

**PLANNING COMMISSION
RESOLUTION NO. 2024-18**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH
RECOMMENDING CITY COUNCIL CERTIFY THE ENVIRONMENTAL IMPACT
REPORT FOR THE ALBERS RANCH PROJECT (SCH# 2021200264) AS
ADEQUATE FOR ADDRESSING THE ENVIRONMENTAL IMPACTS OF THE
PROPOSED PROJECT AND ADOPT CALIFORNIA ENVIRONMENTAL QUALITY
ACT FINDINGS OF FACT, STATEMENT OF OVERRIDING CONSIDERATIONS, AND
A MITIGATION MONITORING AND REPORTING PROGRAM**

WHEREAS, the City of Antioch (“City”) received an application from Hillside Group, LLC (“Applicant”) seeking City approval of the following: a General Plan Amendment for purposes of amending the City of Antioch General Plan Land Use Map and General Plan Text Amendments; a Master Development Plan/Rezone; Vesting Tentative Subdivision Map; and Resource Management Plan for the development of 294 single-family residential units, a future assisted living facility, and neighborhood commercial uses on approximately 96.5 acres, known as the Albers Ranch Project (“Project”) (GP-19-04, MDP-19-01); and

WHEREAS, The Project site is in the southeastern section of the City, east of the Deer Valley Road and Deer Hill Lane intersection within the Sand Creek Focus Area (APNs 057-042-006 and 057-050-021); and

WHEREAS, the Project consists of a 294 planned residential community with future development of an assisted living facility and neighborhood commercial development upon issuance of a future Conditional Use Permit (CUP) on approximately 47.4 acres of the total 96.5-acre project site consisting of approximately 31.2 acres of single-family residences, 13.2 acres of private roadway improvements, and 3.0 acres for the assisted living facility and neighborhood commercial. The remaining 49.1 acres would be used for parks, open space, recreation, and water quality/detention purposes; and

WHEREAS, the City, as lead agency under the California Environmental Quality Act (“CEQA”), has completed the Final Environmental Impact Report (“Final EIR” or “EIR”) for the Project; and

WHEREAS, this document contains the City’s certification of the EIR, its CEQA findings, and its statement of overriding considerations supporting approval of the Project considered in the EIR. The Final EIR has State Clearinghouse No. 2019060012; and

WHEREAS, a Draft Environmental Impact Report (“Draft EIR”) was released for public and agency review on July 7, 2023. The Draft EIR assesses the potential environmental effects of implementation of the Project, identifies means to eliminate or reduce potential adverse impacts, and evaluates a reasonable range of alternatives to the Project; and

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WHEREAS, the Final EIR comprises the Draft EIR together with one additional volume that includes the comments on the Draft EIR submitted by interested public agencies, organizations, and members of the public; written responses to the environmental issues raised in those comments; revisions to the text of the Draft EIR reflecting changes made in response to comments and other information; and other minor changes to the text of the Draft EIR. The Final EIR is hereby incorporated in this document by reference; and

WHEREAS, the custodian of the Final EIR is the Community Development Department and the Final EIR is available for public review on the City's website at: <https://www.antiochca.gov/community-development-department/planning-division/environmental-documents/> and at the second floor of City Hall Monday through Friday 8:00 pm - 5:00 pm; and

WHEREAS, a public hearing notice was published in the East County Times and posted in three public places pursuant to California Government Code Section 65090 on October 4, 2024, for the Antioch Planning Commission public hearing held on October 16, 2024; and

WHEREAS, on October 16, 2024, the Antioch Planning Commission duly held a public hearing and continued the item to the November 20, 2024 Planning Commission Meeting;

WHEREAS, on November 20, 2024, the Antioch Planning Commission duly held a public hearing on the matter, received presentation by City staff, and considered evidence, both oral and documentary, and all other pertinent documents regarding the proposed request.

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED, the Antioch Planning Commission recommends the City Council of the City of Antioch (the "City Council") finds as follows:

CERTIFICATION OF THE FINAL EIR

The City Council certifies that it has been presented with the Final EIR and that it has reviewed and considered the information contained in the Final EIR prior to making the following findings.

Pursuant to CEQA Guidelines Section 15090 (Title 14 of the California Code of Regulations, Section 15090) the City Council certifies that the Final EIR has been completed in compliance with CEQA and the State CEQA Guidelines. The City Council certifies the Final EIR for the Project as described above.

The City Council further certifies that the Final EIR reflects its independent judgment and analysis.

FINDINGS

Having received, reviewed, and considered the Final EIR and other information in the record of proceedings, the City Council hereby adopts the following findings in compliance with CEQA and the CEQA Guidelines:

Part A: Findings regarding the environmental review process and the contents of the Final EIR.

Part B: Findings regarding the significant environmental impacts of the Project and the mitigation measures for those impacts identified in the Final EIR and adopted as conditions of approval, as well as the reasons that some potential mitigation measures are rejected.

Part C: Findings regarding the reasonableness of the range of alternatives evaluated in the Final EIR.

Part D: Statement of Overriding Considerations.

The City Council certifies that these findings are based on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental issues identified and discussed in the Final EIR. The City Council adopts the findings and the statements in Parts A, B, C, and D for the Project.

In addition to the findings regarding environmental impacts and mitigation measures, Part E, below, identifies the custodian and location of the record of proceedings, as required by CEQA.

Part F describes the Mitigation Monitoring and Reporting Program for the Project. As described in Part F, the City Council hereby adopts the Mitigation Monitoring and Reporting Program as set forth in Exhibit A to these findings.

Part A. Environmental Review Process

Notice of Preparation and Scoping Meeting

On October 15, 2021, the City issued a Notice of Preparation announcing the intended preparation of the Draft EIR and describing its proposed scope. The Notice of Preparation had a 30-day review period until November 15, 2021. The City held a public scoping meeting for the Draft EIR on October 28, 2021, for the purpose of informing the

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public and receiving comments on the scope of the environmental analysis to be prepared for the Project. Due to COVID-19 restrictions, the scoping meeting was held online via Zoom. Comments from the public were not received at the scoping meeting.

The City received three comment letters during the comment period on the Notice of Preparation, from State, regional, and local agencies and organizations.

Preparation of the EIR

The City completed the Draft EIR for the Project and, beginning on July 7, 2023, the City made the Draft EIR available for review and comment. A Notice of Availability was published and the period for receipt of comments on the Draft EIR remained open for 45 days. Copies of the Draft EIR document were made available at the City of Antioch Community Development Department, located at Third and “H” Streets, Antioch, and on the City’s website at: www.ci.antioch.ca.us. During the comment period, the City received six comment letters, three from State agencies and three others from private groups.

The Final EIR was completed and available to commenting public agencies on or before December 13, 2023.

The Final EIR contains all of the comments received during the public comment period, together with written responses to significant environmental issues raised in those comments, which were prepared in accordance with CEQA and the CEQA Guidelines.

The City Council finds and determines that the Final EIR provides adequate, good faith, and reasoned responses to all comments raising significant environmental issues.

Absence of Significant New Information

CEQA Guidelines Section 15088.5 requires that a lead agency recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of a Draft EIR, but before certification of the Final EIR. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project proponent declines to implement. Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR. The Guidelines provide examples of significant new information under this standard, which include the following:

1. A new significant environmental impact that would result from the Project (or any alternative) or from a new mitigation measure proposed to be implemented.

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2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
3. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the Project (or an alternative), but the Project's proponents decline to adopt it.
4. The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Having reviewed all the information in the record, the City Council finds that significant new information has not been added to the Final EIR since public notice was given of the availability of the Draft EIR. New or substantial changes to the Draft EIR were not proposed as a result of the public comment process. The Final EIR responds to comments and makes only minor technical changes, clarifications or additions to the Draft EIR. The minor changes, clarifications, or additions to the Draft EIR do not identify any new significant impacts or substantial increase in the severity of any environmental impacts, and do not include any new mitigation measures that would have a potentially significant impact. Therefore, the City Council finds that recirculation of the EIR is not required.

Differences of Opinion Regarding the Impacts of the Project

In making its determination to certify the Final EIR and to approve the Project, the City Council recognizes that a range of technical and scientific opinion exists with respect to certain environmental issues. The City Council acknowledges that it has acquired an understanding of the range of this technical and scientific opinion by its review of the Draft EIR, the comments received on the Draft EIR and the responses to those comments in the Final EIR, as well as testimony, letters, and reports regarding the Final EIR and its own experience and expertise in these environmental issues. The City Council acknowledges that it has reviewed and considered, as a whole, the evidence and analysis presented in the Draft EIR, the evidence and analysis presented in the comments on the Draft EIR, the evidence and analysis presented in the Final EIR, the information submitted on the Final EIR, and the reports prepared by the experts who prepared the EIR, by the City's consultants, and by staff, addressing those comments. The City Council acknowledges that it has gained a comprehensive and well-rounded understanding of the environmental issues presented by the Project. The City Council acknowledges that in turn, this understanding has enabled the City Council to make its decisions after weighing and considering the various viewpoints on these important issues. The City Council accordingly certifies that its findings are based on full appraisal of all of the evidence contained in the Final EIR, as well as the evidence and other information in the record addressing the Final EIR.

Part B. Impacts and Mitigation Measures

The City Council acknowledges that these findings provide the written analysis and conclusions of the City Council regarding the environmental impacts of the Project and the mitigation measures identified by the Final EIR and adopted by the City Council as conditions of approval for the Project. It should be noted that comments made on the Draft EIR by the California Department of Fish and Wildlife included a Draft Mitigation Monitoring and Reporting Program. Please see Chapter 2, Responses to Comments, of the Final EIR for discussion of why such recommended mitigation measures are not included in the Mitigation Monitoring and Reporting Program of the Final EIR.

1. Significant or Potentially Significant Impacts Mitigated to a Less-Than-Significant Level.

The following significant and potentially significant environmental impacts of the Project, including cumulative impacts, are being mitigated to a less-than-significant level and are set out below. Pursuant to Section 21081(a)(1) of CEQA and Section 15091(a)(1) of the CEQA Guidelines, as to each such impact, the City Council, based on the evidence in the record before it, finds that changes or alterations incorporated into the Project by means of conditions or otherwise, mitigate, avoid or substantially lessen these significant or potentially significant environmental impacts of the Project to a less-than-significant level. The basis for the finding for each identified impact is set forth below.

Air Quality and Greenhouse Gas Emissions

Impact 4.1-1 Conflict with or obstruct implementation of the applicable air quality plan during project construction.

Mitigation Measures: The following mitigation measure has been adopted to address this impact:

4.1-1 *Prior to approval of any grading plans, the project applicant shall show on the plans via notation that the contractor shall ensure that the heavy-duty off-road vehicles (50 horsepower or more) to be used in the construction project, including owned, leased, and subcontractor vehicles, shall achieve a project wide fleet average 28.6 percent NO_x reduction compared to the year 2024 California Air Resources Board (CARB) fleet average. The 28.6 percent NO_x reduction may be achieved by requiring a combination of engine Tier 3 or Tier 4 off-road construction equipment or the use of hybrid, electric, or alternatively fueled equipment. For instance, the emissions presented in Table 4.1-8 were achieved by requiring graders, scrapers, and rubber-tired dozers to be engine Tier 4.*

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In addition, all off-road equipment operating at the construction site must be maintained in proper working condition according to manufacturer's specifications. Idling shall be limited to five minutes or less in accordance with the In-Use Off-Road Diesel Vehicle Regulation as required by CARB. Clear signage regarding idling restrictions shall be placed at the entrances to the construction site.

Portable equipment over 50 horsepower must have either a valid BAAQMD Permit to Operate (PTO) or a valid statewide Portable Equipment Registration Program (PERP) placard and sticker issued by CARB.

Conformance with the foregoing requirements shall be included as notes and be confirmed through review and approval of grading plans by the City of Antioch Community Development Department.

Finding: Implementation of Mitigation Measure 4.1-1 would require strategies which would reduce construction-related NO_x emissions sufficiently to achieve the applicable threshold of significance. Thus, the impact would be reduced to a less-than-significant level.

Transportation

Impact 4.2-1 Conflict with a program, plan, ordinance, or policy addressing the circulation system during construction activities.

Mitigation Measure: The following mitigation measure has been adopted to address this impact:

4.2-1 *Prior to issuance of grading and building permits, the project applicant shall submit a construction management plan, subject to review and approval by the City Engineer. The requirements within the construction management plan shall include, but are not necessarily limited to, the following elements:*

- *Project staging plan to maximize on-site storage of materials and equipment;*
- *A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak hours; lane closure proceedings; signs, cones, and other warning devices for drivers; and designation of construction access routes;*
- *Permitted construction hours;*
- *Location of construction staging;*

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- *Identification of parking areas for construction employees, site visitors, and inspectors, including on-site locations; and*
- *Provisions for street sweeping to remove construction related debris on public streets.*

Finding: Implementation of Mitigation Measure 4.2-1 would reduce the temporary, significant impacts to the transportation system during the construction period to a less-than-significant level by requiring the preparation and implementation of a construction management plan that would ensure that impacts to local roadways and intersections during construction are minimized.

Impact 4.2-2 Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.

Mitigation Measure: The following mitigation measure has been adopted to address this impact:

4.2-2 *The following requirements shall be noted on project improvement plans, subject to review and approval by the City of Antioch Community Development Department.*

- *City-standard ADA ramps shall be provided at all internal roadway intersections;*
- *Pedestrian paths shall be identified and marked crosswalks shall be installed at key uncontrolled pedestrian crossing locations, such as trail crossings and park connections;*
- *The project shall install all-way stop control and high visibility pedestrian crosswalks at the intersection of A Street and C Street;*
- *City standard sidewalks shall be installed on A Street connecting the project site to Hillcrest Avenue; and*
- *Bicycle parking shall be provided in accordance with Section 9-5.1707 of the City of Antioch Municipal Code for the retail and assisted living portions of the proposed project.*

Finding: Implementation of Mitigation Measure 4.2-2 would reduce conflicts with applicable plans, ordinances, or policies addressing the circulation system, specifically bicycle and pedestrian facilities, to a less-than-significant level by requiring City-standard Americans with Disabilities Act (ADA) ramps, pedestrian paths and high visibility crosswalks, sidewalks, and bicycle parking to be developed on-site.

