
- c. The Community Development Department shall review the monitoring report(s) and determine whether there is any unusual and substantial delay in, or obstacle to, implementing the adopted mitigation measures. In reviewing the timeliness of implementation, the Community Development Department shall consider any timetable for the project and the required mitigation measures provided by the applicant and/or other responsible agency, as applicable. The Community Development Department and other City Departments may, to the extent deemed necessary, use scheduled inspections to monitor mitigation implementation.
- d. The result of the Community Development Department's review of the annual report(s) will be provided to the applicant in writing within thirty (30) calendar days after receipt of the annual report. If the Community Development Department determines that a required mitigation measure is not being properly implemented, it shall consult with the applicant and, if possible, agree upon additional actions to be taken to implement the mitigation measures.

The Community Development Department shall be limited to imposing reasonable actions as permitted by law that will implement the required mitigation measures. Any decision of the Senior Civil Engineer related to the annual monitoring report may be appealed to the City Planning Commission and/or City Council, as applicable, within ten (10) calendar days following said written determination.

- e. Such monitoring and reporting shall continue until the Community Development Department, in consultation with the other applicable City departments, determines that compliance has been fully achieved or, for ongoing measures (e.g., maintenance of facilities), determines that existing enforcement procedures relating to conditions of approval will provide adequate verification of compliance.