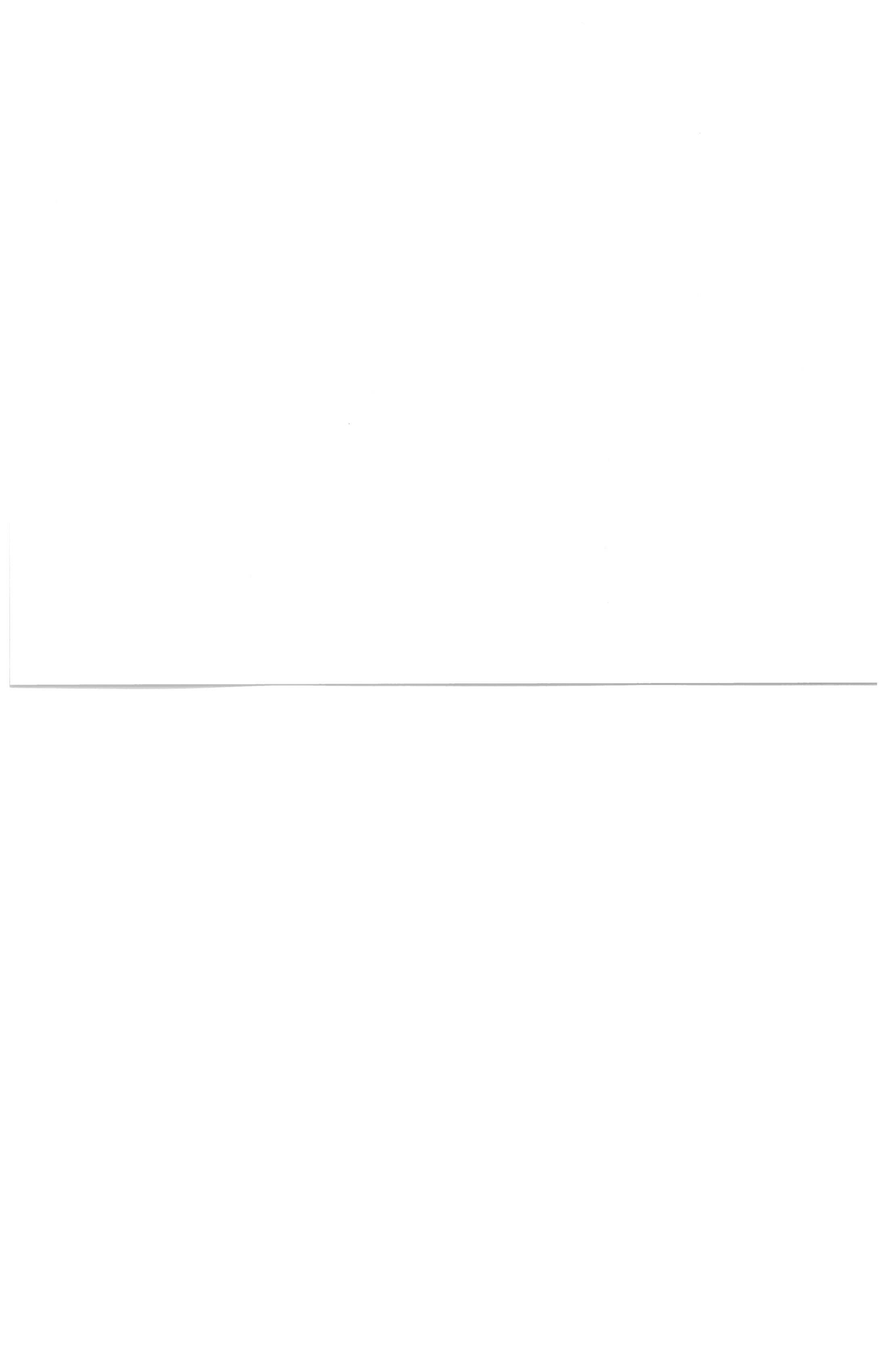


**APPENDIX A**  
**MITIGATION MONITORING AND REPORTING PROGRAM**



**MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Timeframe	Responsible Monitoring Agency	Date	Initial
<p><b>MM AQ-1:</b> Prior to issuance of grading or building permits, the developer shall provide the City with evidence from the SJVAPCD of an approved Dust Control Plan or Construction Notification form under Regulation VIII – Fugitive Dust PM<sub>10</sub> Prohibitions. The subdivision project may be subject to other rules including Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operation). The developer will be required to carry out measures of applicable SJVAPCD Rules and Regulations as noted.</p>	<b>Prior to construction</b>	Project Contractor/Lead Agency		
<p><b>MM BIO-1:</b> Within 14 days of the start of Project activities on-site and in adjacent habitat, a pre-activity survey shall be conducted by a qualified biologist knowledgeable in the identification of this species. The surveys shall cover the canal plus surrounding upland habitat within 50 feet of the canal. Pedestrian surveys achieving 100 percent visual coverage will be conducted. If a western pond turtle is found on-site, the qualified biologist may relocate the animal downstream more than 500 feet from the Project disturbance footprint.</p>	<b>Prior to construction</b>	Project Contractor/Lead Agency		
<p><b>MM BIO-2:</b> Within 14 days of the start of Project activities in any specific area, a pre-activity survey shall be conducted by a qualified biologist knowledgeable in the identification of these species. The surveys shall cover the Project site plus a 500-foot buffer. Pedestrian surveys achieving 100 percent visual coverage shall be conducted. Multiple surveys are anticipated to be needed, which would be phased with the construction of the Project. If no evidence of these species is detected, no further action is required.</p>	<b>Prior to construction</b>	Project Contractor/Lead Agency		
<p><b>MM BIO-3:</b> If dens/burrows that could support any of these species are discovered during the pre-activity surveys conducted under BIO MM-2, the avoidance buffers outlined below shall be established. No work would occur within these buffers unless the biologist approves and monitors the activity.</p> <p><b>San Joaquin Kit Fox</b></p> <ul style="list-style-type: none"> <li>• Potential Den – 50 feet</li> <li>• Atypical Den – 50 feet (includes pipes and other manmade structures)</li> <li>• Known Den – 100 feet</li> <li>• Natal/Pupping Den – 500 feet</li> </ul> <p><b>American Badger Dens (occupied)</b></p> <ul style="list-style-type: none"> <li>• Natal Den (February 1–July 1) – 250 feet</li> <li>• Non-natal Den – 50 feet</li> </ul> <p><b>Burrowing Owl (active burrows)</b></p> <ul style="list-style-type: none"> <li>• April 1–October 15 – 500 feet</li> <li>• October 16–March 31 – 100 feet</li> </ul>	<b>Prior to construction</b>	Project Contractor/Lead Agency		
<p><b>MM BIO-4:</b> The following avoidance and minimization measures shall be implemented during all phases of the Project to reduce the potential for impact from the Project. They are modified from the US Fish and Wildlife Service <i>Standardized Recommendations for Protection of the Endangered</i></p>	<b>Prior to construction</b>	Project Contractor/Lead Agency		

