

# MITIGATION MONITORING/REPORTING PROGRAM

FOR THE

## SOUTHEAST GUSTINE MASTER PLAN PROJECT

City of Gustine

January 2018

*Prepared for:*

CITY OF GUSTINE  
Community Development Department  
V352 5<sup>th</sup> Street  
Gustine, CA 95322

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352 5<sup>th</sup> Street  
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*Prepared by:*

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**MITIGATION MONITORING/  
REPORTING PROGRAM**

**FOR THE**

**SOUTHEAST GUSTINE MASTER PLAN PROJECT**

**1.0 INTRODUCTION**

The City of Gustine is considering approval of the Southeast Gustine Master Plan (SEGMP) project. The City has prepared an Environmental Impact Report (EIR) that identifies the potential environmental effects of development of the EIR area. This document is the Mitigation Monitoring/Reporting Program (MMRP) for the SEGMP. The primary source document for the MMRP is the SEGMP Final EIR.

**1.1 SOUTHEAST GUSTINE MASTER PLAN PROJECT**

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The SEGMP consists of the local government approvals required to permit planned residential development of undeveloped lands located within the 219.2-acre proposed annexation area. The annexation area (the “project site”) is adjacent to and southeast of the City of Gustine city limits (Figures 1-1 through 1-3).

Local government approvals would include but not necessarily be limited to City approval of the SEGMP, filing and processing/approval of an annexation application to the Merced County LAFCO, pre-zoning of the annexation area, and adoption of one or more development agreements between the City and the project applicant or future developers. Following annexation, the City anticipates submittal of Tentative Subdivision Maps consistent with the SEGMP that will permit planned residential development of the annexation area. The project is consistent with the Gustine General Plan.

Project approval is expected to result in near-term development of up to 282 residential units in areas proposed for immediate annexation. Potential future development of the entire project site could result in a total of up to 676 low-density residential unit. Planned residential development would include City streets, utilities and other infrastructure needed to serve future residents of the area in accordance with the approved SEGMP. The SEGMP provides for development of an 11.7-acre park, which would be constructed using a combination of developer funding and park-in-lieu fees collected from homebuilders. The project does not include commercial or industrial development.

**1.2 CEQA REQUIREMENTS REGARDING MITIGATION  
MONITORING AND REPORTING**

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To ensure that mitigation measures included in an EIR are implemented, CEQA requires the adoption of a mitigation monitoring or reporting program (CEQA Guidelines Section 15074). 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 by the SEGMP Mitigation Monitoring and Reporting Program table shown in Section 2.0 of this document. The table lists all of the potentially significant environmental effects of the project that were identified in the EIR, identifies all of the mitigation measures that address these effects, and identifies the entities that would be responsible for implementing and monitoring implementation of mitigation measures.

## 2.0 MITIGATION MONITORING PLAN

The following table summarizes the significant environmental effects that could result from approval of the SEGMP. The table identifies 1) each potentially significant environmental effect,) how each significant effect would be mitigated, 3) the responsibility for implementation of mitigation measures, and 4) the responsibility for monitoring of mitigation measures. The table follows the same sequence as the impact analysis in the EIR. Environmental issue areas in which no significant effects have been identified are not listed.

## 2.0 MITIGATION MONITORING PLAN AND FINDINGS

The following table summarizes the significant environmental effects that could result from approval of the SEGMP. The table identifies 1) each significant effect, or in many cases issue areas where no significant effect would occur, 2) how each significant effect would be mitigated, 3) the responsibility for implementation of mitigation measures, and 4) the responsibility for monitoring of mitigation measures. The table follows the same sequence as the impact analysis in the EIR.