Initial Study

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Impact IV-a: Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Mitigation Measures: The following mitigation measures have been adopted to address this impact:

Special-Status Plants

IV-1 *During the spring/summer prior to initiation of ground-disturbing activities on the project site and off-site improvement areas, the project applicant shall retain a qualified biologist to conduct focused botanical surveys during the blooming period for Contra Costa goldfields, alkali milk-vetch, heartscale, brittlescale, lesser saltscare, dwarf downingia, Jepson's coyote-thistle, shining navarretia, bearded popcornflower, California alkali grass, long-styled sand spurrey, San Joaquin spearscale, and all plants that are considered locally rare as listed in the East Bay Chapter of the CNPS Database of Rare, Unusual and Significant Plants of Alameda and Contra Costa Counties for the Marsh Creek/Lone Tree Valley area. Project construction shall not be initiated until all special-status plant surveys are completed and the mitigation is implemented, if necessary and required prior to starting construction. Should project construction be delayed or paused for more than 15 days, additional preconstruction surveys shall be conducted prior to recommencing construction activities.*

A special-status plant survey report that includes the methods used, survey participants, and associated findings shall be prepared and submitted to the City no more than 30 days following the completion of the final site visit. A record of any special-status plant species identified within the project site during the preconstruction surveys shall be submitted to the CNDDDB. If new special-status plant populations are not found on the site during the appropriately timed surveys, additional mitigation is not required. If construction is not started within two years after the rare plant surveys are completed, the City may require additional rare plant surveys.

If special-status plants are observed on the site during the survey, the populations shall be avoided to the maximum degree possible during project development, and a Mitigation and Monitoring Plan shall be prepared detailing the measures to be implemented to avoid

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the plant population. Measures shall include establishment of appropriate buffers during construction, fencing of the population prior to and during construction, and regular monitoring of the preserved population by a biologist during and after construction activities. The Mitigation and Monitoring Plan shall be implemented prior to the initiation of project grading. If the plant populations cannot be avoided, the applicant shall hire a qualified biologist to prepare a seed collection and replanting plan in coordination with the City of Antioch to reduce impacts to the identified special-status plant populations, subject to review and approval by the City of Antioch Community Development Department.

Swainson's Hawk

IV-2(a) Prior to initiation of ground-disturbing activities, the project applicant shall require all construction workers to attend tailgate training that includes a description of the species, a brief summary of the species biology, and minimization measures and instructions of what to do if a Swainson's hawk is observed on a near the construction zone. A sign-in sheet shall be distributed to all participants of the training program and submitted, along with a written summary of the training, to the City of Antioch Community Development Department within two weeks of training completion.

IV-2(b) Prior to any project-related ground disturbance that occurs during the nesting season (March 15th to September 15th) within a half-mile of a potential nest tree, a qualified biologist shall conduct preconstruction surveys within the construction zones and adjacent lands to identify any nesting pairs of Swainson's hawks no more than seven days prior to the onset of ground disturbance. Should project construction be delayed or paused for more than 15 days, additional preconstruction surveys shall be conducted prior to recommencing construction activities. Preconstruction surveys are not required for construction activities located farther than a half-mile from a potential nest tree. Surveys shall follow the protocol in the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (Swainson's Hawk Technical Advisory Committee 2000), including the survey period lengths identified therein. A written summary of the survey results shall be submitted to the City of Antioch Community Development Department.

If active nests are not found during preconstruction surveys, further mitigation is not necessary. If any active nests are discovered in or near proposed construction zones, the qualified biologist shall

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establish a suitable construction-free buffer around the active nest site. The buffer shall be identified on the ground with flagging or fencing and shall be maintained until the qualified biologist has determined that the young have fledged.

As an alternative to completion of this mitigation measure, the project applicant could comply with one of the following conditions:

- 1) Comply with the applicable terms and conditions of the ECCC HCP/NCCP, as determined in written "Conditions of Coverage" by the East Contra Costa County Habitat Conservancy (Conservancy), provided that the City has first entered into an agreement with the Conservancy for coverage of impacts to ECCC HCP/NCCP Covered Species; or*
- 2) Comply with a habitat conservation plan and/or natural community conservation plan developed and adopted by the City, including payment of applicable fees, provided that CDFW and FWS have approved the conservation plan.*

Golden Eagle

IV-3(a) Prior to initiation of ground-disturbing activities, the project applicant shall require all construction workers to attend tailgate training that includes a description of the species, a brief summary of the species biology, and minimization measures and instructions of what to do if a golden eagle is observed on a near the construction zone. A sign-in sheet shall be distributed to all participants of the training program and submitted, along with a written summary of the training, to the City of Antioch Community Development Department within two weeks of training completion.

IV-3(b) No more than seven days prior to initiation of ground-disturbing activities or tree removal, preconstruction surveys shall be conducted concurrently with the preconstruction surveys for Swainson's hawk nests as required by Mitigation Measure IV-2(b) above. Should project construction be delayed or paused for more than 15 days, additional preconstruction surveys shall be conducted prior to recommencing construction activities. The preconstruction surveys shall include a survey radius of one mile surrounding the project's development footprint. However, adjacent parcels under different land ownership within the one-mile survey area shall only be surveyed on foot if access to such areas are granted by the landowners of the parcels. If access is not granted, the qualified biologist shall survey trees on adjacent parcels from the closest

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boundary of the project site. A written summary of the survey results shall be submitted to the City of Antioch Community Development Department.

If no active nesting golden eagles are identified during survey(s), project construction may commence without further regard for protection of nesting eagles. If active nesting golden eagles are identified during the preconstruction surveys within a half-mile of the site and within the line of sight from disturbance to the nest site, biological monitors shall monitor the nest in order to establish baseline behavioral data. Based on the baseline behavioral data and location of the nest (i.e., whether the nest is remote or in/close to town, and whether existing disturbances are present), a construction-free buffer shall be established. The construction-free buffer shall be a minimum of 800 feet and can be increased based on the biological monitor's observations of the behavior at the nest. Project-related disturbance shall not be allowed within any established buffer until the biologist has determined that the young have fledged.

Burrowing Owl

IV-4(a) Prior to initiation of ground-disturbing activities, the project applicant shall require all construction workers to attend tailgate training that includes a description of the species, a brief summary of the species biology, and minimization measures and instructions of what to do if a burrowing owl is observed on a near the construction zone. A sign-in sheet shall be distributed to all participants of the training program and submitted, along with a written summary of the training, to the City of Antioch Community Development Department within two weeks of training completion.

IV-4(b) Prior to initiation of ground-disturbing activities, a preconstruction survey for burrowing owls shall be conducted. Should project construction be delayed or paused for more than 15 days, additional preconstruction surveys shall be conducted prior to recommencing construction activities. The CDFG's Staff Report on Burrowing Owl Mitigation (CDFG 2012) states that take avoidance (preconstruction) surveys shall be conducted within 14 days prior to ground disturbance. As burrowing owls may recolonize a site after only a few days, time lapses between project activities trigger subsequent take avoidance surveys, including, but not limited to, a final survey conducted within 24 hours prior to ground disturbance to ensure absence of the species. Surveys shall ensure 100 percent visual

coverage. The results of the survey shall be submitted to the City of Antioch Community Development Department.

If burrowing owls or fresh sign of burrowing owls are not observed during preconstruction surveys, further mitigation is not required and construction may proceed. If burrowing owls or their recent sign are detected on the site, occupied burrows shall be identified by the monitoring biologist and a construction-free buffer (up to 250 feet) shall be established and maintained until a qualified biologist has determined the burrowing owl has abandoned the burrow.

Nesting Migratory Birds, Including Nesting Raptors and Protected Birds

IV-5(a) Prior to initiation of ground-disturbing activities, the project applicant shall require all construction workers to attend tailgate training that includes a description of the species, a brief summary of the species biology, and minimization measures and instructions of what to do if an active bird nest is observed on or near the construction zone. A sign-in sheet shall be distributed to all participants of the training program and submitted, along with a written summary of the training, to the City of Antioch Community Development Department within two weeks of training completion.

IV-5(b) Prior to commencement of ground-disturbing activities or tree removal during the breeding season (typically between February 1st and August 31st), the project applicant shall retain a qualified biologist to conduct preconstruction migratory bird and raptor nesting surveys no more than seven days prior to the onset of ground disturbance. Should project construction be delayed or paused for more than 15 days, additional preconstruction surveys shall be conducted prior to recommencing construction activities. The nesting migratory bird surveys shall cover the project site and the raptor nesting surveys shall encompass the site and lands within 250 feet of the site, where accessible. A written summary of the survey results shall be submitted to the City of Antioch Community Development Department. If nesting migratory birds or raptors are not identified during the surveys, further mitigation is not required.

If nesting migratory birds or raptors are identified during the surveys, an appropriate construction-free buffer shall be established. Active nest sites and protective buffer zones shall be designated as “ecologically sensitive areas” where project-related activities are not allowed and personnel may not enter (while occupied or in use for the season in the case of multi-clutch bearing species) during the

course of nesting bird season with the establishment of a fence barrier or flagging surrounding the nest site. The qualified biologist shall determine the necessary buffer, if any, to protect nesting birds based on existing site conditions, such as construction activity, topography, and line of sight, and will increase buffers as needed to provide sufficient protection of nesting birds and their natural behaviors.

A qualified biologist shall observe any identified active nests prior to the start of any project-related activities to establish a behavioral baseline of the adults and any nestlings. Once project activities commence, all active nests shall either be monitored daily or continuously by a qualified biologist until the biological monitor is confident the established buffer is at an effective distance from the nest, to detect any signs of disturbance and behavioral changes as a result of the project. In addition to direct impacts, such as nest destruction, nesting birds might be affected by noise, vibration, odors and movement of workers or equipment. If signs of disturbance and behavioral changes are observed, the qualified biologist shall halt project activities causing that change until the nestlings have fledged, and the nest is determined to be inactive.

Vernal Pool Fairy Shrimp and Vernal Pool Tadpole Shrimp

IV-6(a) Prior to initiation of ground-disturbing activities, the project applicant shall require all construction workers to attend tailgate training that includes a description of the species, a brief summary of the species biology, and minimization measures and instructions of what to do if a listed shrimp is observed on a near the construction zone. A sign-in sheet shall be distributed to all participants of the training program and submitted, along with a written summary of the training, to the City of Antioch Community Development Department within two weeks of training completion.

IV-6(b) No more than seven days prior to initiation of ground-disturbing activities, a protocol-level survey shall be conducted to assess the presence or absence of listed fairy shrimp within the project site. Surveys shall occur in a year wet enough to fill ephemeral wetlands for the USFWS to accept the results of the surveys. Should project construction be delayed or paused for more than 15 days, additional preconstruction surveys shall be conducted prior to recommencing construction activities. Should the surveys confirm absence of listed fairy shrimp, no further action will be necessary.

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Should the surveys identify listed fairy shrimp, to mitigate for permanent impacts to shrimp habitat, the project applicant shall preserve occupied and potentially occupied habitat at a minimum 2:1 ratio (preserved:impacted) and create additional habitat at a minimum 2:1 ratio (created:impacted). Preservation or created habitat shall be via the purchase of mitigation land in fee title or via recordation of a conservation easement over the mitigation land preserving it in perpetuity as wildlife habitat. The easement shall be granted to a qualified conservation organization as defined by Section 815.3 of the California Civil Code. The preserved or created habitat shall be established at least a year prior to on-site impacts to vernal pool fairy shrimp or vernal pool tadpole shrimp habitat in order to monitor the new habitat's effectiveness, including a comparison to the existing on-site habitat with regards to appropriate hydrology for shrimp. Once the determination has been made that the created habitat supports the appropriate hydrology, the top four inches of topsoil of the on-site habitat planned to be impacted can be transferred to the mitigation site in the same day. Removal and placement of this topsoil shall be done in a systematic fashion that will avoid compaction of the soil.

Prior to the start of construction, the project applicant shall prepare and submit to the City of Antioch a Habitat Mitigation and Management Plan (HMMP), which shall outline the requirements for managing preserved areas and created areas for five years, as well as success criteria for the created habitat. The HMMP will follow the guidelines for mitigation and monitoring of vernal pools issued by the USFWS (1994). The project applicant shall also establish an endowment fund, or other funding mechanism to provide for the long-term management, maintenance, and monitoring of the mitigation site.

In lieu of the above, prior to construction, the project applicant may purchase credits at a 1:1 ratio from an approved mitigation bank.

The project applicant may satisfy the requirements of this mitigation measure by providing the City of Antioch Community Development Department with a copy of a biological opinion issued by the USFWS that includes these, or other functionally equivalent, habitat preservation measures prior to the start of construction.

As an alternative to completion of this mitigation measure, the project applicant could comply with one of the following conditions:

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1. *Comply with the applicable terms and conditions of the ECCC HCP/NCCP, as determined in written “Conditions of Coverage” by the Conservancy, provided that the City has first entered into an agreement with the Conservancy for coverage of impacts to ECCC HCP/NCCP Covered Species; or*
2. *Comply with a habitat conservation plan and/or natural community conservation plan developed and adopted by the City, including payment of applicable fees, provided that CDFW and USFWS have approved the conservation plan.*

If breeding habitat is planned to be removed, in addition to evaluating the potential of the project to affect listed fairy shrimp under CEQA, the applicant would need to comply with provisions of the federal Endangered Species Act and would need to seek take authorization from the USFWS for project-related losses as required by law. To obtain a take permit, consultation with the USFWS would need to be initiated either through a federal nexus (i.e., Section 7 consultation, usually through the USACE or the Bureau of Land Management) or through the HCP process (i.e., Section 10 consultation).

California Tiger Salamander

IV-7(a) Prior to initiation of ground-disturbing activities, the project applicant shall require all construction workers to attend tailgate training that includes a description of the species, a brief summary of the species biology, and minimization measures and instructions of what to do if California tiger salamander is observed on a near the construction zone. A sign-in sheet shall be distributed to all participants of the training program and submitted, along with a written summary of the training, to the City of Antioch Community Development Department within two weeks of training completion.

IV-7(b) No more than seven days prior to initiation of ground-disturbing activities, a qualified biologist shall conduct a preconstruction survey of the seasonal wetlands in the eastern portion of the project site during the rainy season in order to determine whether they could be classified as breeding habitat for the California tiger salamander. Should project construction be delayed or paused for more than 15 days, additional preconstruction surveys shall be conducted prior to recommencing construction activities. A written summary of the survey results shall be submitted to the City of Antioch Community Development Department. If breeding habitat is not identified, further mitigation is not necessary. If the seasonal wetland is determined to be breeding habitat and cannot be avoided, the project applicant

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shall compensate for the loss of upland habitat at a minimum of a 3:1 impacts to replacement ratio. Mitigation land shall be permanently protected land within the Central California Distinct Population Segment (DPS) range of the California tiger salamander within 1.3 miles of a known breeding site, or as otherwise approved by CDFW and USFWS. Protection shall be accomplished through the purchase of the mitigation land in fee title or via recordation of a conservation easement over the mitigation land. In lieu of this mitigation prior to construction, the project applicant may purchase California tiger salamander credits at a 1:1 ratio from an approved mitigation bank.

In addition, if breeding habitat is planned to be removed, the applicant shall comply with the provisions of the federal Endangered Species Act and shall obtain take authorization from the USFWS for project-related losses of the California tiger salamander habitat, as required by law. To obtain a take permit, consultation with the USFWS would need to be initiated either through a federal nexus (Section 7 consultation, usually through the U.S. Army Corps of Engineers (USACE) or the Bureau of Land Management. Proof of compliance shall be submitted to the City of Antioch Community Development Department.

