

FINDINGS AND
MITIGATION MONITORING/REPORTING PROGRAM

for the

SUSAN STREET RESIDENTIAL PROJECT
VICINITY OF JULIET ROAD AND MADRID STREET

Tentative Subdivision Map TM 17-06
Initial Study IS 16-06

November 13, 2006

Prepared for:

City of Stockton
Community Development Department/
Planning Division
345 North El Dorado Street
Stockton, CA 95202

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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 Susan Way Residential Project Tentative Subdivision Map (TM 17-06). 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 Initial Study/Proposed Mitigated Negative Declaration for the Susan Way Residential Project Tentative Subdivision Map (IS 16-06) (the "IS/MND"). The project site is located adjacent to the north side of Juliet Road, east of the Braden Avenue, west of Madrid Drive and south of Susan Way.

When referenced as such, the IS/MND includes both the Public Review Draft of the IS/MND (October 2, 2006) and the Final IS/MND (November 13, 2006) 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 Susan Way Residential Subdivision project involves City approval of a Tentative Subdivision Map (TM 17-06). The project involves a request for City approval of a Tentative Subdivision Map creating 22 parcels for single-family residential use; one lot dedicated to a portion of a future park site (lot 23), and associated street and utility improvements. The project site includes approximately 5.32 acres of land.

As the proposed project involves the potential to result in significant environmental effects as defined by CEQA, an Initial Study/Mitigated Negative Declaration (IS/MND) (IS 16-06) was prepared by consultants, subject to the independent review and approval of City of Stockton staff. The IS/MND identified significant and/or potentially significant environmental effects that could occur in conjunction with the proposed project. The IS/MND also identified several mitigation measures which would reduce the significant or potentially significant environmental effects to a "less than significant" level.

Prior to public and agency review of the 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. The Mitigation Agreement attaches all of the mitigation measures identified in the IS/MND to the proposed project as binding conditions of approval. The Mitigation Agreement also provides that any other mitigation measures which may be imposed on the project by responsible and/or trustee agencies, and/or by City of Stockton advisory and final decision-making bodies, will also be binding on the project.

The IS/MND was circulated for agency and public review in October of 2006. Eight comments were received on the IS/MND, and these have been incorporated into the Final IS/MND (November 13, 2006), together with any changes to the Final IS/MND necessitated by the comments, or which City staff may have suggested. It is anticipated that the addendum will 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 Mitigated 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 Expanded Initial Study/Mitigated Negative Declaration.

The City's findings for Mitigated 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. The project would also contribute to significant unavoidable impacts addressed in the City of Stockton General Plan, and this document makes finding with respect to these impacts, i.e. that they were addressed by the Statement of Overriding Considerations adopted for the City of Stockton General Plan.

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 EIS/MND, as well as any other information incorporated into these documents by reference. 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 EIS/MND, identifies all of the mitigation measures which 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 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. The final page of the table 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
Initial Study File No: IS 16-06 Related File No.: IM 17-06 Property Owner(s): JESSE WELCH Address: 2955 JULIET ROAD, STOCKTON, CA 95205 Project Applicant: SMALLIE DEVELOPMENT Contact Person: DR. DON SMALLIE Address: : 2027 GRAND CANAL BLVD., SUITE 21, STOCKTON, CA 95219 Project Title: SUSAN WAY RESIDENTIAL SUBDIVISION Project Description/Location: THE PROJECT SITE IS LOCATED ADJACENT TO THE NORTH SIDE OF JULIET ROAD, EAST OF THE BRADEN AVENUE, WEST OF MADRID DRIVE AND SOUTH OF SUSAN WAY. IT IS GEOGRAPHICALLY LOCATED WITHIN A PORTION OF SECTION 46 OF C.M. WEBER GRANT (MDBM), AS SHOWN ON THE USGS STOCKTON EAST, CALIFORNIA 7.5' SERIES QUADRANGLE MAP. THE PROPOSED PROJECT INVOLVES A REQUEST FOR CITY APPROVAL OF A TENTATIVE SUBDIVISION MAP CREATING 22 PARCELS FOR SINGLE-FAMILY RESIDENTIAL USE, LOT 23 WOULD BECOME A PORTION OF A FUTURE PARK SITE AND ASSOCIATED STREET AND UTILITY IMPROVEMENTS. THE PROJECT SITE INCLUDES APPROXIMATELY 5.32 ACRES OF LAND.	<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>