1. AESTHETICS		
The EIR does not identify significant effects or require mitigation measures in this issue area.		
2. AGRICULTURE RESOURCES		
Potential Impacts on AGRI: Conversion of Agricultural Land. This is a significant impact that would remain significant after mitigation.		
AGRI 1: Developers of lands within the annexation area shall pay the agricultural mitigation fee, should it be adopted by the City of Gustine prior to filing of each Final Map.	The developer will be responsible for payment of agricultural mitigation fees.	The City Engineer will be responsible for ensuring that required agricultural mitigation fees are paid before Final Map recordation.
3. AIR QUALITY		
The EIR does not identify significant effects or mitigation measures in this issue area.		
4. BIOLOGICAL RESOURCES		
Potential Impacts on BIO 3: Impacts on Special-Status Wildlife Species. This is a potentially significant issue.		
BIO 3.1: If construction work on a project commences between March 1 and September 15, a pre-construction survey for nesting Swainson's hawks within 0.5 miles of the construction site shall be conducted by the project applicant prior to the start of construction work. If active nests are found, a qualified biologist shall determine the need (if any) for temporal restrictions on construction or other protective measures. The determination shall be pursuant to criteria set forth by CDFW in its Staff Report regarding Mitigation for Impacts to Swainson's Hawks ( <i>Buteo swainsoni</i> ) in the Central Valley of California (1994). The project shall incorporate all recommended measures, including any temporal restrictions.	The developer will be responsible for retaining a qualified biologist for required biological studies	The City Engineer will be responsible for ensuring that required biological surveys are completed and construction restrictions are set prior to approval of improvement plans.
BIO 3.2: If construction work on a project commences between February 1 and August 31, a pre-construction survey for burrowing owls within 250 feet of the construction site shall be conducted by the project applicant prior to the start of construction work. If occupied burrows are found, a qualified biologist shall determine the need (if any) for temporal restrictions on construction or other protective measures. The determination shall be pursuant to criteria set forth by CDFW in its Staff Report on Burrowing Owl Mitigation (2012). The project shall incorporate all recommended measures, including any temporal restrictions.	Same as above	Same as above

Potential Impacts on BIO 4: Impacts on Other Protected Bird Species. This a potentially significant issue.		
BIO 4.1: If construction work on a project commences during the general avian nesting season from March 1 through July 31, a pre-construction survey for nesting birds shall be conducted by the project applicant prior to the start of construction work. If active nests are found, work in the vicinity of the nest shall be delayed until the young fledge.	Same as above	Same as above
<b>5. CULTURAL RESOURCES</b>		
Potential Impacts on CULT 1: Potential Impacts on Historic Resources. This is a potentially significant impact.		
CULT 1.1: For any future urban development projects that propose the demolition of any of the pre-1965 structures located within the annexation area north of Sullivan Road, the Community Development Director may require these structures evaluated by a qualified historian to determine eligibility for listing on the National Register of Historic Places and/or the State Register of Historic Resources.	The developer will be responsible for retaining a qualified historian to evaluate structures.	The Community Development Director will be responsible for ensuring that potentially eligible structures are evaluated and treated appropriately.
CULT-1.2: So that potential archaeological or paleontological materials encountered during construction activity can be identified, the developer or contractor shall provide training of field personnel in identification procedures prior to construction work. The training would consist of a mandatory pre-field meeting in which a professional archaeologist would review with equipment operators the natural and cultural history of the annexation area, archaeological sensitivity, the most likely locations of buried cultural materials, if any, and what kinds of cultural materials would be seen if prehistoric materials are in fact unearthed and specifically how to address such discoveries and what immediate actions to take, particularly if human remains are found.	The developer will be responsible for retaining a qualified cultural resources professional to provide construction worker training.	The City Engineer will be responsible for ensuring that worker training is incorporated in to approved plans and specifications.
Potential Impacts on CULT 2: Potential Impacts on Prehistoric Cultural Resources. This is a potentially significant impact.		
CULT-2.1: As parcels located north of Sullivan Road are proposed for future development, they shall be subject to cultural resource survey by a qualified archaeologist. If important archaeological resources as defined by CEQA are identified, the archaeologist's recommendations for avoidance or mitigation to a less than significant level shall be made a requirement of future projects.	The developer will be responsible for retaining a qualified cultural resources professional to survey areas planned for development	The Community Development Director will be responsible for ensuring that planned development areas are subject to cultural resource survey and treated appropriately.
CULT-2.2: So that potential archaeological materials encountered during construction activity can be properly identified, the developer or contractor shall provide training of field personnel in identification procedures prior to construction work. The training would include a mandatory pre-field meeting in which a professional archaeologist would review with equipment operators the natural and cultural history of the annexation area, archaeological sensitivity, the most likely locations of buried cultural materials, if any, and what kinds of cultural materials would be seen if prehistoric materials are in fact unearthed and specifically how to address such discoveries and what immediate actions to take, particularly if human remains are found.	The developer will be responsible for retaining a qualified cultural resources professional to provide construction worker training.	The City Engineer will be responsible for ensuring that worker training is incorporated in to approved plans and specifications.