As an alternative to completion of this mitigation measure, the project applicant could comply with one of the following conditions:

- 1. Comply with the applicable terms and conditions of the ECCC HCP/NCCP, as determined in written "Conditions of Coverage" by the Conservancy, provided that the City has first entered into an agreement with the Conservancy for coverage of impacts to ECCC HCP/NCCP Covered Species; or*
- 2. Comply with a habitat conservation plan and/or natural community conservation plan developed and adopted by the City, including payment of applicable fees, provided that CDFW and USFWS have approved the conservation plan.*

California Red-Legged Frog

IV-8(a) Prior to initiation of ground-disturbing activities on the project site and off-site improvement areas, the project applicant shall require all construction workers to attend tailgate training that includes a description of California red-legged frog and its habitat and measures to be implemented to protect the frog and minimize take if the frog is observed on or near the construction zone. A sign-in sheet shall be distributed to all participants of the training program and

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submitted, along with a written summary of the training, to the City of Antioch Community Development Department within two weeks of training completion.

IV-8(b)

Within 48 hours prior to the initiation of ground-disturbing activities, a qualified biologist shall conduct preconstruction surveys for the presence of California red-legged frog individuals and habitat features within the project site and nearby vicinity, including a 500-foot radius surrounding the project site (to the extent that such areas are accessible). Habitat features include both aquatic habitat, such as plunge pools and ponds, and terrestrial habitat, such as burrows. Should project construction be delayed or paused for more than 15 days, additional preconstruction surveys shall be conducted prior to recommencing construction activities.

The results of the habitat feature assessment shall be submitted to the City prior to starting project activities. Habitat features shall be flagged for avoidance to the extent feasible. If California red-legged frog are not encountered during the preconstruction surveys, further mitigation is not required. If California red-legged frogs are encountered during the assessment, the qualified biologist shall recommend, and the project shall implement, measures to avoid or minimize impacts to individual frogs, such as allowing frogs to move out of the area on their own volition or relocating the frogs. Following preconstruction surveys, work areas adjacent to Sand Creek and the unnamed tributary shall be enclosed with wildlife exclusion fencing with one-way escape doors prior to the commencement of initial ground disturbing activities. If a California red-legged frog is encountered during project construction, all work shall cease until the frog has moved out of harm's way on its own volition or been relocated out of harm's way by a qualified biologist. A qualified biologist shall be on-site during particular times of construction to ensure California red-legged frog are not harmed, injured, or killed during project buildout.

Upland habitats shall be managed via a long-term management plan to maintain the quality of the habitat for the movement and dispersal of California red-legged frog. Potential opportunities include, but are not limited to, enhancement of the channels and riparian corridor (e.g., formation of plunge pools), which would maximize opportunities to disperse from the ponds to even higher-quality habitat off-site.

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In addition, if breeding habitat is planned to be removed, the applicant shall comply with the provisions of the federal Endangered Species Act and shall obtain take authorization from the USFWS for project-related losses, as required by law. To obtain a take permit, consultation with the USFWS would need to be initiated either through a federal nexus (Section 7 consultation, usually through the U.S. Army Corps of Engineers (USACE) or the Bureau of Land Management). Proof of compliance shall be submitted to the City of Antioch Community Development Department.

As an alternative to completion of this mitigation measure, the project applicant could comply with one of the following conditions:

- 1. Comply with the applicable terms and conditions of the ECCC HCP/NCCP, as determined in written "Conditions of Coverage" by the Conservancy, provided that the City has first entered into an agreement with the Conservancy for coverage of impacts to ECCC HCP/NCCP Covered Species; or*
- 2. Comply with a habitat conservation plan and/or natural community conservation plan developed and adopted by the City, including payment of applicable fees, provided that CDFW and USFWS have approved the conservation plan.*

Western Pond Turtle

IV-9(a) Prior to initiation of ground-disturbing activities, the project applicant shall require all construction workers to attend tailgate training that includes a description of the species, a brief summary of the species biology, and minimization measures and instructions of what to do if western pond turtle is observed on a near the construction zone. A sign-in sheet shall be distributed to all participants of the training program and submitted, along with a written summary of the training, to the City of Antioch Community Development Department within two weeks of training completion.

IV-9(b) Implement Mitigation Measures IV-8(b) for potential western pond turtle nesting habitat. If nesting habitat is identified, in order to exclude any female western pond turtle from laying eggs within a development phase of the project, exclusion fencing shall be placed prior to the egg-laying season (March through August). Exclusion fencing shall be designed to encompass each development phase and maintained regularly until construction activities have been completed. Alternatively, the development footprint can be excluded from western pond turtle use by installing wildlife exclusion fencing prior to the turtle nesting season to prevent turtles from laying eggs

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on the project site and protect the nesting turtles and their hatchlings from impacts. If western pond turtle are observed on-site prior to or during construction, they shall be allowed to leave the site on their own. If a western pond turtle is unable to independently move out of harm's way, a qualified biologist shall relocate the species out of harm's way to habitat similar to where it was found. If a western pond turtle nest is observed, a 50-foot construction-free buffer around the nest site shall be established and maintained until a qualified biologist determines the nest is no longer active.

American Badgers

IV-10(a) Prior to initiation of ground-disturbing activities, the project applicant shall require all construction workers to attend tailgate training that includes a description of the species, a brief summary of the species biology, and minimization measures and instructions of what to do if an American badger is observed on or near the construction zone. A sign-in sheet shall be distributed to all participants of the training program and submitted, along with a written summary of the training, to the City of Antioch Community Development Department within two weeks of training completion.

IV-10(b) The project applicant shall retain a qualified biologist to conduct a preconstruction survey to determine the presence or absence of badgers no more than seven days prior to initiation of ground-disturbing activities. Should project construction be delayed or paused for more than 15 days, additional preconstruction surveys shall be conducted prior to recommencing construction activities. If badgers are not identified, further mitigation is not required. If an active badger den is identified during preconstruction surveys within or immediately adjacent to an area subject to construction, a qualified biologist shall establish a construction-free buffer of up to 300 feet around the badger den. Once the biologist has determined that the badger has vacated the burrow, the burrow can be collapsed or excavated, and ground disturbance can proceed. Should the burrow be determined to be a natal or reproductive den, and because badgers are known to use multiple burrows in a breeding burrow complex, a biological monitor shall be present on-site during construction activities in the vicinity of the burrows to ensure that the buffer is adequate to avoid direct impact to individuals or natal/reproductive den abandonment. The monitor shall be required to be present until it is determined that the badger young are of an independent age and construction activities would not harm individual badgers. A written summary of the survey results shall be

submitted to the City of Antioch Community Development Department.

San Joaquin Kit Fox

IV-11(a) Prior to initiation of ground-disturbing activities, the project applicant shall require all construction workers to attend tailgate training that includes a description of the species, a brief summary of the species biology, and minimization measures and instructions of what to do if a kit fox is observed on a near the construction zone. A sign-in sheet shall be distributed to all participants of the training program and submitted, along with a written summary of the training, to the City of Antioch Community Development Department within two weeks of training completion.

IV-11(b) A qualified biologist shall conduct preconstruction surveys no more than seven days prior to site grading to determine the presence or absence of kit fox. Should project construction be delayed or paused for more than 15 days, additional preconstruction surveys shall be conducted prior to recommencing construction activities. If kit fox is not identified during the surveys, further mitigation is not required. If an active kit fox den is identified during preconstruction surveys within or immediately adjacent to an area subject to construction, a qualified biologist shall establish a construction free buffer of up to 300 feet around the San Joaquin kit fox den. Once the biologist has determined that the San Joaquin kit fox has vacated the den, the den can be collapsed or excavated, and ground disturbance can proceed. Should the den be determined to be a natal or reproductive den, a biological monitor shall be present on-site during construction activities in the vicinity of the dens to ensure that the buffer is adequate to avoid direct impact to individuals or natal/reproductive den abandonment. The monitor shall be required to be present until it is determined that the young are of an independent age and construction activities would not harm individual San Joaquin kit fox. A written summary of the survey results shall be submitted to the City of Antioch Community Development Department.

Finding: Implementation of Mitigation Measures IV-1 through IV-11 would reduce potential impacts to special-status wildlife species to a less-than-significant level by requiring completion of preconstruction surveys and implementation of appropriate avoidance measures.

Impact IV-b: Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or

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regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?

Impact IV-c: Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Mitigation Measures: The following mitigation measures have been adopted to address these impacts:

IV-12(a) Prior to the initiation of ground-disturbing activities, the project applicant shall submit a formal wetland delineation to the USACE for verification to determine the extent of all hydrological features, their jurisdictional status, and the extent of any impacts of the currently proposed project. A summary of the wetland delineation shall be submitted to the City of Antioch Community Development Department.

IV-12(b) Prior to discharging any dredged or fill materials into any waters of the U.S. within the project site and/or the off-site improvement areas, the applicant shall obtain permit authorization to fill wetlands under Section 404 of the federal Clean Water Act (CWA) (Section 404 Permit) from USACE. The Section 404 Permit application shall include an assessment of directly impacted, avoided, and preserved acreages to waters of the U.S. Mitigation measures shall be developed as part of the Section 404 Permit to ensure no net loss of wetland function and values. Mitigation for direct impacts to waters of the U.S. within the project site and/or the off-site improvement areas would occur at a minimum of 1:1 ratio for direct impacts by purchasing seasonal wetland credits from the Cosumnes Mitigation Bank or other wetland mitigation bank that services the project site, as approved by the USACE and the RWQCB.

Alternatively, the project applicant may create, preserve, and manage new seasonal wetlands on or off of the project site that is of equal or greater quality to the habitats being impacted at a minimum 1:1 mitigation ratio. A project-specific Wetland Mitigation and Monitoring Plan prepared by a qualified wetland restoration ecologist that includes the following information shall be provided to the City of Antioch Community Development Department prior to conducting any activity that would result in the placement of any fill material into a water of the U.S. or water of the State:

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- *A description of the impacted water;*
- *A map depicting the location of the mitigation site(s) and a description of existing site conditions;*
- *A detailed description of the mitigation design that includes: (i) the location of the new seasonal wetlands; (ii) proposed construction schedule; (iii) a planting/vegetation plan; (iv) specific monitoring metrics, and objective performance and success criteria, such as delineation of created area as jurisdictional waters using USACE published methods; and (v) contingency measures if the created wetlands do not achieve the specified success criteria; and*
- *Short-term and long-term management and monitoring methods.*

If the wetland mitigation site is a separate mitigation property, the project applicant will grant a conservation easement to a qualified entity, as defined by Section 81.5.3 of the California Civil Code, preserving the created seasonal wetland(s) in perpetuity, and establish an endowment fund to provide for the long-term management, maintenance, and monitoring of the created seasonal wetland(s). If the proposed project includes placing fill material into jurisdictional waters of the U.S. or waters of the State, the project applicant shall provide the City of Antioch Community Development Department with a copy of permits issued by the USACE and RWQCB authorizing the fill.

In addition, a Water Quality Certification or waiver pursuant to Section 401 of the CWA must be obtained for Section 404 permit actions. Proof of compliance with the mitigation measure shall be submitted to the City of Antioch Community Development Department prior to the issuance of grading permits.

IV-12(c) Impacts to riparian habitat within CDFW's Section 1602 jurisdictional areas that would occur during construction shall be mitigated through planting California native trees and/or shrubs within the Sand Creek buffer area. Impacted trees and shrubs shall be mitigated with a 3:1 (replacement:impacts) ratio. Replacement trees and shrubs shall be a minimum of one gallon size trees/shrub replacements.

In addition, the project applicant will implement appropriate BMPs to prevent construction related impacts that could introduce de minimus fill or other pollutants into Sand Creek and the creek's tributaries. The measures shall include the installation of wildlife-friendly hay wattles and/or silt fence that will prevent unintended de minimus fill impacts

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during construction activities associated with Sand Creek. In addition, orange silt fencing shall be installed at the top-of-bank of Sand Creek to prevent unintended human and equipment traffic adjacent to Sand Creek. Finally, the dripline of all protected trees within the drainages on the project site, if near work areas, shall be protected through the installation of orange construction fencing.

The project applicant shall satisfy this mitigation by providing the City of Antioch Community Development Department with a fully executed copy of a Streambed Alteration Agreement (SBAA) with the CDFW that includes these, or other functionally equivalent, BMPs, prior to any construction activities associated with Sand Creek. The project applicant shall implement the conditions of the executed SBAA.

Finding: Implementation of Mitigation Measures IV-12(a) through IV-12(c) would reduce potential impacts to riparian habitat or protected wetlands to a less-than-significant level by requiring submittal of a formal wetland delineation to USACE, a Section 404 permit from USACE, planting California native trees and/or shrubs within the Sand Creek buffer area with a 3:1 ratio, and the implementation of appropriate BMPs to prevent construction related impacts that could introduce de minimus fill or other pollutants into Sand Creek and the creek's tributaries.

Impact IV-e: Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Mitigation Measures: The following mitigation measure has been adopted to address this impact:

IV-13 Prior to issuance of certificates of occupancy, all trees that are legally removed as part of the proposed project shall be replaced according to the following schedule, to the satisfaction of the City of Antioch Community Development Department:

- 1. Each established tree: two 24-inch box trees.*
- 2. Each mature tree: two 48-inch box trees.*

The locations and sizes of the replacement trees shall be clearly shown on the final landscape plans, subject to review and approval by the City of Antioch Community Development Department.

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Finding: Implementation of Mitigation Measure IV-13 would reduce impacts related to conflicting with a tree preservation policy to a less-than-significant level by ensuring that all trees that are removed due to project buildout would be replaced appropriately.

Impact V-a: Would the project cause substantial adverse change in the significant of a historical resource pursuant to Section 15064.5?

Impact V-b: Would the project cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5?

Impact V-c: Would the project disturb any human remains, including those interred outside of dedicated cemeteries?

Mitigation Measures: The following mitigation measures have been adopted to address these impacts:

V-1 *In the event that a cultural resource is inadvertently discovered during project activities, work shall be halted within 100 feet (30 meters) of the find and a qualified archaeologist (36 CFR Part 61) notified immediately so that an assessment of potential significance can be undertaken in accordance with City of Antioch General Plan Policy 10.9.2.d (2003). Construction activities may continue in other areas, but shall not resume in the area of the find until the City of Antioch Community Development Department provides written permission.*

If the discovery proves to be significant, additional work, such as data recovery excavation, may be warranted and would be discussed in consultation with the City of Antioch Community Development Department, any invested tribes, and other relevant regulatory agencies, as appropriate.