**Mitigation Measure****Timeframe****Responsible Monitoring Agency****Date****Initial**

*San Joaquin Kit Fox Prior to or During Ground Disturbance* (USFWS 2011) and apply to all three species.

- Project-related vehicles shall observe a daytime speed limit of 20 mph throughout the site in all Project areas, except on county roads and state and federal highways. Nighttime construction speed limits shall be 10 mph.
- Off-road traffic outside of designated Project areas shall be prohibited.
- All Project activities shall occur during daylight hours.
- To prevent inadvertent entrapment of kit foxes or other animals during the construction of the Project, all excavated, steep-walled holes or trenches more than two-feet deep shall be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks shall be installed.
- Before holes or trenches are filled, they shall be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the USFWS and the CDFW shall be contacted before proceeding with the work.
- In the case of trapped animals, escape ramps or structures shall be installed immediately to allow the animal(s) to escape, or the USFWS shall be contacted for guidance.
- All construction pipes, culverts, or similar structures with a diameter of four inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for kit foxes and burrowing owls before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox or burrowing owl is discovered inside a pipe, that section of pipe shall not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved only once to remove it from the path of construction activity until the fox or owl has escaped.
- All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in securely closed containers and removed at least once a week from a construction or Project site.
- No firearms shall be allowed on the Project site, except by authorized law enforcement personnel.
- No pets, such as dogs or cats, shall be permitted on the Project site.
- Use of rodenticides and herbicides in Project areas shall be restricted.
- A representative shall be appointed by the Project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or burrowing owl or who finds a dead, injured, or entrapped kit fox or burrowing owl. The representative shall be identified during the employee education program and their name and telephone number shall be provided to the US Fish and Wildlife Service and California Department of Fish and Wildlife.
- An employee education program shall be developed and presented to Project personnel. The program shall consist of a brief presentation by persons knowledgeable in kit fox, and burrowing owl, biology, and the legislative protections in place. The program shall include the following: a description of each species' natural history and habitat needs; a report of the occurrence of each species in the Project area; an explanation of the status of each species and its protections under federal and state laws; and a list of measures being taken to reduce impacts to each species during Project construction and implementation. A fact sheet conveying this information shall be prepared for distribution to the previously referenced people and anyone else who may enter the Project site.