<p>CULT-2.3: If any subsurface cultural resources are encountered during future project construction, all construction activity in the vicinity of the encounter shall cease until a qualified archaeologist examines the materials, determines their significance, and recommends mitigation measures that would reduce potentially significant impacts to a less than significant level, in accordance with CEQA. The City of Gustine shall be immediately notified of the discovery and the developer or its contractor shall be responsible for retaining a qualified archaeologist and for implementing recommended mitigation measures.</p>	<p>The developer will be responsible for notifying the City of Gustine and for retaining a qualified archaeologist and for implementing recommended mitigation measures.</p>	<p>The Community Development Director will be responsible for ensuring that a qualified archaeologist is retained and its recommendations are implemented.</p>
<p>CULT-2.4: If human remains are encountered at any time during future project construction, all construction activity in the vicinity of the encounter shall cease, and the County Coroner and the City of Gustine shall be notified immediately. The Coroner will contact the Native American Heritage Commission if the remains have been identified as or are suspected of being of Native American descent. The City shall require the developer or its contractor to implement the requirements of the CEQA Guidelines with respect to human remains of Native American origin. The City of Gustine shall require the developer or its contractor to retain a qualified archaeologist to evaluate the archaeological importance of the find and recommend any mitigation measures needed to reduce any potentially significant effects to a less than significant level under CEQA. The developer shall be required to implement those recommendations.</p>	<p>The developer or its contractor will be responsible for implementing the requirements of the CEQA Guidelines.</p>	<p>The Community Development Director will be responsible for ensuring that requirements of the CEQA Guidelines are implemented.</p>

Potential Impacts on CULT 3: Impacts on Paleontological Resources. This is a potentially significant impact.

<p>CULT-3.1: If paleontological resources are encountered during project construction, construction activity in the vicinity of the encounter shall cease until a qualified paleontologist examines the materials, determines their significance under CEQA, and recommends mitigation measures that would be necessary to reduce potentially significant effects to a less than significant level, in accordance with CEQA. The City of Gustine shall be immediately notified of the discovery. The developer or its contractor shall be responsible for retaining a qualified paleontologist and for implementing recommended mitigation measures.</p>	<p>The developer will be responsible for contracting a qualified paleontologist to evaluate paleontologist resources found, to make recommendations for mitigation, and to report findings to the City.</p>	<p>The Community Development Director will be responsible review and approval of the paleontologist's recommendations if resources are encountered.</p>
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## 6. GEOLOGY AND SOILS

Potential impacts on GEO 3: Exposure of Development to Soil Constraints. This is a potentially significant issue.

<p>GEO 3.1: The owners, developers and/or successors-in-interest shall have a licensed geotechnical or soils engineer prepare a soils report for proposed subdivisions prior to City approval of improvement plans. The report shall identify engineering limitations of the site soils and recommend measures to ensure that planned improvements will not be damaged by these limitations.</p>	<p>The developer will be responsible for preparing soils reports for proposed subdivisions.</p>	<p>The City Engineer will be responsible for review and approval of soils reports prior to approval of improvement plans.</p>
<p>GEO 3.2: Subdivision improvements and future residential development shall conform to applicable specifications of the soils report.</p>	<p>The developer will be responsible for incorporating soils reports requirements into subdivision improvement plans.</p>	<p>The City Engineer will be responsible for review and approval of improvement plans.</p>

Potential impacts on GEO 5: Impacts on Soil Erosion. This is a potentially significant issue.		
Implement mitigation measures described in Chapter 11.0, Hydrology and Water Quality	See Section 9 Hydrology and Water Quality	See Section 9 Hydrology and Water Quality
<b>7. GREENHOUSE GAS EMISSIONS</b>		
Potential impacts on GHG 2: Project Operations Greenhouse Gas Emissions		
GHG-1: The project developer shall implement the following greenhouse gas emission reduction measures: The project shall install only natural gas hearths in residences. Residences on the project site shall exceed Title 24 energy efficiency targets by at least 15%	Homebuilders will be responsible for incorporating GHG emission requirements into building plans.	The Community Development Director will be responsible for ensuring that GHG emission requirements are included in building plans.
<b>8. HEALTH AND SAFETY</b>		
Potential impacts on on HAZ 1: Transportation Hazards. This is a potentially significant issue.		
HAZ-1.1: Subdivision improvement plans for residential properties adjoining the railroad right-of-way shall consider the need for safety setbacks from the railroad, based on distance.	The developer will be responsible for incorporating necessary setbacks into improvement plans adjacent to the railroad.	The City Engineer will be responsible for ensuring that adequate setbacks from the railroad are incorporated into improvement plans.
HAZ-1.2: The applicant and/or City shall comply with any applicable standards and requirements of the Gustine Airport Land Use Compatibility Plan, including notification to the Merced County Airport Land Use Commission and Federal Aviation Administration as required, in conjunction with City review and approval of subdivision maps within the annexation area.	The Community Development Director will be responsible for routing project applications to the ALUC as required.	The Community Development Director will be responsible for ensuring that ALUC requirements are incorporated into project conditions of approval.
<b>9. HYDROLOGY AND WATER QUALITY</b>		
The EIR does not identify significant effects or the need for mitigation measures in this issue area.		
<b>10. LAND USE</b>		
The EIR does not identify significant effects or the need for mitigation measures in this issue area.		