V-2 *In the event of the accidental discovery or recognition of any or human remains, further excavation or disturbance of the find or any nearby area reasonably suspected to overlie adjacent human remains shall not occur until compliance with the provisions of CEQA Guidelines Section 15064.5(e)(1) and (2) has occurred. The Guidelines specify that in the event of the discovery of human remains other than in a dedicated cemetery, no further excavation at the site or any nearby area suspected to contain human remains shall occur until the County Coroner has been notified to determine if an investigation into the cause of death is required. If the coroner determines that the remains are Native American, then, within 24*

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hours, the Coroner must notify the Native American Heritage Commission, which in turn will notify the most likely descendants who may recommend treatment of the remains and any grave goods. If the Native American Heritage Commission is unable to identify a most likely descendant or most likely descendant fails to make a recommendation within 48 hours after notification by the Native American Heritage Commission, or the landowner or his authorized agent rejects the recommendation by the most likely descendant and mediation by the Native American Heritage Commission fails to provide a measure acceptable to the landowner, then the landowner or his authorized representative shall rebury the human remains and grave goods with appropriate dignity at a location on the property not subject to further disturbances. Should human remains be encountered, a copy of the resulting County Coroner report noting any written consultation with the Native American Heritage Commission shall be submitted as proof of compliance to the City's Community Development Department.

Finding: Implementation of Mitigation Measures V-1 and V-2 would reduce impacts related to unique archeological resources or human remains to a less-than-significant level by ensuring that any previously unknown cultural resources or human remains that are discovered during ground-disturbing activities are handled appropriately.

Impact VII-a: Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

- iii. Seismic-related ground failure, including liquefaction?
- iv. Landslides?

Impact VII-c: Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

Impact VII-d: Would the project be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

Mitigation Measures: The following mitigation measures have been adopted to address these impacts:

VII-1 All grading and foundation plans for the development shall be designed by a Civil and Structural Engineer and reviewed and approved by the City of Antioch Building Division prior to issuance of

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grading and building permits to ensure that all geotechnical recommendations specified in the Preliminary Geotechnical Exploration prepared for the proposed project are properly incorporated and utilized in the project design.

VII-2 Prior to issuance of any grading permits, the project applicant shall submit to the City of Antioch Engineering Department, for review and approval, a design-level geotechnical exploration study produced by a California Registered Civil Engineer or Geotechnical Engineer and identify grading and building practices necessary to achieve compliance with the latest adopted edition of the California Building Standards Code's geologic, soils, and seismic requirements. Consistent with the Preliminary Geotechnical Exploration prepared for the proposed project, the design-level geotechnical exploration study shall include additional soil borings, test pits, laboratory testing, chemical testing for corrosivity, geologic mapping and fault trenching/evaluation.

Finding: Implementation of Mitigation Measures VII-1 and VII-2 would reduce impacts related to seismic-related ground failure, liquefaction, landslides, lateral spreading, subsidence, and expansive, or otherwise unstable soil to a less-than-significant level by requiring all geotechnical recommendations specified in the project-specific Preliminary Geotechnical Exploration to be properly incorporated and utilized in project design and by requiring a design-level geotechnical exploration study produced by a California Registered Civil Engineer or Geotechnical Engineer and identify grading and building practices necessary to achieve compliance with the latest adopted edition of the California Building Standards Code's geologic, soils, and seismic requirements.

Impact VII-b: Would the project result in substantial erosion or the loss of topsoil?

Mitigation Measures: The following mitigation measure has been adopted to address this impact:

VII-3 Prior to issuance of grading and building permits, the project applicant shall submit, for the review and approval by the City Engineer, an erosion control plan that utilizes standard construction practices to limit the erosion effects during construction of the proposed project. Measures shall include, but are not limited to, the following:

- *Hydro-seeding;*
- *Placement of erosion control measures within drainage ways and ahead of drop inlets;*

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- *The temporary lining (during construction activities) of drop inlets with “filter fabric” (a specific type of geotextile fabric);*
- *The placement of straw wattles along slope contours;*
- *Directing subcontractors to a single designation “wash-out” location (as opposed to allowing them to wash-out in any location they desire);*
- *The use of siltation fences; and*
- *The use of sediment basins and dust palliatives.*

Finding: Implementation of Mitigation Measure VII-3 would reduce impacts related to erosion to a less-than-significant level by requiring the preparation and implementation of an erosion control plan for use during construction.

Impact VII-f: Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Mitigation Measures: The following mitigation measures have been adopted to address this impact:

VII-4 Prior to the initiation of ground-disturbing activities, a qualified paleontologist shall be retained to administer Worker Environmental Awareness Program (WEAP) training to construction personnel so that a basic understanding of local geology and the paleontological sensitivity of the project area will be acquired by those involved in earth-moving activities. The training shall include information on the types of fossils that may be encountered during project work, relevant compliance requirements, and the course to action to be taken in the event of an inadvertent fossil discovery. A sign-in sheet shall be kept with the signatures of all attendees for submission to the City of Antioch Community Development Department.

VII-5 In the event that a paleontological resource is inadvertently discovered during project-related work, regardless of the depth of excavation or location, work shall be halted within 50 feet (15 meters) of the find and a qualified paleontologist (Society of Vertebrate Paleontology [SVP] 2010) notified immediately so that an assessment of the resource’s potential significance can be undertaken in accordance with City of Antioch General Plan Policy 10.9.2.d (City 2003). Construction activities could continue in other areas.

If the find is determined to be significant under SVP criteria, the find shall be left in place without further disturbance, or if avoidance is not feasible, then additional work, such as fossil recovery excavation

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(salvage) and curation at a certified repository, such as the University of California Museum of Paleontology (UCMP), may be warranted and would be discussed in consultation with the City of Antioch Community Development Department, and any other relevant regulatory agency, as appropriate.

Finding: Implementation of Mitigation Measures VII-4 and VII-5 would reduce impacts related to unique paleontological resources to a less-than-significant level by requiring awareness training for all construction crew members and ensuring that any uncovered paleontological resources would be properly handled and preserved.

Impact IX-b: Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?

Mitigation Measures: The following mitigation measures have been adopted to address this impact:

IX-1 Prior to final map approval, the project applicant shall submit to the City of Antioch Engineering Department, for review and approval, plans which show that future inhabited structures will not be located over or within the required setback from any active petroleum pipelines in compliance with the California Department of Conservation, Division of Oil, Gas, and Geothermal Resources (DOGGR) Construction Site Review Program.

IX-2 Prior to issuance of any grading permits, the project applicant shall coordinate with Conoco Phillips and Chevron to determine the accurate depths and alignment of the existing on-site pipelines and shall conduct field checking and potholing of the pipelines, if necessary. Arrangements for potholing of the pipelines shall be made at least 48 hours in advance. The project applicant shall be responsible for providing a backhoe and operator, as well as a surveyor if needed. All construction plans that involve pipeline easement encroachments shall be submitted to the applicable pipeline owner to allow for review.

After determining the accurate depths and alignments of the existing pipelines, the results shall be noted on all project construction plans, subject to review by the City Engineer. For any work occurring within the pipeline easement, construction plans shall demonstrate compliance with applicable local, State, and federal regulations and

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development restrictions, which would include, but would not be limited to, the following:

- *Maintain a minimum of 12 inches of clearance between the pipelines and other cross-lines that intersect at a 90-degree angle, or a minimum of 24 inches of clearance for intersection angles less than 90-degrees;*
- *Maintain a minimum of 24 inches of undisturbed clearance between the top of pipe and bottom of the sub grade for paving and grass or shallow rooted plants within the pipeline easements;*
- *Prohibit deep-rooted trees and structures within pipeline easements;*
- *All excavations within 24-inches of the pipelines shall be accomplished using hand tools only;*
- *Restrict use of heavy vibratory equipment over pipelines; and*
- *Notify Underground Service Alert (USA) at 800-227-2600 at least 48 hours prior to any excavation work.*

Finding: Implementation of Mitigation Measures IX-1 and IX-2 would reduce impacts related to the accidental release of hazardous materials to a less-than-significant level by requiring that future inhabited structures are not located over or within the required setback from any active petroleum pipelines. After determining the accurate depths and alignments of the existing pipelines, the results shall be noted on all project construction plans, subject to review by the City Engineer.

Impact X-a: Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Mitigation Measures: The following mitigation measure has been adopted to address this impact:

- X-1 Prior to issuance of grading permits, the contractor shall prepare a Storm Water Pollution Prevention Plan (SWPPP). The developer shall file the Notice of Intent (NOI) and associated fee to the SWRCB. The SWPPP shall serve as the framework for identification, assignment, and implementation of BMPs. The contractor shall implement BMPs to reduce pollutants in stormwater discharges to the maximum extent practicable. The SWPPP shall be submitted to the Director of Public Works/City Engineer for review and approval and shall remain on the project site during all phases of construction. Following implementation of the SWPPP, the contractor shall subsequently demonstrate the SWPPP's effectiveness and provide*

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for necessary and appropriate revisions, modifications, and improvements to reduce pollutants in stormwater discharges to the maximum extent practicable.

Finding: Implementation of Mitigation Measure X-1 would reduce impacts related to water quality to a less-than-significant level by requiring the preparation and implementation of a SWPPP.

Impact X-civ. Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows?

Mitigation Measures: The following mitigation measure has been adopted to address this impact:

X-2 *Prior to issuance of grading permits, the project applicant shall prepare a site-specific hydraulic analysis to determine the BFE within Zone A in the vicinity of the proposed EVA. If the analysis determines that the portion of the proposed EVA within the floodplain would be less than one foot above the BFE, the elevation of the portion of the EVA within the floodplain shall be raised to at least one foot above the BFE or to the satisfaction of the CCCFCD. The site-specific hydraulic analysis and proof of CCCFCD satisfaction shall be submitted to the City of Antioch Community Development Department.*

Finding: Implementation of Mitigation Measure X-2 would reduce impacts related to flood flows by requiring the elevation of the emergency vehicle access road within the 100-year floodplain to be raised at least one foot above the BFE, or to the satisfaction of the CCCFCD.

Impact XIII-a: Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Mitigation Measures: The following mitigation measure has been adopted to address this impact:

XIII-1 *Prior to approval of grading permits, the City shall establish the following requirements, via written notation on final improvement plans, subject to review and approval by the City of Antioch Community Development Department:*

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- *Construction activities shall be limited to the hours of 7:00 AM and 6:00 PM Monday through Friday, and 9:00 AM and 5:00 PM on weekends.*
- *The construction contractor shall use temporary noise attenuation fences to protect sensitive receptors west of the project site.*
- *The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.*
- *Construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation.*
- *When not in use, motorized construction equipment shall not be left idling for more than five minutes.*
- *Stationary equipment (power generators, compressors, etc.) shall be located at the furthest practical distance from nearby noise-sensitive land uses or sufficiently shielded to reduce noise-related impacts.*

Finding: Implementation of Mitigation Measure XIII-1 would reduce impacts related to the generation of noise to a less-than-significant level by requiring compliance with specific construction hours and the implementation of noise-reduction practices.

Impact XVIII-a: Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is: listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?

Impact XVIII-b: Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision

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(c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

Mitigation Measures: The following mitigation measure has been adopted to address this impact:

XVIII-1 Implement Mitigation Measures V-1 and V-2.

Finding: Implementation of Mitigation Measures V-1 and V-2 would reduce impacts related to tribal cultural resources to a less-than-significant level by ensuring that any previously unknown tribal cultural resources that are discovered during ground-disturbing activities are handled appropriately.

Impact XXI-a: Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Mitigation Measures: The following mitigation measure has been adopted to address this impact:

XXI-1 Implement Mitigation Measures IV-1 through IV-13, V-1, and V-2.

Finding: Implementation of Mitigation Measures IV-1 through IV-13 would reduce potential impacts related to the following: 1) degradation of the quality of the environment; 2) substantial reduction of or impact to the habitat of fish or wildlife species; 3) causing fish or wildlife populations to drop below self-sustaining levels; 4) threatening to eliminate a plant or animal community; 5) reduction of the number or restrict the range of a rare or endangered plant or animals to a less-than-significant level by requiring completion of preconstruction surveys and implementation of appropriate avoidance measures, requiring submittal of a formal wetland delineation to USACE, requiring a Section 404 permit from USACE, requiring the planting California native trees and/or shrubs within the Sand Creek buffer area with a 3:1 ratio, requiring the implementation of appropriate BMPs to prevent construction related impacts that could introduce de minimus fill or other pollutants into Sand Creek and the creek's tributaries, and by requiring all trees that are removed due to project buildout to be replaced appropriately. Implementation of Mitigation Measures V-1 and V-2 would reduce impacts related to the elimination of important examples of the major periods of California history or prehistory to a less-than-significant

level by ensuring that any previously unknown cultural resources or human remains that are discovered during ground-disturbing activities are handled appropriately.

2. Significant and Unavoidable Impacts.

The following significant environmental impacts of the Project, including cumulative impacts, are unavoidable and cannot be mitigated in a manner that would reduce the significant impact to a less-than-significant level. Notwithstanding disclosure of these impacts, the City Council elects to approve the Project due to overriding considerations as set forth below in Part D, Statement of Overriding Considerations.

Air Quality and GHG Emissions

Impact 4.1-6 Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.

Mitigation Measures: The following mitigation measures have been adopted to address this impact to the extent feasible:

4.1-6(a) Prior to the approval of project improvement plans, the applicant shall implement the following measure:

- *Consistent with the BAAQMD's Buildings standard a., natural gas shall be prohibited in proposed structures.*

Compliance with the foregoing measure shall be ensured by the City of Antioch Community Development Department.

4.1-6(b) Implement Mitigation Measures 4.2-3(a) and 4.2-3(b).

Finding: Implementation of Mitigation Measure 4.1-6(a) would require the project to be consistent with the BAAQMD's Building standard of prohibiting natural gas. Implementation of Mitigation Measure 4.1-6(b) would require the applicant to develop a Transportation Demand Management (TDM) plan that identifies trip reduction strategies for both the residential components of the project and the assisted living component of the proposed project. Consequently, with implementation of the mitigation measure, the Project's incremental contribution to the cumulatively significant effects of GHG emissions and global climate change would be reduced. However, the reduction cannot be quantified with certainty at this time. Additional mitigation measures to further reduce the impacts were determined to be infeasible. Thus, the impact remains cumulatively considerable and significant and unavoidable.

Transportation

Impact 4.2-3 Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b).