Mitigation Measure	Timeframe	Responsible Monitoring Agency	Date	Initial
<ul style="list-style-type: none"> <li>• Upon completion of the Project, all areas subject to temporary ground disturbances (including storage and staging areas, temporary roads, pipeline corridors, etc.) shall be recontoured if necessary and revegetated to promote restoration of the area to pre-project conditions. An area subject to temporary disturbance means any area that is disturbed during the Project, but after project completion, will not be subject to further disturbance and has the potential to be revegetated.</li> <li>• Any Project personnel who are responsible for inadvertently killing or injuring one of these species should immediately report the incident to their representative. This representative shall contact the CDFW and USFWS immediately in the case of a dead, injured, or entrapped listed animal.</li> <li>• The Sacramento Fish and Wildlife Office and CDFW shall be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during Project related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. New sightings of kit fox shall be reported to the California Natural Diversity Database (CNDDB). A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed should also be provided to the USFWS.</li> </ul>	Prior to construction	Project Contractor/Lead Agency		
<p><b>MM BIO-5:</b></p> <p>If Project activities must occur during the nesting season (February 15 to August 31), pre-activity nesting bird surveys shall be conducted within seven days prior to the start of construction at the construction site plus a 250-foot buffer for songbirds and a 500-foot buffer for raptors (other than Swainson's hawk). The surveys shall be phased with the construction of the Project. If no active nests are found, no further action is required, however, nests may become active at any time throughout the summer, including when construction activities are occurring. If active nests are found during the survey or at any time during the construction of the Project, an avoidance buffer ranging from 50 feet to 350 feet may be required, as determined by a qualified biologist. The avoidance buffer will remain in place until the biologist has determined that the young are no longer reliant on the nest. Work may occur within the avoidance buffer under the approval and guidance of the biologist. The biologist shall have the ability to stop construction if nesting adults show sign of distress.</p>	Prior to construction	Project Contractor/Lead Agency		
<p><b>MM BIO-6:</b></p> <p>If Project activities must occur during the nesting season (February 15 to August 31), pre-activity surveys shall be conducted for Swainson's hawk nests in accordance with the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley, Swainson's Hawk Technical Advisory Committee (CDFW 2000). The surveys would be conducted on the Project site plus a half-mile buffer. To meet the minimum level of protection for the species, surveys shall be conducted during at least two survey periods. The survey will be conducted in accordance with the methodology outlined in existing protocols and shall be phased with the construction of the Project.</p> <p>If no Swainson's hawk nests are found, no further action is required.</p>	Prior to construction	Project Contractor/Lead Agency		
<p><b>MM BIO-7:</b></p> <p>If an active Swainson's hawk nest is discovered at any time within one-half mile of active construction, a qualified biologist will complete an assessment of the potential for current construction activities to impact the nest. The assessment will consider the type of construction activities, the location of construction relative to the nest, the visibility of construction activities from the nest location, and other existing disturbances in the area that are not related to the construction activities of this Project. Based on this assessment, the biologist will determine if construction activities can proceed and the level of nest monitoring</p>	Prior to construction	Project Contractor/Lead Agency		