## 11. NOISE

Potential Impacts on NOISE 5: Construction Noise. This is a significant issue.

NOISE 14.1: Hours of operation for noise-generating construction equipment shall be restricted to 7:00 AM to 7:00 PM Monday through Friday, 8:00 AM to 7:00 PM Saturday, and Sundays with authorization from the City Council or Planning Commission 9:00 AM to 5:00 PM, when such equipment is to be used near noise-sensitive land uses.

The developer will be responsible for adhering to noise requirements.

The Community Development Director will be responsible for periodic construction site inspections as required.

## 12. POPULATION AND HOUSING

The EIR does not identify significant effects or the need for mitigation measures in this issue area.

## 13. PUBLIC SERVICES/FACILITIES

Potential Impacts SERV 1: Impacts on Police Protection Services. This is a potentially significant issue.

SERV 1.1: The ODS shall incorporate police protection and emergency response standards into future project design and improvement plans. Design and improvement plans that promote citizens' safety shall be developed in consultation with the Gustine Police Department.

The developer will be responsible for incorporating police protection and emergency response standards into future project design and improvement plans.

The Community Developer Director will be responsible for ensuring that police and emergency response requirements are adequately incorporated into improvement plans.

## 14. TRAFFIC

Potential Impacts on TRANS 1: Existing plus Project on Intersection Level of Service. This is a significant issue.

TRANS 1.1: The City of Gustine shall modify its capital fee program to incorporate the street, intersection and railroad crossing improvements necessitated by the project prior to the filing of the first final map within the annexation area.

The City will be responsible for modifying its capital fee program.

TRANS 1.2: Developers of land within the annexation area shall pay their proportionate share of improvements needed at the 6<sup>th</sup> Avenue (SR 33 / 140 / 5<sup>th</sup> Street intersection via the City's capital fee program prior to Final Map approval.

The developer will be responsible for paying proportionate share fees.

The City Engineer will be responsible for ensuring that proportionate share fees are paid.

TRANS 1.3: Developers of land within the annexation area shall install four-way stop facilities at the Sullivan Avenue / Grove Road intersection prior to the first Final Map approval.

The developer will be responsible for construction of required improvements.

The City Engineer will be responsible for ensuring that required improvements are constructed.

## 15. UTILITIES AND ENERGY

Potential impacts UTIL 2: Wastewater Collection System Capacity and Availability. This is a potentially significant issue.

UTIL 2.1: The developer shall design and construct the remaining portions of “Southern Bypass” as required to serve the proposed project. Cost distribution, sharing and/or reimbursement will be addressed in the Development Agreement.	The developer will be responsible for construction of required improvements.	The City Engineer will be responsible for ensuring that required improvements are constructed.
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Potential Impacts UTIL 5: Availability of Urban Storm Drainage Services. This is a potentially significant issue.

UTIL 5.1: The developer shall design and construct storm drainage systems as required to serve planned development. Storm drainage improvements shall be constructed in conjunction with subdivision improvements, and in conformance with applicable City of Gustine standards.	The developer will be responsible for construction of required improvements.	The City Engineer will be responsible for ensuring that required improvements are constructed.
UTIL 5.2: Storm drainage improvement plans, and any necessary revisions to City storm drainage master plans, shall be subject to the review and approval of the City Engineer.	The developer will be responsible for construction of required improvements.	The City Engineer will be responsible for ensuring that required improvements are constructed.

Potential Impacts UTIL 7: Effects on Irrigation Systems. This is a potentially significant issue.

UTIL 7.1: The boundaries of the initial annexation shall be modified to temporarily exclude owners that intend to continue in agriculture for the foreseeable future, subject to the review and approval of the Merced County LAFCO. To the degree that the potential environmental effects of annexing these lands are addressed by this EIR, additional CEQA environmental review for subsequent annexations may be foregone.	The developer and City will be responsible for determining annexation area boundaries.	
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