Mitigation Measures: The following mitigation measures have been adopted to address this impact to the extent feasible:

4.2-3(a) *Prior to issuance of residential building permits, the project applicant shall develop a Transportation Demand Management (TDM) Plan for the residential components of the proposed project, including any anticipated phasing, and shall submit the TDM Plan to the City for review and approval. The TDM Plan shall identify trip reduction strategies as well as mechanisms for funding and overseeing the delivery of trip reduction programs and strategies. Trip reduction strategies applicable to the residential portions of the proposed project may include, but are not limited to, the following:*

- *Increase Transit Accessibility;*
- *Provide Traffic Calming Measures;*
- *Provide Carpooling Programs;*
- *Implement Car-Sharing Program;*
- *Provide a Transit Riders Guide;*
- *Provide an Online TDM Information Center;*
- *Increase Bicycle and Pedestrian Facilities/Amenities;*
- *Free Trial Rides on Transit Services; and*
- *Implement a Subsidized or Discounted Transit Program.*

4.2-3(b) *Prior to issuance of building permits for the assisted living facility, the project applicant shall develop a TDM Plan for the assisted living component of the proposed project, including any anticipated phasing, and shall submit the TDM Plan to the City for review and approval. The TDM Plan shall identify trip reduction strategies as well as mechanisms for funding and overseeing the delivery of trip reduction programs and strategies. Trip reduction strategies applicable to the employment portions of the proposed project may include, but are not limited to, the following:*

- *Provide Bicycle Maintenance Facilities;*
- *Price and Unbundle Parking;*
- *Provide Carpooling Programs;*
- *Implement Car-Sharing Program;*
- *Implement Loaner Bike Program;*

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- *Provide a Transit Riders Guide;*
- *Provide a Dedicated Transportation Coordinator;*
- *Provide an Online TDM Information Center;*
- *Increase Bicycle and Pedestrian Facilities/Amenities;*
- *Increase Transit Accessibility;*
- *Provide Secure and Accessible Bike Parking;*
- *Free Trial Rides on Transit Services; and*
- *Implement a Subsidized or Discounted Transit Program.*

Finding: Implementation of Mitigation Measures 4.2-3(a) and 4.2-3(b) would require the applicant to develop a TDM plan that identifies trip reduction strategies for both the residential components of the Project and the assisted living component of the proposed Project. Consequently, with implementation of the mitigation measure, the Project's incremental contribution to the cumulatively significant effects of GHG emissions and global climate change would be reduced, but cannot be quantified with certainty at this time. Additional mitigation measures to further reduce the impacts were determined to be infeasible. Thus, the impact remains cumulatively considerable and significant and unavoidable.

The City Council acknowledges that in making these findings, the City Council has considered the opinions of other agencies and members of the public, including opinions that disagree with some of the analysis and significance thresholds used in the EIR. The City Council finds that the determination of significance thresholds is a judgment within the discretion of the City Council; the significance thresholds used in the EIR are supported by substantial evidence in the record, including the expert opinion of the EIR preparers and City staff; and the significance thresholds used in the EIR provide reasonable and appropriate means of assessing the significance of the adverse environmental effects of the Project.

In particular, the EIR relied on significance criteria for evaluating impacts that are tailored to this type of project. The criteria used in this EIR to determine whether an impact is or is not "significant" are based on (a) CEQA-stipulated "mandatory findings of significance" listed in CEQA Guidelines section 15065; (b) the relationship of the Project effect to the adopted policies, ordinances and standards of the City and of responsible agencies; and (c) commonly accepted practice and the professional judgment of the EIR authors and City staff.

A full explanation of the environmental findings and conclusions can be found in the Final EIR and these findings hereby incorporate by reference the discussion and analysis in the Final EIR supporting the Final EIR's determinations regarding the Project's impacts and mitigation measures designed to address those impacts. In making these findings, the City Council ratifies, adopts, and incorporates the analysis and explanation in the Final EIR, and ratifies, adopts, and incorporates in these findings the determinations and conclusions of the Final EIR relating to environmental impacts and mitigation

measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

The City Council adopts, and incorporates as conditions of approval of the Project, the mitigation measures set forth in the Mitigation Monitoring and Reporting Program attached to these findings as Exhibit A to reduce or avoid the potentially significant and significant impacts of the Project. The City Council acknowledges that in adopting these mitigation measures, the City Council intends to adopt each of the mitigation measures recommended for approval by the Final EIR. Accordingly, in the event a mitigation measure recommended in the Final EIR has inadvertently been omitted from Exhibit A, such mitigation measure is hereby adopted and incorporated in the findings below by reference. In addition, in the event the language describing a mitigation measure set forth in Exhibit A fails to accurately reflect the mitigation measures in the Final EIR due to a clerical error, the language of the mitigation measure as set forth in the Final EIR shall control, unless the language of the mitigation measure has been specifically and expressly modified by these findings.

The City Council hereby finds that the adopted mitigation measures are changes or alterations that have been required in, or incorporated into, the Project which reduce or avoid significant effects on the environment to the maximum extent feasible.

Changes to mitigation measures were not made in response to any comments on the Draft EIR.

Part C. Alternatives

Summary of Discussion of Alternatives in the Final EIR

The Draft EIR evaluates four potential alternatives to the Project. The Draft EIR examines the environmental impacts of each alternative in comparison with the Project and the relative ability of each alternative to satisfy Project objectives.

Findings Relating to Alternatives

In making these findings, the City Council certifies that it has independently reviewed and considered the information on alternatives provided in the Final EIR, including the information provided in comments on the Draft EIR and the responses to those comments in the Final EIR. The Draft EIR's discussion and analysis of these alternatives is not repeated in these findings, but the discussion and analysis of the alternatives in the Draft EIR is incorporated in these findings by reference.

The Draft EIR describes and evaluates in detail four alternatives to the Project. The City Council acknowledges that the reasons for the City Council's decision to approve the Project instead of the remaining alternatives are presented below. The City Council finds that the Project would satisfy the Project Objectives, and the remaining alternatives

are unable to satisfy the Project objectives to the same degree as the Project. The City Council further finds that, on balance, none of the remaining alternatives has environmental advantages over the Project that are sufficiently great to justify approval of such an alternative instead of the Project, in light of each such alternative's inability to satisfy the Project objectives to the same degree as the Project. Accordingly, the City Council determines to approve the Project instead of approving one of the remaining alternatives.

Description of Project Objectives

The Project objectives are the following:

1. To create the only intentionally designed multi-generational community in the east Bay Area with active adult seniors that may age-in-place in the same neighborhood as traditional family homes.
2. To maximize the opportunity for development of housing and help the City of Antioch provide its fair share of housing, and help alleviate a regional housing shortage, by providing a mix of housing types and sizes, some moderately affordable, and that can meet the needs of a variety of different and growing household sizes.
3. To provide onsite amenities, such as parks space, a clubhouse, and recreational and social opportunities for residents.
4. To permanently protect nearly 50% of the project site as undeveloped open space.
5. To create public meeting places and pedestrian trails and exercise opportunities throughout the site with connections between new open space amenities including preserved areas of Sand Creek and planned City facilities, including the Sports Complex.
6. To implement the County's Growth Management Program by providing for urban development within the Urban Limit Line.
7. To contribute to the City of Antioch's economic and social viability by creating a community that attracts investment and positive attention by adding residents who tend to shop locally, maintain high volunteerism, and travel less frequently during peak traffic hours.
8. To provide for various infrastructure improvements that would benefit the community, including the extension of Hillcrest Avenue in conjunction with Subdivision 9501, public roadway improvements to serve the project,

extension of utilities within those roadways, and drainage facilities to appropriately collect and convey storm water runoff to designated detention basins.

9. To create, preserve, and maintain open space and critical biological habitat on- and off-site so as to responsibly address the environmental sensitivity of the site.
10. To create an economically viable project that provides a fair share contribution of infrastructure to the community through payment of fees, and/or land-based financing, and/or construction of required capital improvements, while providing a well-designed community of the type and style desired by current and future active adult citizens and families of Antioch and the greater Bay Area.

Discussion and Findings Relating to the Alternatives Evaluated in the Draft EIR

Chapter 6 of the Draft EIR evaluates the following four alternatives, which are summarized below:

- No Project (No Build) Alternative;
- Buildout Pursuant to Existing Land Use Designations Alternative;
- Reduced Density Alternative; and
- Reduced Footprint Alternative.

No Project (No Build) Alternative.

Under CEQA, a “no-project alternative” compares the impacts of proceeding with a proposed project with the impacts of not proceeding with the proposed project. A no-project alternative describes the environmental conditions in existence at the time the Notice of Preparation was published, along with a discussion of what would be reasonably expected to occur at the site in the foreseeable future, based on current plans and consistent with available infrastructure and community services.

The No Project (No Build) Alternative is defined in the Draft EIR as the continuation of the existing conditions of the project site, which currently consists primarily of ruderal grasses with a lack of structures. Because implementation of the No Project (No Build) Alternative would result in the site remaining under current conditions, physical environmental impacts associated with the proposed project would not occur. Therefore, implementation of the No Project (No Build) Alternative would result in fewer overall impacts compared to that of the Project. However, the City’s General Plan identifies the site as an area suitable for development; as such, the No Project (No Build) Alternative

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would not fulfill the stated aims of the City's General Plan. In addition, the alternative would not fulfill any of the project's objectives.

On balance, the environmental benefits that might be achieved with the No Project (No Build) Alternative are outweighed by the failure to achieve any of the Project objectives, and the City Council rejects this alternative.

Buildout Pursuant to Existing Land Use Designations Alternative.

The Buildout Pursuant to Existing Land Use Designations Alternative, which is considered another type of "no-project alternative," would consist of buildout of the project site per the current City of Antioch General Plan land use designations at the maximum allowable densities. Pursuant to the City's General Plan, the majority of the site is designated Hillside, Estate and Executive Residential/Open Space, while the western portion of the site is designated Commercial/Open Space. It should be noted that the project site contains substantial constraints to development, such as excessive slopes and the Sand Creek corridor. Under the Buildout Pursuant to Existing Land Use Designations Alternative, a total of 63.7 acres of the project site would be developed with 127 units. In addition, 65,340 square feet (sf) of commercial uses would be developed on three acres, and 13.2 acres of streets would be developed. The remaining portions of the site would be retained as open space.

The Draft EIR determined that the Buildout Pursuant to Existing Land Use Designations Alternative would not be capable of meeting project Objective #1 because the Alternative would not include a mix of housing types, including senior housing. However, because the Alternative would include the development of a mix of both housing and commercial uses within the Sand Creek Focus Area as well as associated infrastructure improvements, the remaining project objectives would be fully or partially met.

Total project-generated VMT would be reduced by reducing the number of proposed units. Because the City's VMT threshold is a per capita rate, the Alternative's reduced intensity of units would not avoid the project's potential to exceed the City's VMT threshold, and the Alternative would still require Mitigation Measures 4.2-3(a) and 4.2-3(b). However, total project-generated VMT would be reduced and, consequently, the Alternative's impacts related to transportation would be fewer as compared to the proposed project. Nonetheless, although impacts related to transportation would be reduced, the Buildout Pursuant to Existing Land Use Designations Alternative would not eliminate the significant and unavoidable impact related to the City's VMT threshold. Additionally, the Alternative would result in similar impacts related to air quality and GHG emissions as the proposed project. As a result, the significant and unavoidable impacts identified for the Project would still be expected to occur under the Alternative.

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Although the Alternative would generally achieve most of the project objectives, the significant and unavoidable impacts determined for the Project would not be avoided. As such, the City Council rejects this alternative.

Reduced Density Alternative.

The Reduced Density Alternative would consist of buildout of the project site with half as many residences as the Project. As such, the Alternative would develop 147 single-family residential units on a total disturbance area identical to the Project. With development of 147 residential units on 31.2 acres of land, the overall residential density would be reduced compared to the Project. The parks, open space features, and off-site improvements included as part of the Project would remain the same.

The Draft EIR determined that the Reduced Density Alternative would be capable of fully or partially achieving the Project's objectives and would result in similar impacts related to air quality and GHG emissions, and fewer impacts related to transportation. Total project-generated VMT would be reduced by reducing the number of proposed units. Because the City's VMT threshold is a per capita rate, the Alternative's reduced intensity of units would not avoid the project's potential to exceed the City's VMT threshold. The Alternative would still require Mitigation Measures 4.2-3(a) and 4.2-3(b). However, total project-generated VMT would be reduced and, consequently, the Alternative's impacts related to transportation would be fewer as compared to the proposed project. Because feasible mitigation to reduce the per capita VMT to less than 15 percent below regional averages does not exist, even with implementation of Mitigation Measures 4.1-6(a) and 4.1-6(b), the Alternative would not comply with the BAAQMD's Transportation standard c. Thus, although impacts related to transportation would be fewer, the Reduced Density Alternative would not eliminate the significant and unavoidable impact related to the City's VMT threshold. Therefore, the significant and unavoidable impacts determined for the Project would still be expected to occur under the Alternative.

Although the Alternative would generally achieve all of the project objectives, the significant and unavoidable impacts determined for the Project would not be avoided. As such, the City Council rejects this alternative.

Reduced Footprint Alternative.

Under the Reduced Footprint Alternative, development within the western knoll on the project site would not occur. As such, the disturbance area would be reduced by 19.2 acres. The remaining 12 acres of land would be developed at the maximum density allowed under the Medium Density Residential/Open Space land use designation. As such, the Reduced Footprint Alternative would include the development of 120 single-family residential uses. Similar to the proposed Project, the Alternative would include future development of an assisted living facility and neighborhood commercial

development on three acres. However, the amount of streets developed as part of the Alternative would be reduced, and the amount of parks/open space/recreational/water quality uses would be increased as compared to the proposed Project. Off-site improvements would be identical to the proposed Project.

The Reduced Footprint Alternative would be designed to reduce construction emissions and emissions from vehicle trips. However, the total average daily trips and overall VMT per capita would result in similar impacts related to the emission of GHGs as compared to the proposed Project, and impacts would remain significant and unavoidable.

The Draft EIR determined that the Reduced Footprint Alternative would be capable of partially or fully achieving all of the Project's objectives. The Alternative would result in fewer impacts than the Project to both resource areas. However, the significant and unavoidable impacts determined for the Project would still be expected to occur under the Alternative. Thus, the City Council rejects this alternative.

Findings Regarding Reasonable Range of Alternatives

The City Council finds that the range of alternatives evaluated in the EIR reflects a reasonable attempt to identify and evaluate various types of alternatives that would potentially be capable of reducing the Project's environmental effects, while accomplishing most but not all of the Project objectives. The City Council finds that the alternatives analysis is sufficient to inform the City Council and the public regarding the tradeoffs between the degree to which alternatives to the Project could reduce environmental impacts and the corresponding degree to which the alternatives would hinder the City's ability to achieve the Project objectives.

Part D. Statement of Overriding Considerations

Pursuant to CEQA Guidelines Section 15092, the City Council finds that in approving the Project it has eliminated or substantially reduced all significant and potentially significant effects of the Project on the environment where feasible, as shown in the EIR and described in these findings.

In the City Council's judgment, the Project and its benefits outweigh its unavoidable significant effect. The following Statement of Overriding Considerations identifies the reasons why, in the City Council's judgment, the benefits of the Project, as approved, outweigh its unavoidable significant effect.

Any one of the stated reasons is sufficient to justify approval of the Project. Thus, even if a court were to conclude that not every reason set forth in this Statement is supported by substantial evidence, the City Council finds that any individual reason is separately sufficient. This Statement is supported by the substantial evidence set forth in

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the Draft EIR, Final EIR, and the findings set forth above and, in the documents, incorporated by reference above.