Mitigation Measure	Timeframe	Responsible Monitoring Agency	Date	Initial
<p>required. Minimally, construction activities should not occur within 100 feet of an active nest and may require monitoring if within 500 feet of an active nest. The qualified biologist should have the authority to stop work if it is determined that Project construction is disturbing the nest. These buffers may need to increase depending on the sensitivity of the nest location, the sensitivity of the nesting Swainson's hawk to disturbances, and the discretion of the qualified biologist.</p>				
<p><b>MM BIO-8:</b> Prior to start of construction activities, a qualified biologist shall conduct a preconstruction survey with special attention to trees and manmade structures, including a daytime inspection and a flyout inspection at dusk. The survey shall be conducted within 14 days prior to the construction activities. If no bats are detected, no further action is required.</p> <p>If bats are detected, acoustical sampling shall be conducted to identify the species present. If pallid bats, western mastiff bats, or hoary bats are identified to be roosting in the trees or structures, work shall not commence until all of the following have been implemented:</p> <ul style="list-style-type: none"> <li>• Bats have been passively excluded from the tree or structure by progressively boarding up any entrances at night while bats are foraging away from the tree or structure. Relocation of bats may not be performed during the breeding season (March 1 to September 15).</li> <li>• Permanent, elevated bat houses have been installed outside of, but near the construction area, preferably in designated open space areas. Placement and height shall be determined by a qualified biologist, but the height of a bat house shall be at least 15 feet. Bat houses shall be multi-chambered. The number of bat houses required shall be dependent upon the size and number of colonies present, but at least one bat house shall be installed for each pair of bats (if occurring individually) or each colony of bats found.</li> <li>• If a tree or structure containing a roost for pallid, western mastiff, or hoary bats shall be removed or may lead to roost abandonment during construction, a qualified biologist shall design and determine an appropriate location for an alternate roost structure.</li> </ul>	<p><b>Prior to construction</b></p>	<p>Project Contractor/Lead Agency</p>		
<p><b>BIO-9</b> Prior to issuance of any grading or building permit, the applicant or developer shall submit a final Delineation report and evidence of the pertinent permits to the City of Livingston. The report shall include information as shown below as a plan if necessary and shall outline compliance to the following:</p> <ol style="list-style-type: none"> <li>1. Delineation of all jurisdictional features at the project site. Potential jurisdictional features within the project boundary identified in the jurisdictional delineation report may be shown in plan form.</li> <li>2. If the Project has a potential to directly or indirectly impact jurisdictional aquatic resources, a formal aquatic resource delineation of these areas shall be performed by a qualified professional to determine the extent of agency jurisdiction and permits/authorizations from the appropriate regulating agencies (Central Valley Regional Water Quality Control Board (RWQCB), CDFW and US Army Corps of Engineers (USACE) shall be obtained prior to disturbance to jurisdictional features.</li> </ol>	<p><b>Prior to issuance of grading permits</b></p>	<p>Project Contractor/Lead Agency</p>		

Mitigation Measure	Timeframe	Responsible Monitoring Agency	Date	Initial
<p>If it is determined that canal is jurisdictional and cannot be avoided, the Project proponent shall obtain a Section 401 Waters Quality Certification from the RWQCB, a Section 404 permit from USACE and a Lake and Streambed Alteration Agreement from the CDFW, if required prior to impacting any waters.</p> <p>As part of these authorizations, compensatory mitigation may be required by the regulating agencies to offset the loss of aquatic resources. If so, and as part of the permit application process, a qualified professional shall draft a Monitoring Plan to address implementation and monitoring requirements under the permit to ensure that the Project would result in no net loss of habitat functions and values. The Plan shall contain, at a minimum, mitigation goals and objectives, mitigation location, a discussion of actions to be implemented to mitigate the impact, monitoring methods and performance criteria, extent of monitoring to be conducted, actions to be taken in the event that the mitigation is not successful, and reporting requirements. The Plan shall be approved by the appropriate regulating agencies and compensatory mitigation shall take place either on site or at an appropriate off-site location.</p> <p>3. Any material/spoils generated from project activities containing hazardous materials shall be located away from jurisdictional areas or special-status habitat and protected from storm water run-off using temporary perimeter sediment barriers such as berms, silt fences, fiber rolls, covers, sand/gravel bags, and straw bale barriers, as appropriate. Protection measures should follow project-specific criteria as developed in a Stormwater Pollution Prevention and Protection Plan (SWPPP).</p> <p>4. Equipment containing hazardous liquid materials shall be stored on impervious surfaces or plastic ground covers to prevent any spills or leakage from contaminating the ground and at least 50 feet outside the delineated boundary of jurisdictional water features.</p> <p>Any spillage of material shall be stopped if it can be done safely. The contaminated area shall be cleaned, and any contaminated materials properly disposed. For all spills, the project foreman or designated environmental representative shall be notified</p> <p><b>MM CUL-1:</b> Although there is no recorded evidence of historic or archaeological sites within the Project area, there is the potential during Project-related excavation and construction for the discovery of these types of resources. The Applicant shall incorporate into the construction contract(s) for the Project a provision that if a potentially significant historical or archaeological resource is encountered during subsurface construction activities (i.e., trenching, grading), all construction activities within a 50-foot radius of the identified potential resource shall cease until a qualified archaeologist evaluates the item for its significance and records the item on the appropriate State Department of Parks and Recreation (DPR) forms. The archaeologist shall determine whether the item requires further study. If, after the qualified archaeologist conducts appropriate technical analyses, the item is determined to be significant under CEQA, the archaeologist shall recommend a feasible protocol, which may include avoidance, preservation in place, or other appropriate measures, as outlined in Public Resources Code Section 21083.2.</p>		Project Contractor/Lead Agency		