FINDINGS AND LEVEL OF SIGNIFICANCE AFTER MITIGATION

Findings for significant and potentially significant impacts identified in the Final EIR or Negative Declaration/Initial Study are listed as follows:

1. 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
2. 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
3. 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.

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."

LEAD AGENCY:

CITY OF STOCKTON
c/o Community Development Dept./Planning Division
345 North El Dorado Street, Stockton, CA 95202-1997
(209) 937-9266

(DATE FINDINGS/MONITORING PROGRAM ADOPTED)

IMPACT/MITIGATION MEASURES	IMPLEMENTATION RESPONSIBILITY AND TIMING/SCHEDULE	MONITORING/REPORTING RESPONSIBILITY AND TIMING	FINDINGS/LS AFTER MITIGATION
<p>1. AESTHETICS</p> <p><i>There are no significant or potentially significant impacts in this issue area.</i></p>			
<p>2. AGRICULTURE RESOURCES</p> <p><i>There are no significant or potentially significant impacts in this issue area.</i></p>			
<p>3. AIR</p> <p><i>Impacts on Construction. This is a potentially significant impact.</i></p> <p>1. During construction, the District will comply with required control measures specified in San Joaquin Valley Air Pollution Control District Regulation VIII (Fugitive Dust Rules), including compliance with the following mitigation measure 2 through 9.</p> <p>2. Visible Dust Emissions (VDE) from construction, demolition, excavation or other earthmoving activities related to the project shall be limited to 20% opacity or less, as defined in Rule 8011, Appendix A. The dust control measures specified in mitigations 3 through 9 shall be applied as required to maintain the VDE standard.</p> <p>3. Pre-water all land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activity sites and phase earthmoving.</p> <p>4. Apply water, chemical/organic stabilizer/ suppressant, or vegetative ground cover to all disturbed areas, including unpaved roads.</p> <p>5. Restrict vehicular access to the disturbance area during periods of inactivity.</p> <p>6. Apply water or chemical/organic stabilizers/ suppressants, construct wind barriers and/or cover exposed potentially dust-generating materials.</p> <p>7. When materials are transported off-site, stabilize and cover all materials to be transported and maintain six inches of freeboard space from the top of the container.</p> <p>8. Remove carryout and trackout of soil materials on a daily basis unless it extends more than 50 feet from site; carryout and trackout extending more than 50 feet from the site shall be removed immediately. The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden. If the project would involve more than 150 construction vehicle trips per day onto the public street, additional restrictions specified in Section 5.8 of Rule 8041 will apply.</p> <p>9. Traffic speeds on unpaved roads shall be limited to 15 mph.</p>	<p>The OD will be responsible for compliance with the above standards in future project design and construction</p>	<p>The SJVAPCD is responsible for varying compliance with district rules during project design, construction and operation.</p>	