The following considerations support approval of the Project:

1. The Project would provide citywide and regional economic benefits through tax revenues and project fees. The Project would be required to pay Development Impact Fees for police facilities per Section 9-3.50 of the City's Municipal Code, and the project site would be required to annex into a Community Facilities District (CFD) for financing police services. Furthermore, the Project would be required to pay applicable fire protection fees per the City's Master Fee Schedule, development fees towards the Brentwood Unified School District (BUSD), and sewer connection fees towards the Delta Diablo Wastewater Treatment Plant.
2. The Project would create jobs for local residents through construction. Construction of the Project would create jobs by increasing the number of construction workers in the project area. Considering the nature and size of the Project, a substantial amount of construction workers would likely be needed in construction of the proposed residential uses and other proposed improvements. Additionally, building materials would most likely be purchased in the area, stimulating the local economy and businesses.
3. The Project would provide additional housing opportunities in the City of Antioch. Based on the City's 2015-2023 Housing Element Update, the Regional Housing Needs Allocation (RHNA) for the years 2014-2022 would require 1,448 residences. The Project would contribute an additional 294 residential units to increase the City's housing supply, which would help the City satisfy its RHNA goals.
4. The Project would preserve potential habitat for special-status species by preserving 49.1 acres of open space areas. The Project would preserve and protect an open space corridor along Sand Creek, including a buffer area for sensitive species and habitats to the south of the creek.

The City Council has considered these benefits and considerations and has considered the significant unavoidable environmental effects of the Project. The City Council has determined that the economic, legal, social, technological, and other benefits of the Project outweigh the identified impacts. The City Council has determined that the Project benefits set forth above override the significant and unavoidable environmental costs associated with the Project.

The City Council adopts the mitigation measures in the final Mitigation Monitoring and Reporting Program, incorporated by reference into these findings, and finds that any

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residual or remaining effects on the environment resulting from the Project, identified as significant and unavoidable in the Findings of Fact, are acceptable due to the benefits set forth in this Statement of Overriding Considerations. The City Council makes this Statement of Overriding Considerations in accordance with Section 15093 of the CEQA Guidelines in support of approval of the Project.

Part E. Record of Proceedings

Various documents and other materials constitute the record upon which the City Council bases these findings and the approvals contained herein. The location and custodian of these documents and materials is: Kevin Scudero, Acting Community Development Director, City of Antioch, 200 H Street, Antioch, CA 94531.

Part F. Mitigation Monitoring and Reporting Program

In accordance with CEQA and the CEQA Guidelines, the City Council must adopt a mitigation monitoring and reporting program to ensure that the mitigation measures adopted herein are implemented. The City Council hereby adopts the Mitigation Monitoring and Reporting Program for the Project attached to these findings as Exhibit A.

NOW, THEREFORE, BE IT FURTHER RESOLVED AND DETERMINED, that the Antioch Planning Commission does hereby recommend the Antioch City Council make the necessary findings in compliance with CEQA and the CEQA Guidelines to certify the Albers Ranch EIR and adopt the Mitigation Monitoring and Reporting Program for the Project.

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I HEREBY CERTIFY that the foregoing resolution was adopted by the Planning Commission of the City of Antioch at a regular meeting thereof held on the 20th day of November 2024, by the following vote:

AYES: Commissioners Riley, Webber, Jones, Lutz, And Martin

NOES: None

ABSTAIN: None

ABSENT: Commissioner Hills

Kevin Scudero

KEVIN SCUDERO
Secretary to the Planning Commission

4. MITIGATION MONITORING AND REPORTING PROGRAM

4.1 INTRODUCTION

Section 15097 of the California Environmental Quality Act (CEQA) requires all State and local agencies to establish monitoring or reporting programs for projects approved by a public agency whenever approval involves the adoption of either a “mitigated negative declaration” or specified environmental findings related to an EIR.

The following is the Mitigation Monitoring and Reporting Program (MMRP) for the Albers Ranch Project (proposed project). The intent of the MMRP is to ensure implementation of the mitigation measures identified within the EIR and Initial Study (IS) for the Albers Ranch Project. Unless otherwise noted, the cost of implementing the mitigation measures as prescribed by this MMRP shall be funded by the project applicant.

4.2 COMPLIANCE CHECKLIST

The MMRP contained herein is intended to satisfy the requirements of CEQA as they relate to the EIR for the Albers Ranch Project prepared by the City of Antioch. This MMRP is intended to be used by City staff and mitigation monitoring personnel to ensure compliance with mitigation measures during project implementation. Mitigation measures identified in this MMRP were developed in the EIR and IS that were prepared for the proposed project.

The Albers Ranch Project EIR and IS present a detailed set of mitigation measures that will be implemented throughout the lifetime of the project. Mitigation is defined by CEQA Guidelines, Section 15370, as a measure that:

- Avoids the impact altogether by not taking a certain action or parts of an action;
- Minimizes impacts by limiting the degree or magnitude of the action and its implementation;
- Rectifies the impact by repairing, rehabilitating, or restoring the impacted environment;
- Reduces or eliminates the impact over time by preservation and maintenance operations during the life of the project; or
- Compensates for the impact by replacing or providing substitute resources or environments.

The intent of the MMRP is to ensure the implementation of adopted mitigation measures. The MMRP will provide for monitoring of construction activities as necessary and in-the-field identification and resolution of environmental concerns.

Monitoring and documenting the implementation of mitigation measures will be coordinated by the City of Antioch. The table in Section 4.3 identifies the mitigation measure, the monitoring action for the mitigation measure, the responsible party for the monitoring action, and timing of the monitoring action. The applicant will be responsible for fully understanding and effectively implementing the mitigation measures contained within the MMRP. The City will be responsible for monitoring compliance.



4.3 MITIGATION MONITORING AND REPORTING PROGRAM

The following table indicates the mitigation measure number, the impact the measure is designed to address, the measure text, the monitoring agency, implementation schedule, and an area for sign-off indicating compliance.



MITIGATION MONITORING AND REPORTING PROGRAM Albers Ranch Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
4.1 Air Quality and Greenhouse Gas Emissions					
4.1-1	Conflict with or obstruct implementation of the applicable air quality plan during project construction.	<p>4.1-1 <i>Prior to approval of any grading plans, the project applicant shall show on the plans via notation that the contractor shall ensure that the heavy-duty off-road vehicles (50 horsepower or more) to be used in the construction project, including owned, leased, and subcontractor vehicles, shall achieve a project wide fleet average 28.6 percent NOX reduction compared to the year 2024 California Air Resources Board (CARB) fleet average. The 28.6 percent NOX reduction may be achieved by requiring a combination of engine Tier 3 or Tier 4 off-road construction equipment or the use of hybrid, electric, or alternatively fueled equipment. For instance, the emissions presented in Table 4.1-8 were achieved by requiring graders, scrapers, and rubber-tired dozers to be engine Tier 4.</i></p> <p><i>In addition, all off-road equipment operating at the construction site must be maintained in proper working condition according to manufacturer's specifications. Idling shall be limited to five minutes or less in accordance with the In-Use Off-Road Diesel Vehicle Regulation as required by CARB. Clear signage regarding idling restrictions shall be placed at the entrances to the construction site.</i></p>	City of Antioch Community Development Department	Prior to approval of grading plans and during construction	



MITIGATION MONITORING AND REPORTING PROGRAM Albers Ranch Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>Portable equipment over 50 horsepower must have either a valid BAAQMD Permit to Operate (PTO) or a valid statewide Portable Equipment Registration Program (PERP) placard and sticker issued by CARB.</i></p> <p><i>Conformance with the foregoing requirements shall be included as notes and be confirmed through review and approval of grading plans by the City of Antioch Community Development Department.</i></p>			
4.1-6	Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.	<p><i>4.1-6(a) Prior to the approval of project improvement plans, the applicant shall implement the following measure:</i></p> <ul style="list-style-type: none"> <i>• Consistent with the BAAQMD's Buildings standard a., natural gas shall be prohibited in proposed structures.</i> <p><i>Compliance with the foregoing measure shall be ensured by the City of Antioch Community Development Department.</i></p> <p><i>4.1-6(b) Implement Mitigation Measures 4.2-3(a) and 4.2-3(b).</i></p>	<p>City of Antioch Community Development Department</p> <p>See Mitigation Measures 4.2-3(a) and 4.2-3(b)</p>	<p>Prior to the approval of project improvement plans</p> <p>See Mitigation Measures 4.2-3(a) and 4.2-3(b)</p>	
4.2 Transportation					
4.2-1	Conflict with a program, plan, ordinance, or policy addressing the circulation system during	<p><i>4.2-1 Prior to issuance of grading and building permits, the project applicant shall submit a construction management plan, subject to review and approval by the City Engineer. The</i></p>	City Engineer	Prior to issuance of grading and building permits	



**MITIGATION MONITORING AND REPORTING PROGRAM
Albers Ranch Project**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
	construction activities.	<p><i>requirements within the construction management plan shall include, but are not necessarily limited to, the following elements:</i></p> <ul style="list-style-type: none"> • <i>Project staging plan to maximize on-site storage of materials and equipment;</i> • <i>A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak hours; lane closure proceedings; signs, cones, and other warning devices for drivers; and designation of construction access routes;</i> • <i>Permitted construction hours;</i> • <i>Location of construction staging;</i> • <i>Identification of parking areas for construction employees, site visitors, and inspectors, including on-site locations; and</i> • <i>Provisions for street sweeping to remove construction related debris on public streets.</i> 			
4.2-2	Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.	<p>4.2-2 <i>The following requirements shall be noted on project improvement plans, subject to review and approval by the City of Antioch Community Development Department:</i></p> <ul style="list-style-type: none"> • <i>City-standard ADA ramps shall be provided at all internal roadway intersections;</i> 	City of Antioch Community Development Department	Prior to approval of project improvement plans	



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		<ul style="list-style-type: none"> • Pedestrian paths shall be identified and marked crosswalks shall be installed at key uncontrolled pedestrian crossing locations, such as trail crossings and park connections; • The project shall install all-way stop control and high visibility pedestrian crosswalks at the intersection of A Street and C Street; • City standard sidewalks shall be installed on A Street connecting the project site to Hillcrest Avenue; and • Bicycle parking shall be provided in accordance with Section 9-5.1707 of the City of Antioch Municipal Code for the retail and assisted living portions of the proposed project. 			
4.2-3	Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b).	<p>4.2-3(a) Prior to issuance of residential building permits, the project applicant shall develop a Transportation Demand Management (TDM) Plan for the residential components of the proposed project, including any anticipated phasing, and shall submit the TDM Plan to the City for review and approval. The TDM Plan shall identify trip reduction strategies as well as mechanisms for funding and overseeing the delivery of trip reduction programs and strategies. Trip reduction strategies applicable to the residential portions of the proposed project may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Increase Transit Accessibility; 	City of Antioch Community Development Department	Prior to the issuance of residential building permits	



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		<ul style="list-style-type: none"> • Provide Traffic Calming Measures; • Provide Carpooling Programs; • Implement Car-Sharing Program; • Provide a Transit Riders Guide; • Provide an Online TDM Information Center; • Increase Bicycle and Pedestrian Facilities/Amenities; • Free Trial Rides on Transit Services; and • Implement a Subsidized or Discounted Transit Program. <p>4.2-3(b) Prior to issuance of building permits for the assisted living facility, the project applicant shall develop a TDM Plan for the assisted living component of the proposed project, including any anticipated phasing, and shall submit the TDM Plan to the City for review and approval. The TDM Plan shall identify trip reduction strategies as well as mechanisms for funding and overseeing the delivery of trip reduction programs and strategies. Trip reduction strategies applicable to the employment portions of the proposed project may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Provide Bicycle Maintenance Facilities; • Price and Unbundle Parking; • Provide Carpooling Programs; 	City of Antioch Community Development Department	Prior to issuance of building permits for the assisted living facility	



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		<ul style="list-style-type: none"> • Implement Car-Sharing Program; • Implement Loaner Bike Program; • Provide a Transit Riders Guide; • Provide a Dedicated Transportation Coordinator; • Provide an Online TDM Information Center; • Increase Bicycle and Pedestrian Facilities/Amenities; • Increase Transit Accessibility; • Provide Secure and Accessible Bike Parking; • Free Trial Rides on Transit Services; and • Implement a Subsidized or Discounted Transit Program. 			
Initial Study					
IV-a.	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<p><i>Special-Status Plants</i></p> <p>IV-1 <i>During the spring/summer prior to initiation of ground-disturbing activities on the project site and off-site improvement areas, the project applicant shall retain a qualified biologist to conduct focused botanical surveys during the blooming period for Contra Costa goldfields, alkali milk-vetch, heartscale, brittlescale, lesser saltscale, dwarf downingia, Jepson's coyote-thistle, shining navarretia, bearded popcornflower, California alkali grass, long-styled sand spurrey, San Joaquin spearscale, and all plants that are considered locally rare as listed in the East Bay Chapter of the CNPS</i></p>	City of Antioch Community Development Department	<p>During the spring/summer prior to initiation of ground-disturbing activities on the project site and off-site project improvement areas</p> <p>Special-status plant survey report submitted to the City no more than</p>	



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		<p><i>Database of Rare, Unusual and Significant Plants of Alameda and Contra Costa Counties for the Marsh Creek/Lone Tree Valley area. Project construction shall not be initiated until all special-status plant surveys are completed and the mitigation is implemented, if necessary and required prior to starting construction.</i></p> <p><i>A special-status plant survey report that includes the methods used, survey participants, and associated findings shall be prepared and submitted to the City no more than 30 days following the completion of the final site visit. A record of any special-status plant species identified within the project site during the preconstruction surveys shall be submitted to the CNDDDB. If new special-status plant populations are not found on the site during the appropriately timed surveys, additional mitigation is not required. If construction is not started within two years after the rare plant surveys are completed, the City may require additional rare plant surveys.</i></p> <p><i>If special-status plants are observed on the site during the survey, the populations shall be avoided to the maximum degree possible during project development, and a Mitigation and Monitoring Plan shall be prepared detailing the measures to be implemented to avoid the plant population. Measures shall include establishment of appropriate buffers</i></p>		<p>30 days following the completion of the final site visit</p> <p>During project development</p>	



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		<p>during construction, fencing of the population prior to and during construction, and regular monitoring of the preserved population by a biologist during and after construction activities. The Mitigation and Monitoring Plan shall be implemented prior to the initiation of project grading. If the plant populations cannot be avoided, the applicant shall hire a qualified biologist to prepare a seed collection and replanting plan in coordination with the City of Antioch to reduce impacts to the identified special-status plant populations, subject to review and approval by the City of Antioch Community Development Department.</p> <p>Swainson's Hawk</p> <p>IV-2(a) Prior to initiation of ground-disturbing activities, the project applicant shall require all construction workers to attend tailgate training that includes a description of the species, a brief summary of the species biology, and minimization measures and instructions of what to do if a Swainson's hawk is observed on a near the construction zone. A sign-in sheet shall be distributed to all participants of the training program and submitted, along with a written summary of the training, to the City of Antioch Community Development Department within two weeks of training completion.</p> <p>IV-2(b) Prior to any project-related ground disturbance that occurs during the nesting season (March</p>			
			City of Antioch Community Development Department	<p>Prior to initiation of ground-disturbing activities</p> <p>Written summary of the training submitted to the City within two weeks of training completion</p>	
			City of Antioch Community	No more than seven days prior to any	