Mitigation Measure	Timeframe	Responsible Monitoring Agency	Date	Initial
<p><b>MM CUL-2:</b> If ground-disturbing activities uncover previously unknown human remains, Section 7050.5 of the California Health and Safety Code applies, and the following procedures shall be followed:</p> <p>There shall be no further excavation or disturbance of the area where the human remains were found until the County Coroner/Sheriff's Office is contacted. Duly authorized representatives of the Coroner shall be permitted onto the Project site and shall take all actions consistent with Health and Safety Code Section 7050.5 and Government Code Section 27460, et seq. Excavation or disturbance of the area where the human remains were found, or within 50 feet of the find, shall not be permitted to recommence until the Coroner determines that the remains are not subject to the provisions of law concerning investigation of the circumstances, manner, and cause of any death. If the Coroner determines the remains are Native American, the Coroner shall contact the NAHC within 24 hours, and the NAHC shall identify the person or persons it believes to be the "most likely descendant" (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98.</p>	<p><b>During construction phase</b></p>	<p>Project Contractor/Lead Agency</p>		
<p><b>MM GEO 1:</b> Prior to Project implementation, the Applicant shall submit an approved copy of (1) the approved Storm Water Pollution Prevention Plan (SWPPP), and (2) the Notice of Intent (NOI) to comply with the General National Pollutant Discharge Elimination System (NPDES) from the Central Valley Regional Water Quality Control Board. The requirements of the SWPPP and the NPDES shall be incorporated into the design specifications and construction contracts.</p>	<p><b>Prior to construction</b></p>	<p>Project Contractor/Lead Agency</p>		
<p><b>MM GEO-2:</b> The Applicant will incorporate into the construction contract(s) a provision that in the event a fossil or fossil formations are discovered during any subsurface construction activities for the proposed Project (i.e., trenching, grading), all excavations within 50 feet of the find shall be temporarily halted until the find is examined by a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards. The paleontologist shall notify the Applicant, who shall coordinate with the paleontologist as to any necessary investigation of the find. If the find is determined to be significant under CEQA, the Applicant shall implement those measures, which may include avoidance, preservation in place, or other appropriate measures, as outlined in Public Resources Code Section 21083.2.</p>	<p><b>During construction phase</b></p>	<p>Project Contractor/Lead Agency</p>		
<p><b>MM TRA-1:</b> The Applicant shall be responsible for the following improvements:</p>	<p><b>At appropriate timeframe</b></p>	<p>Project Contractor/Lead Agency</p>		
<p><u>Intersections:</u></p>				
<p><b>Main Street at Campbell Boulevard</b></p>				
<ul style="list-style-type: none"> <li>• Near-Term Plus Project scenario: <ul style="list-style-type: none"> <li>○ Install traffic signal</li> </ul> </li> <li>• Cumulative Year 2042 Plus Project scenario: <ul style="list-style-type: none"> <li>○ Install traffic signal</li> <li>○ Widen the westbound approach to one left turn lane, one through lane, and one right turn lane (adding one right turn lane)</li> </ul> </li> </ul>				
<p><b>Winton Parkway at SR 99 NB Ramps</b></p>				
<ul style="list-style-type: none"> <li>• Cumulative Year 2042 Plus Project scenario:</li> </ul>				



Mitigation Measure	Timeframe	Responsible Monitoring Agency	Date	Initial
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- Install Traffic Signal
- Widen the southbound approach to one through lane and one right turn lane (adding one right turn lane)

**Winton Parkway at SR 99 SB Ramps**

- Existing Plus Project and Near-Term Plus Project scenario:
  - Install Traffic Signal
  - Widen the northbound approach to one through lane and one right turn lane (adding one right turn lane)
  - Widen the eastbound approach to one left turn lane and one right turn lane (adding one left turn lane)
- Cumulative Year 2042 Plus Project scenario:
  - Install Traffic Signal
  - Widen the northbound approach to one through lane and one right turn lane (adding one right turn lane)
  - Widen the eastbound approach to one left turn lane and two right turn lane (adding one left turn lane and one right turn lane)