IMPACT/MITIGATION MEASURES	IMPLEMENTATION RESPONSIBILITY AND TIMING/SCHEDULE	MONITORING/REPORTING RESPONSIBILITY AND TIMING	FINDINGS/LS AFTER MITIGATION
<p>4. BIOLOGICAL RESOURCES</p> <p><i>Impacts on Biological Resources. This is a potentially significant impact.</i></p> <ol style="list-style-type: none"> Construction disturbances within 75 meters of the active burrowing owl burrows shall be prohibited during the breeding season: (February 1 through August 31). Disturbances may be allowed if the Technical Advisory Committee, with the concurrence of the Permitting Agencies' representatives on the Technical Advisory Committee; or unless a qualified biologist approved by the Permitting Agencies verifies through non-invasive means that either: 1) the birds have not begun egg laying, or 2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. Once the fledglings are capable of independent survival, the burrow can be destroyed. Prior to project development, and during the non-breeding season (September 1 through January 31), burrowing owls occupying the project site shall be evicted from the project site by passive relocation as described in the California Department of Fish and Game Staff Report on Burrowing Owls (1995). Following exclusion, the burrows shall be excavated under the supervision of a qualified biologist, then re-filled. The owners, developers, and/or successors-in-interest (ODS) shall mitigate for the proportionate loss of potential wildlife habitat from the project site. The ODS may apply for participation in the SJMSCP and, if accepted, shall provide the necessary mitigation by paying required fees and implementing required Incidental Take Avoidance Measures and taking any other actions required by the adopted San Joaquin County Multi-Species Habitat Conservation and Open Space Plan prior to the submittal of a grading permit to the City. If participation in the SJMSCP is not allowed, the project shall provide mitigation for burrowing owl nesting and foraging habitat as required by the most recent adopted California Department of Fish and Game guidelines. 	<p>The ODS will be responsible for payment of applicable fees under the City of Stockton's Habitat/Open Space Conservation program prior to the issuance of building permits.</p>	<p>The CD-B and/or CD-P will verify that fees are paid prior to issuance of building permits.</p>	
<p>5. CULTURAL RESOURCES</p> <p><i>Impacts on Cultural Resources</i></p> <ol style="list-style-type: none"> If any subsurface cultural resources are encountered during construction of the residential project, all construction activities in the vicinity of the encounter shall be halted until a qualified archaeologist can examine these materials and make a determination of their significance. The City of Stockton Community Development Department shall be notified, and the owners, developers and/or successors-in-interest shall be responsible for mitigation of any significant cultural resources pursuant to the CEQA Guidelines. 	<p>The ODS will be responsible for imposing cultural resource protection controls on grading and excavation contractors.</p>	<p>If cultural resources are uncovered, the SJCCDD will monitor compliance with archaeological mitigation measures during construction. Monitoring shall consist of comparing construction activities to the archaeologist's recommendations.</p>	

IMPACT/MITIGATION MEASURES	IMPLEMENTATION RESPONSIBILITY AND TIMING/SCHEDULE	MONITORING/REPORTING RESPONSIBILITY AND TIMING	FINDINGS/LS AFTER MITIGATION
<p>2. If human remains are encountered at any time during the development of the project, all work in the vicinity of the find shall halt and the County Coroner and the Community Development Department shall be notified immediately. The Coroner must contact the Native American Heritage Commission if the remains have been identified as being of Native American descent. At the same time, a qualified archaeologist must be contacted to evaluate the archaeological implications of the finds. The CEQA Guidelines detail steps to be taken when human remains are found to be of Native American origin.</p>			
<p>6. GEOLOGY AND SOILS</p> <p><i>Impacts on Geological and Soil Resources. This is a potentially significant impact.</i></p> <ol style="list-style-type: none"> 1. The owners, developers and/or successors-in-interest shall have a licensed geotechnical or soils engineer prepare a soil report for the project site. The report shall identify engineering limitations of the site soils and recommend measures to ensure that improvements will not be damaged by these limitations. 2. Subdivision improvements and future residential development shall conform to applicable specifications of the soils report. 3. The owners, developers shall conform to the stormwater quality mitigation measures set forth in Section 8 Hydrology and Water Quality. 	<p>The ODS will be responsible for obtaining the soils report and conforming subdivision improvement and building designs to soils report specifications.</p>	<p>The PW and CD-8 will verify the adequacy of the soils report and the incorporation of specifications into improvement plans and building designs.</p>	
<p>7. HAZARDS AND HAZARDOUS MATERIALS</p> <p><i>Hazards and Hazardous Impacts. This is a potentially significant impact.</i></p> <ol style="list-style-type: none"> 1. The proposed project shall be reviewed by the San Joaquin County Airport Land Use Commission. 2. Reflective materials, transmission and visual distractions to pilots shall not be permitted on the project site. 3. Radio transmissions that would interfere with aircraft communication navigation shall not be permitted on the project site. 4. The ODS shall record a Deed of Avigation and Hazard Easement. This easement shall grant San Joaquin County a perpetual, assignable easement permitted overflight of the property by aircraft, together with any inherent noise or other emissions, which are inherent in the operation of aircraft. This easement shall be recorded as a deed of restriction flowing in perpetuity to all successor property owners. 	<p>The ODS will be responsible for fence construction and recordation of CC&Rs and avigation easements, if required.</p>	<p>The PW will insure that fence construction occurs in conjunction with subdivision improvements and that CC&Rs and avigation have been recorded prior to approval of the</p>	