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		<p><i>15th to September 15th) within a half-mile of a potential nest tree, a qualified biologist shall conduct preconstruction surveys within the construction zones and adjacent lands to identify any nesting pairs of Swainson’s hawks no more than seven days prior to the onset of ground disturbance. Preconstruction surveys are not required for construction activities located farther than a half-mile from a potential nest tree. Surveys shall follow the protocol in the Recommended Timing and Methodology for Swainson’s Hawk Nesting Surveys in California’s Central Valley (Swainson’s Hawk Technical Advisory Committee 2000), including the survey period lengths identified therein. A written summary of the survey results shall be submitted to the City of Antioch Community Development Department.</i></p> <p><i>If active nests are not found during preconstruction surveys, further mitigation is not necessary. If any active nests are discovered in or near proposed construction zones, the qualified biologist shall establish a suitable construction-free buffer around the active nest site. The buffer shall be identified on the ground with flagging or fencing and shall be maintained until the qualified biologist has determined that the young have fledged.</i></p> <p><i>As an alternative to completion of this mitigation measure, the project applicant could comply with one of the following conditions:</i></p>	Development Department	<p>project-related ground disturbance that occurs during the nesting season (March 15th to September 15th)</p> <p>During construction period</p>	



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		<p>1) <i>Comply with the applicable terms and conditions of the ECCC HCP/NCCP, as determined in written “Conditions of Coverage” by the East Contra Costa County Habitat Conservancy (Conservancy), provided that the City has first entered into an agreement with the Conservancy for coverage of impacts to ECCCHCP/NCCP Covered Species; or</i></p> <p>2) <i>Comply with a habitat conservation plan and/or natural community conservation plan developed and adopted by the City, including payment of applicable fees, provided that CDFW and FWS have approved the conservation plan.</i></p> <p><i>Golden Eagle</i></p> <p><i>IV-3(a) Prior to initiation of ground-disturbing activities, the project applicant shall require all construction workers to attend tailgate training that includes a description of the species, a brief summary of the species biology, and minimization measures and instructions of what to do if a golden eagle is observed on a near the construction zone. A sign-in sheet shall be distributed to all participants of the training program and submitted, along with a written summary of the training, to the City of</i></p>	<p>City of Antioch Community Development Department</p>	<p>Prior to initiation of ground-disturbing activities</p> <p>Written summary of the training submitted to the City within two weeks of training completion</p>	



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		<p><i>Antioch Community Development Department within two weeks of training completion.</i></p> <p><i>IV-3(b) No more than seven days prior to initiation of ground-disturbing activities or tree removal, preconstruction surveys shall be conducted concurrently with the preconstruction surveys for Swainson's hawk nests as required by Mitigation Measure IV-2(b) above. The preconstruction surveys shall include a survey radius of one mile surrounding the project's development footprint. However, adjacent parcels under different land ownership within the one-mile survey area shall only be surveyed on foot if access to such areas are granted by the landowners of the parcels. If access is not granted, the qualified biologist shall survey trees on adjacent parcels from the closest boundary of the project site. A written summary of the survey results shall be submitted to the City of Antioch Community Development Department.</i></p> <p><i>If no active nesting golden eagles are identified during survey(s), project construction may commence without further regard for protection of nesting eagles. If active nesting golden eagles are identified during the preconstruction surveys within a half-mile of the site and within the line of sight from disturbance to the nest site, biological monitors shall monitor the nest in order to establish baseline behavioral data. Based on</i></p>	<p>City of Antioch Community Development Department</p>	<p>No more than seven days prior to initiation of ground-disturbing activities or tree removal</p> <p>Concurrently with preconstruction measures identified in MM IV-2(b)</p> <p>During construction period</p>	



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		<p><i>the baseline behavioral data and location of the nest (i.e., whether the nest is remote or in/close to town, and whether existing disturbances are present), a construction-free buffer shall be established. The construction-free buffer shall be a minimum of 800 feet and can be increased based on the biological monitor's observations of the behavior at the nest. Project-related disturbance shall not be allowed within any established buffer until the biologist has determined that the young have fledged.</i></p> <p><i>Burrowing Owl</i></p> <p><i>IV-4(a) Prior to initiation of ground-disturbing activities, the project applicant shall require all construction workers to attend tailgate training that includes a description of the species, a brief summary of the species biology, and minimization measures and instructions of what to do if a burrowing owl is observed on a near the construction zone. A sign-in sheet shall be distributed to all participants of the training program and submitted, along with a written summary of the training, to the City of Antioch Community Development Department within two weeks of training completion.</i></p> <p><i>IV-4(b) Prior to initiation of ground-disturbing activities, a preconstruction survey for burrowing owls shall be conducted. The CDFG's Staff Report on Burrowing Owl</i></p>	<p>City of Antioch Community Development Department</p> <p>City of Antioch Community Development Department</p>	<p>Prior to initiation of ground-disturbing activities</p> <p>Written summary of the training submitted to the City within two weeks of training completion</p> <p>Within 14 days prior to ground-disturbing activities</p>	



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		<p><i>Mitigation (CDFG 2012) states that take avoidance (preconstruction) surveys shall be conducted within 14 days prior to ground disturbance. As burrowing owls may recolonize a site after only a few days, time lapses between project activities trigger subsequent take avoidance surveys, including, but not limited to, a final survey conducted within 24 hours prior to ground disturbance to ensure absence of the species. Surveys shall ensure 100 percent visual coverage. The results of the survey shall be submitted to the City of Antioch Community Development Department.</i></p> <p><i>If burrowing owls or fresh sign of burrowing owls are not observed during preconstruction surveys, further mitigation is not required and construction may proceed. If burrowing owls or their recent sign are detected on the site, occupied burrows shall be identified by the monitoring biologist and a construction-free buffer (up to 250 feet) shall be established and maintained until a qualified biologist has determined the burrowing owl has abandoned the burrow.</i></p> <p><i>Nesting Migratory Birds, Including Raptors and Protected Birds</i></p> <p><i>IV-5(a) Prior to initiation of ground-disturbing activities, the project applicant shall require all construction workers to attend tailgate training</i></p>	<p>City of Antioch Community Development</p>	<p>Final survey conducted within 24 hours prior to ground disturbance</p> <p>During construction period</p> <p>Prior to initiation of ground-disturbing activities</p>	



<p align="center">MITIGATION MONITORING AND REPORTING PROGRAM Albers Ranch Project</p>					
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		<p><i>that includes a description of the species, a brief summary of the species biology, and minimization measures and instructions of what to do if an active bird nest is observed on a near the construction zone. A sign-in sheet shall be distributed to all participants of the training program and submitted, along with a written summary of the training, to the City of Antioch Community Development Department within two weeks of training completion.</i></p>	Department	Written summary of the training submitted to the City within two weeks of training completion	
		<p>IV-5(b) <i>Prior to commencement of ground-disturbing activities or tree removal during the breeding season (typically between February 1st and August 31st), the project applicant shall retain a qualified biologist to conduct preconstruction migratory bird and raptor nesting surveys no more than seven days prior to the onset of ground disturbance. The nesting migratory bird surveys shall cover the project site and the raptor nesting surveys shall encompass the site and lands within 250 feet of the site, where accessible. A written summary of the survey results shall be submitted to the City of Antioch Community Development Department. If nesting migratory birds or raptors are not identified during the surveys, further mitigation is not required.</i></p> <p><i>If nesting migratory birds or raptors are identified during the surveys, an appropriate construction-free buffer shall be established. Active nest sites and protective buffer zones</i></p>	City of Antioch Community Development Department	<p>No more than seven days prior to commencement of ground-disturbing activities or tree removal during the breeding season (typically between February 1st and August 31st)</p> <p>During the construction period</p>	



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		<p><i>shall be designated as “ecologically sensitive areas” where project-related activities are not allowed and personnel may not enter (while occupied or in use for the season in the case of multi-clutch bearing species) during the course of nesting bird season with the establishment of a fence barrier or flagging surrounding the nest site. The qualified biologist shall determine the necessary buffer, if any, to protect nesting birds based on existing site conditions, such as construction activity, topography, and line of sight, and will increase buffers as needed to provide sufficient protection of nesting birds and their natural behaviors.</i></p> <p><i>A qualified biologist shall observe any identified active nests prior to the start of any project-related activities to establish a behavioral baseline of the adults and any nestlings. Once project activities commence, all active nests shall either be monitored daily or continuously by a qualified biologist until the biological monitor is confident the established buffer is at an effective distance from the nest, to detect any signs of disturbance and behavioral changes as a result of the project. In addition to direct impacts, such as nest destruction, nesting birds might be affected by noise, vibration, odors and movement of workers or equipment. If signs of disturbance and behavioral changes are observed, the qualified biologist shall halt project activities</i></p>			



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		<p><i>causing that change until the nestlings have fledged, and the nest is determined to be inactive.</i></p> <p><i>Vernal Pool Fairy Shrimp and Vernal Pool Tadpole Shrimp</i></p> <p><i>IV-6(a) Prior to initiation of ground-disturbing activities, the project applicant shall require all construction workers to attend tailgate training that includes a description of the species, a brief summary of the species biology, and minimization measures and instructions of what to do if a listed shrimp is observed on a near the construction zone. A sign-in sheet shall be distributed to all participants of the training program and submitted, along with a written summary of the training, to the City of Antioch Community Development Department within two weeks of training completion.</i></p> <p><i>IV-6(b) No more than seven days prior to initiation of ground-disturbing activities, a protocol-level survey shall be conducted to assess the presence or absence of listed fairy shrimp within the project site. Surveys shall occur in a year wet enough to fill ephemeral wetlands for the USFWS to accept the results of the surveys. Should the surveys confirm absence of listed fairy shrimp, no further action will be necessary.</i></p>	<p>City of Antioch Community Development Department</p> <p>City of Antioch Community Development Department</p> <p>CDFW</p> <p>USFWS</p>	<p>Prior to initiation of ground-disturbing activities</p> <p>Written summary of the training submitted to the City within two weeks of training completion</p> <p>No more than seven days prior to the initiation of ground-disturbing activities</p> <p>Preserved or created habitat shall be established at least a year prior to on-site impacts</p>	



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		<p><i>Should the surveys identify listed fairy shrimp, to mitigate for permanent impacts to shrimp habitat, the project applicant shall preserve occupied and potentially occupied habitat at a minimum 2:1 ratio (preserved:impacted) and create additional habitat at a minimum 2:1 ratio (created:impacted). Preservation or created habitat shall be via the purchase of mitigation land in fee title or via recordation of a conservation easement over the mitigation land preserving it in perpetuity as wildlife habitat. The easement shall be granted to a qualified conservation organization as defined by Section 815.3 of the California Civil Code. The preserved or created habitat shall be established at least a year prior to on-site impacts to vernal pool fairy shrimp or vernal pool tadpole shrimp habitat in order to monitor the new habitat's effectiveness, including a comparison to the existing on-site habitat with regards to appropriate hydrology for shrimp. Once the determination has been made that the created habitat supports the appropriate hydrology, the top four inches of topsoil of the on-site habitat planned to be impacted can be transferred to the mitigation site in the same day. Removal and placement of this topsoil shall be done in a systematic fashion that will avoid compaction of the soil.</i></p> <p><i>Prior to the start of construction, the project applicant shall prepare and submit to the City of Antioch a Habitat Mitigation and</i></p>		<p>Prior to the start of construction</p>	



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		<p><i>Management Plan (HMMP), which shall outline the requirements for managing preserved areas and created areas for five years, as well as success criteria for the created habitat. The HMMP will follow the guidelines for mitigation and monitoring of vernal pools issued by the USFWS (1994). The project applicant shall also establish an endowment fund, or other funding mechanism to provide for the long-term management, maintenance, and monitoring of the mitigation site.</i></p> <p><i>In lieu of the above, prior to construction, the project applicant may purchase credits at a 1:1 ratio from an approved mitigation bank.</i></p> <p><i>The project applicant may satisfy the requirements of this mitigation measure by providing the City of Antioch Community Development Department with a copy of a biological opinion issued by the USFWS that includes these, or other functionally equivalent, habitat preservation measures prior to the start of construction.</i></p> <p><i>As an alternative to completion of this mitigation measure, the project applicant could comply with one of the following conditions:</i></p> <ol style="list-style-type: none"> <i>1. Comply with the applicable terms and conditions of the ECCC HCP/NCCP, as determined in written "Conditions of</i> 			



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		<p>Coverage” by the Conservancy, provided that the City has first entered into an agreement with the Conservancy for coverage of impacts to ECCC HCP/NCCP Covered Species; or</p> <p>2. Comply with a habitat conservation plan and/or natural community conservation plan developed and adopted by the City, including payment of applicable fees, provided that CDFW and USFWS have approved the conservation plan.</p> <p>If breeding habitat is planned to be removed, in addition to evaluating the potential of the project to affect listed fairy shrimp under CEQA, the applicant would need to comply with provisions of the federal Endangered Species Act and would need to seek take authorization from the USFWS for project-related losses as required by law. To obtain a take permit, consultation with the USFWS would need to be initiated either through a federal nexus (i.e., Section 7 consultation, usually through the USACE or the Bureau of Land Management) or through the HCP process (i.e., Section 10 consultation).</p> <p>California Tiger Salamander</p> <p>IV-7(a) Prior to initiation of ground-disturbing activities, the project applicant shall require all</p>			
			City of Antioch Community	Prior to initiation of ground-disturbing	



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		<p><i>construction workers to attend tailgate training that includes a description of the species, a brief summary of the species biology, and minimization measures and instructions of what to do if California tiger salamander is observed on a near the construction zone. A sign-in sheet shall be distributed to all participants of the training program and submitted, along with a written summary of the training, to the City of Antioch Community Development Department within two weeks of training completion.</i></p> <p>IV-7(b) <i>No more than seven days prior to initiation of ground-disturbing activities, a qualified biologist shall conduct a preconstruction survey of the seasonal wetlands in the eastern portion of the project site during the rainy season in order to determine whether they could be classified as breeding habitat for the California tiger salamander. A written summary of the survey results shall be submitted to the City of Antioch Community Development Department. If breeding habitat is not identified, further mitigation is not necessary. If the seasonal wetland is determined to be breeding habitat and cannot be avoided, the project applicant shall compensate for the loss of upland habitat at a minimum of a 3:1 impacts to replacement ratio. Mitigation land shall be permanently protected land within the Central California Distinct Population Segment (DPS) range of</i></p>	<p>Development Department</p> <p>City of Antioch Community Development Department</p> <p>CDFW</p> <p>USFWS</p>	<p>activities</p> <p>Written summary of the training submitted to the City within two weeks of training completion</p> <p>No more than seven days prior to initiation of ground-disturbing activities</p>	