**Hammatt Avenue at SR 99 NB Ramps**

- Existing Plus Project scenario:
  - Install Traffic Signal
- Near-Term Plus Project scenario:
  - Install Traffic Signal
  - Widen the westbound approach to one left-through lane and two right turn lanes (adding one right turn lane)
- Cumulative Year 2042 Plus Project scenario:
  - Install Traffic Signal
  - Widen the southbound approach to one through lane and one right turn lane (adding one right turn lane)
  - Widen the westbound approach to one left-through lane and two right turn lanes (adding one right lane)

**Hammatt Avenue at SR 99 SB Ramps**

- Near-Term Plus Project scenario:
  - Install Traffic Signal
- Cumulative Year 2042 Plus Project scenario:
  - Install Traffic Signal
  - Widen the northbound approach to one through lane and one right lane (adding one right turn lane)

**MM TRA-2:**

The applicant or developer shall be required to contribute a fair share towards the costs of improvements that are identified for the Cumulative Year 2042 scenarios. The intent of determining the equitable responsibility for the improvements identified above for the Cumulative Year 2042 scenarios, is to provide a starting point for early discussions to address traffic mitigation equitability and to calculate the equitable share for mitigating traffic impacts.

**Prior to issuance of certificate of Project Contractor/Lead Agency occupancy or sooner if required by City staff.**

**Mitigation Measure**

**Timeframe**

**Responsible Monitoring Agency**

**Date**

**Initial**

The formula used to calculate the equitable share responsibility to the study area is as follows:

Equitable Share = (Project Trips)/(Future Year Plus Approved Project Traffic – Existing Traffic).

**Equitable Share Responsibility**

INTERSECTION	PEAK HOUR	EXISTING	PROJECT TRIPS	CUMULATIVE YEAR 2042 PLUS PROJECT	FAIR SHARE PERCENTAGE
Main Street / Campbell Boulevard	AM	1,189	22	1,701	4.3%
	PM	946	28	1,396	6.2%
Winton Parkway / SR 99 NB Ramps	AM	1,284	4	1,727	0.9%
	PM	1,243	6	1,675	1.4%
Winton Parkway / SR 99 SB Ramps	AM	1,711	3	2,301	0.5%
	PM	1,727	2	2,323	0.3%
Hammatt Avenue / SR 99 NB Ramps	AM	1,322	6	2,208	0.7%
	PM	1,262	7	2,131	0.8%
Hammatt Avenue / SR 99 SB Ramps	AM	1,160	1	1,873	0.1%
	PM	1,236	5	2,010	0.6%

**MM UTL-1:**

During construction of future commercial cannabis facilities, the Project Applicant shall not store construction waste on-site for longer than the duration of the construction activity or transport any waste to any unpermitted facilities. The Project Applicant shall also reduce construction waste transported to landfills by ensuring construction and demolition waste is hauled to one of the six City-approved construction and demolition disposal facilities listed above.

**During construction phase**

Project Contractor/Lead Agency

**MM UTL-2:**

In order to reduce the amount of waste generated from cannabis-related operations being taken to the landfill, the following shall be incorporated into the CUP conditions of approval for each Project:

**Throughout Operations**

Project Contractor/Lead Agency

Businesses generating four cubic yards or more of commercial solid waste per week are required to recycle and take one, or any combination, of the following actions:

- Subscribe to source-separated recycling service with a regional franchise hauler authorized to provide service for the area in which the business is located.
  - Subscribe to a mixed solid waste recycling service with a regional franchise hauler authorized to provide service for the areas in which the business is located.
  - Self-recycle and certify compliance.
- Undertake a combination of such measures, or such alternate measures, as may be approved by the City to reduce the amount of waste from the commercial sector being taken to a landfill.

**MM UTL-3:**

Prior to issuance of grading or building permits, the Project Applicant shall construct adequate, segregated, on-site screened storage for collection of commercial solid waste and source-separated recyclable materials if constructing new facilities or if existing facilities do

**Prior to issuance of grading or building permits**

Project Contractor/Lead Agency

Mitigation Measure	Timeframe	Responsible Monitoring Agency	Date	Initial
<p>not provide such areas. The area shall be designed to be architecturally compatible with the development and shall not prevent security of the recyclables. Driveways and/or travel aisles shall provide, at a minimum, unobstructed access for collection vehicles and personnel. A sign clearly identifying all recycling/solid waste collection and loading areas and the materials accepted shall be posted adjacent to all points of direct access to the area.</p>				