IMPACT/MITIGATION MEASURES	IMPLEMENTATION RESPONSIBILITY AND TIMING/SCHEDULE	MONITORING/REPORTING RESPONSIBILITY AND TIMING	FINDINGS/LS AFTER MITIGATION
<p>8. HYDROLOGY AND WATER QUALITY</p> <p><i>Impacts on Hydrology and Water Quality Resources. This is a potentially significant impact.</i></p> <ol style="list-style-type: none"> The owners, developers and/or successors-in-interest shall demonstrate compliance with City Code Sections 7-859, 7-859.1 and 7-859.2 to the Municipal Utilities Department to insure that sufficient post-construction storm water pollution prevention practices have been incorporated into the project design. The owners, developers and/or successors-in-interest shall submit a Storm Water Pollution Prevention Plan to the Municipal Utilities Department that includes both construction stage and permanent storm water pollution prevention practices. This Plan must be developed during the project design phase and submitted and approved prior to the start of construction. As of November 25, 2003, project improvement plans must comply with the Stormwater Quality Control Criteria Plan, as outlined in the city's Phase 1 Stormwater NPDES Permit issued by the California Water Quality Control Board, Central Valley Region (Order No R5-2002-0181). The owners, developers and/or successors-in-interest must establish a maintenance entity acceptable to the City to provide funding for the operation, maintenance and replacement costs of the storm water best management practices. 	<p>The ODS will be responsible for compliance with applicable city codes and for preparation and submittal of the SWPPP.</p>	<p>The MUD will be responsible for assessing project compliance with City codes and review and approval of the SWPPP prior to the issuance of a Building Permit.</p>	
<p>9. LAND USE AND PLANNING</p> <p><i>There are no significant or potentially significant impacts in this issue area.</i></p>			
<p>10. MINERAL RESOURCES</p> <p><i>There are no significant or potentially significant impacts in this issue area.</i></p>			
<p>11. NOISE</p> <p><i>Noise Impacts. This is a significant impact.</i></p> <ol style="list-style-type: none"> 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 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. 	<p>The ODS shall be responsible for management of construction contractors.</p>	<p>The CD-P and CD-B of the CDD, and the PW will be responsible for ensuring that noise mitigation measures have been incorporated in improvement or building plans.</p>	

IMPACT/MITIGATION MEASURES	IMPLEMENTATION RESPONSIBILITY AND TIMING/SCHEDULE	MONITORING/REPORTING RESPONSIBILITY AND TIMING	FINDINGS/LS AFTER MITIGATION
<p>12. POPULATION AND HOUSING</p> <p><i>Impacts of the project on Population and Housing. There are no significant or potentially significant impacts in this issue area.</i></p>			
<p>13. PUBLIC SERVICES/FACILITIES</p> <p><i>Project Impacts on Public Services and Facilities. This is a potentially significant impact.</i></p> <ol style="list-style-type: none"> 1. The owners, developers, and/or successors-in-interest shall pay required Public Facility Fees toward construction of new fire stations and related facilities prior to issuance of construction permits. 2. The owners, developers, and/or successors-in-interest shall incorporate access, water supply and other fire suppression and emergency access/response needs in the proposed project design. Said designs shall be developed in consultation with the Fire, Police and Public Works Departments, and shall address such items as the location and design of streets and cul-de-sacs, residential numbering, mapping and other measures deemed necessary to permit access of emergency vehicles and firefighting equipment, minimize response times and provide adequate evacuation routes 3. The owners, developers, and/or successors-in-interest shall install fire hydrants and water distribution facilities that will provide fire flows that are adequate to support the City's existing ISO rating and that conform to adopted Building Code Fire Safety Standards for all of the uses proposed within the project area. 4. The owners, developers, and/or successors-in-interest shall pay Public Facility Fees to defray capital facilities costs associated with expanding law enforcement services. 5. The owners, developers, and/or successors-in-interest shall fence and monitor contractors' storage yards during the construction phases of the project to prevent theft and vandalism, and to reduce calls for assistance from the Police Department. 6. The owners, developers, and/or successors-in-interest shall keep cabinetry and other valuable items offsite prior to installation. Once installed, the residence must be securely locked. 7. The owners, developers and/or successors-in-interest shall pay adopted developer fees toward construction of new schools prior to issuance of construction permits in accordance with the rate schedule established by SUSD. 8. The owners, developers and/or successors-in-interest shall pay adopted developer public parkland fees. 	<p>The ODS will be responsible for preparation of subdivision and improvement plans, payment of public facility fees, and construction of required improvements.</p>	<p>The PW, CD-B and FD shall verify that necessary improvements appear on improvement plans, that improvements are constructed in accordance with the plans and that required fees have been paid prior to building permit issuance.</p>	

IMPACT/MITIGATION MEASURES	IMPLEMENTATION RESPONSIBILITY AND TIMING/SCHEDULE	MONITORING/REPORTING RESPONSIBILITY AND TIMING	FINDINGS/LS AFTER MITIGATION
<p>14. RECREATION</p> <p><i>Impacts on Recreational resources. There are no significant impacts in this issue area.</i></p>			
<p>15. TRANSPORTATION</p> <p>Impacts of project on traffic. This is a potentially significant issue.</p> <ol style="list-style-type: none"> 1. The owners, developers and/or successors-in-interest shall be responsible for payment of required Public Facility Fees for transportation improvements. 2. The owners, developers and/or successors-in-interest shall be responsible for their proportionate share of fees to the Regional Transportation Improvement fund. 	<p>The ODS will be responsible for the payment of fees</p>	<p>The Community Development Department and the Building Division will be responsible for ensuring that fees are paid before the issuance of building permits.</p>	<p>1, NS</p>
<p>16. UTILITIES/SERVICES SYSTEMS</p> <p><i>Project Impacts on Utilities and Services Systems. This is a potentially significant issue.</i></p> <ol style="list-style-type: none"> 1. The owners, developers and/or successors-in-interest shall annex to the CFD to receive sanitary sewer and pay all applicable fees. 2. The ODS shall submit detailed subdivision improvement plans. These plans shall show all on- and off-site utilities necessary to provide water, storm and sanitary sewer utility service. These plans shall be acceptable to the Director of Municipal Utilities and approved by the city Engineer prior to the approval of any final map. 3. The ODS shall provide permanent rights-of-way for and construct all on-site and off-site storm and sanitary sewer facilities as designed and shown on the accepted improvement plans for the development. Any reimbursement costs for oversizing a Sewer line or a Storm Drain Line shall be accomplished through the use of the Area of Benefit. 4. As this area has been Master Planned for the Sewer and Storm Drain systems no further analysis will be necessary. 	<p>The ODS will be responsible for design and construction of sewer improvements and payment of AOB fees.</p>	<p>The PW will be responsible for review and approval of sewer improvement plans, and for ensuring that AOB fees are paid.</p>	

II. 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 CDD shall be limited to imposing reasonable actions as permitted by law which will implement the required mitigation measures. Any decision of the Community Development Director related to the annual monitoring report may be appealed to the City PC and/or CC, as applicable, within ten (10) calendar days following said written determination.

- e. Such monitoring and reporting shall continue until the CDD, 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.