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		<p><i>the California tiger salamander within 1.3 miles of a known breeding site, or as otherwise approved by CDFW and USFWS. Protection shall be accomplished through the purchase of the mitigation land in fee title or via recordation of a conservation easement over the mitigation land. In lieu of this mitigation prior to construction, the project applicant may purchase California tiger salamander credits at a 1:1 ratio from an approved mitigation bank.</i></p> <p><i>In addition, if breeding habitat is planned to be removed, the applicant shall comply with the provisions of the federal Endangered Species Act and shall obtain take authorization from the USFWS for project-related losses of the California tiger salamander habitat, as required by law. To obtain a take permit, consultation with the USFWS would need to be initiated either through a federal nexus (Section 7 consultation, usually through the U.S. Army Corps of Engineers (USACE) or the Bureau of Land Management. Proof of compliance shall be submitted to the City of Antioch Community Development Department.</i></p> <p><i>As an alternative to completion of this mitigation measure, the project applicant could comply with one of the following conditions:</i></p>			



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		<p>1. Comply with the applicable terms and conditions of the ECCC HCP/NCCP, as determined in written “Conditions of Coverage” by the Conservancy, provided that the City has first entered into an agreement with the Conservancy for coverage of impacts to ECCC HCP/NCCP Covered Species; or</p> <p>2. Comply with a habitat conservation plan and/or natural community conservation plan developed and adopted by the City, including payment of applicable fees, provided that CDFW and USFWS have approved the conservation plan.</p> <p>California Red-Legged Frog</p> <p>IV-8(a) Prior to initiation of ground-disturbing activities on the project site and off-site improvement areas, the project applicant shall require all construction workers to attend tailgate training that includes a description of California red-legged frog and its habitat and measures to be implemented to protect the frog and minimize take if the frog is observed on or near the construction zone. A sign-in sheet shall be distributed to all participants of the training program and submitted, along with a written summary of the training, to the City of Antioch Community Development Department within two weeks of training completion.</p>	<p>City of Antioch Community Development Department</p>	<p>Prior to initiation of ground-disturbing activities</p> <p>Written summary of the training submitted to the City within two weeks of training completion</p>	



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		<p><i>IV-8(b) Within 48 hours prior to the initiation of ground-disturbing activities, a qualified biologist shall conduct preconstruction surveys for the presence of California red-legged frog individuals and habitat features within the project site and nearby vicinity, including a 500-foot radius surrounding the project site (to the extent that such areas are accessible). Habitat features include both aquatic habitat, such as plunge pools and ponds, and terrestrial habitat, such as burrows.</i></p> <p><i>The results of the habitat feature assessment shall be submitted to the City prior to starting project activities. Habitat features shall be flagged for avoidance to the extent feasible. If California red-legged frog are not encountered during the preconstruction surveys, further mitigation is not required. If California red-legged frogs are encountered during the assessment, the qualified biologist shall recommend, and the project shall implement, measures to avoid or minimize impacts to individual frogs, such as allowing frogs to move out of the area on their own volition or relocating the frogs. Following preconstruction surveys, work areas adjacent to Sand Creek and the unnamed tributary shall be enclosed with wildlife exclusion fencing with one-way escape doors prior to the commencement of initial ground disturbing activities. If a California red-legged frog is encountered during project</i></p>	<p>City of Antioch Community Development Department</p> <p>CDFW</p> <p>USFWS</p>	<p>Within 48 hours prior to and during the construction period</p>	



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		<p><i>construction, all work shall cease until the frog has moved out of harm's way on its own volition or been relocated out of harm's way by a qualified biologist. A qualified biologist shall be on-site during particular times of construction to ensure California red-legged frog are not harmed, injured, or killed during project buildout.</i></p> <p><i>Upland habitats shall be managed via a long-term management plan to maintain the quality of the habitat for the movement and dispersal of California red-legged frog. Potential opportunities include, but are not limited to, enhancement of the channels and riparian corridor (e.g., formation of plunge pools), which would maximize opportunities to disperse from the ponds to even higher-quality habitat off-site.</i></p> <p><i>In addition, if breeding habitat is planned to be removed, the applicant shall comply with the provisions of the federal Endangered Species Act and shall obtain take authorization from the USFWS for project-related losses, as required by law. To obtain a take permit, consultation with the USFWS would need to be initiated either through a federal nexus (Section 7 consultation, usually through the U.S. Army Corps of Engineers (USACE) or the Bureau of Land Management). Proof of compliance shall be submitted to the City of</i></p>			



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		<p><i>Antioch Community Development Department.</i></p> <p><i>As an alternative to completion of this mitigation measure, the project applicant could comply with one of the following conditions:</i></p> <ol style="list-style-type: none"> <i>1. Comply with the applicable terms and conditions of the ECCC HCP/NCCP, as determined in written "Conditions of Coverage" by the Conservancy, provided that the City has first entered into an agreement with the Conservancy for coverage of impacts to ECCC HCP/NCCP Covered Species; or</i> <i>2. Comply with a habitat conservation plan and/or natural community conservation plan developed and adopted by the City, including payment of applicable fees, provided that CDFW and USFWS have approved the conservation plan.</i> <p><i>Western Pond Turtle</i></p> <p><i>IV-9(a) Prior to initiation of ground-disturbing activities, the project applicant shall require all construction workers to attend tailgate training that includes a description of the species, a brief summary of the species biology, and minimization measures and instructions of what to do if western pond turtle is observed</i></p>	<p>City of Antioch Community Development Department</p>	<p>Prior to initiation of ground-disturbing activities</p> <p>Written summary of the training submitted to the</p>	



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		<p><i>on a near the construction zone. A sign-in sheet shall be distributed to all participants of the training program and submitted, along with a written summary of the training, to the City of Antioch Community Development Department within two weeks of training completion.</i></p> <p><i>IV-9(b) Implement Mitigation Measures IV-8(b) for potential western pond turtle nesting habitat. If nesting habitat is identified, in order to exclude any female western pond turtle from laying eggs within a development phase of the project, exclusion fencing shall be placed prior to the egg-laying season (March through August). Exclusion fencing shall be designed to encompass each development phase and maintained regularly until construction activities have been completed. Alternatively, the development footprint can be excluded from western pond turtle use by installing wildlife exclusion fencing prior to the turtle nesting season to prevent turtles from laying eggs on the project site and protect the nesting turtles and their hatchlings from impacts. If western pond turtle are observed on-site prior to or during construction, they shall be allowed to leave the site on their own. If a western pond turtle is unable to independently move out of harm's way, a qualified biologist shall relocate the species out of harm's way to habitat similar to where it was found. If a western pond turtle nest is observed, a 50-foot construction-free buffer around the nest site shall be established</i></p>	<p>City of Antioch Community Development Department</p> <p>CDFW</p> <p>USFWS</p>	<p>City within two weeks of training completion</p> <p>Prior to and during the construction period</p>	



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		<p><i>excavated, and ground disturbance can proceed. Should the burrow be determined to be a natal or reproductive den, and because badgers are known to use multiple burrows in a breeding burrow complex, a biological monitor shall be present on-site during construction activities in the vicinity of the burrows to ensure that the buffer is adequate to avoid direct impact to individuals or natal/reproductive den abandonment. The monitor shall be required to be present until it is determined that the badger young are of an independent age and construction activities would not harm individual badgers. A written summary of the survey results shall be submitted to the City of Antioch Community Development Department.</i></p> <p>San Joaquin Kit Fox</p> <p><i>IV-11(a) Prior to initiation of ground-disturbing activities, the project applicant shall require all construction workers to attend tailgate training that includes a description of the species, a brief summary of the species biology, and minimization measures and instructions of what to do if a kit fox is observed on a near the construction zone. A sign-in sheet shall be distributed to all participants of the training program and submitted, along with a written summary of the training, to the City of Antioch Community Development Department within two weeks of training completion.</i></p>	<p>City of Antioch Community Development Department</p>	<p>Prior to initiation of ground-disturbing activities</p> <p>Written summary of the training submitted to the City within two weeks of training completion</p>	



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		<i>IV-11(b) A qualified biologist shall conduct preconstruction surveys no more than seven days prior to site grading to determine the presence or absence of kit fox. If kit fox is not identified during the surveys, further mitigation is not required. If an active kit fox den is identified during preconstruction surveys within or immediately adjacent to an area subject to construction, a qualified biologist shall establish a construction free buffer of up to 300 feet around the San Joaquin kit fox den. Once the biologist has determined that the San Joaquin kit fox has vacated the den, the den can be collapsed or excavated, and ground disturbance can proceed. Should the den be determined to be a natal or reproductive den, a biological monitor shall be present on-site during construction activities in the vicinity of the dens to ensure that the buffer is adequate to avoid direct impact to individuals or natal/reproductive den abandonment. The monitor shall be required to be present until it is determined that the young are of an independent age and construction activities would not harm individual San Joaquin kit fox. A written summary of the survey results shall be submitted to the City of Antioch Community Development Department.</i>	City of Antioch Community Development Department	No more than seven days prior to initiation of grading activities During the construction period	
IV-b., IV-c.	Have a substantial adverse effect on any riparian habitat or other	<i>IV-12(a) Prior to the initiation of ground-disturbing activities, the project applicant shall submit a formal wetland delineation to the USACE for</i>	USACE	Prior to the initiation of ground-disturbing activities	



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	<p>sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service.</p> <p>Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.</p>	<p><i>verification to determine the extent of all hydrological features, their jurisdictional status, and the extent of any impacts of the currently proposed project. A summary of the wetland delineation shall be submitted to the City of Antioch Community Development Department.</i></p> <p><i>IV-12(b) Prior to discharging any dredged or fill materials into any waters of the U.S. within the project site and/or the off-site improvement areas, the applicant shall obtain permit authorization to fill wetlands under Section 404 of the federal Clean Water Act (CWA) (Section 404 Permit) from USACE. The Section 404 Permit application shall include an assessment of directly impacted, avoided, and preserved acreages to waters of the U.S. Mitigation measures shall be developed as part of the Section 404 Permit to ensure no net loss of wetland function and values. Mitigation for direct impacts to waters of the U.S. within the project site and/or the off-site improvement areas would occur at a minimum of 1:1 ratio for direct impacts by purchasing seasonal wetland credits from the Cosumnes Mitigation Bank or other wetland mitigation bank that services the project site, as approved by the USACE and the RWQCB.</i></p> <p><i>Alternatively, the project applicant may create, preserve, and manage new seasonal wetlands on or off of the project site that is of</i></p>	<p>City of Antioch Community Development Department</p> <p>USACE</p> <p>RWQCB</p> <p>City of Antioch Community Development Department</p>	<p>Prior to discharging any dredged or fill materials into any waters of the U.S.</p>	



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		<p><i>equal or greater quality to the habitats being impacted at a minimum 1:1 mitigation ratio. A project-specific Wetland Mitigation and Monitoring Plan prepared by a qualified wetland restoration ecologist that includes the following information shall be provided to the City of Antioch Community Development Department prior to conducting any activity that would result in the placement of any fill material into a water of the U.S. or water of the State:</i></p> <ul style="list-style-type: none"> • <i>A description of the impacted water;</i> • <i>A map depicting the location of the mitigation site(s) and a description of existing site conditions;</i> • <i>A detailed description of the mitigation design that includes: (i) the location of the new seasonal wetlands; (ii) proposed construction schedule; (iii) a planting/vegetation plan; (iv) specific monitoring metrics, and objective performance and success criteria, such as delineation of created area as jurisdictional waters using USACE published methods; and (v) contingency measures if the created wetlands do not achieve the specified success criteria; and</i> • <i>Short-term and long-term management and monitoring methods.</i> 			



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		<p><i>If the wetland mitigation site is a separate mitigation property, the project applicant will grant a conservation easement to a qualified entity, as defined by Section 81.5.3 of the California Civil Code, preserving the created seasonal wetland(s) in perpetuity, and establish an endowment fund to provide for the long-term management, maintenance, and monitoring of the created seasonal wetland(s). If the proposed project includes placing fill material into jurisdictional waters of the U.S. or waters of the State, the project applicant shall provide the City of Antioch Community Development Department with a copy of permits issued by the USACE and RWQCB authorizing the fill.</i></p> <p><i>In addition, a Water Quality Certification or waiver pursuant to Section 401 of the CWA must be obtained for Section 404 permit actions. Proof of compliance with the mitigation measure shall be submitted to the City of Antioch Community Development Department prior to the issuance of grading permits.</i></p> <p><i>IV-12(c) Impacts to riparian habitat within CDFW's Section 1602 jurisdictional areas that would occur during construction shall be mitigated through planting California native trees and/or shrubs within the Sand Creek buffer area. Impacted trees and shrubs shall be mitigated with a 3:1 (replacement:impacts) ratio.</i></p>	<p>City of Antioch Community Development Department</p> <p>CDFW</p>	<p>Prior to the construction period</p>	



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		<p><i>Replacement trees and shrubs shall be a minimum of one gallon size trees/shrub replacements.</i></p> <p><i>In addition, the project applicant will implement appropriate BMPs to prevent construction related impacts that could introduce de minimus fill or other pollutants into Sand Creek and the creek's tributaries. The measures shall include the installation of wildlife-friendly hay wattles and/or silt fence that will prevent unintended de minimus fill impacts during construction activities associated with Sand Creek. In addition, orange silt fencing shall be installed at the top-of-bank of Sand Creek to prevent unintended human and equipment traffic adjacent to Sand Creek. Finally, the dripline of all protected trees within the drainages on the project site, if near work areas, shall be protected through the installation of orange construction fencing.</i></p> <p><i>The project applicant shall satisfy this mitigation by providing the City of Antioch Community Development Department with a fully executed copy of a Streambed Alteration Agreement (SBAA) with the CDFW that includes these, or other functionally equivalent, BMPs, prior to any construction activities associated with Sand Creek. The project applicant shall implement the conditions of the executed SBAA.</i></p>			



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IV-e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	<p><i>IV-15 Prior to issuance of certificates of occupancy, all trees that are legally removed as part of the proposed project shall be replaced according to the following schedule, to the satisfaction of the City of Antioch Community Development Department:</i></p> <ol style="list-style-type: none"> <i>1. Each established tree: two 24-inch box trees.</i> <i>2. Each mature tree: two 48-inch box trees.</i> <p><i>The locations and sizes of the replacement trees shall be clearly shown on the final landscape plans, subject to review and approval by the City of Antioch Community Development Department.</i></p>	City of Antioch Community Development Department	Prior to issuance of certificates of occupancy	
V-a-c.	<p>Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5.</p> <p>Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5.</p> <p>Disturb any human remains, including those</p>	<p><i>V-1 In the event that a cultural resource is inadvertently discovered during project activities, work shall be halted within 100 feet (30 meters) of the find and a qualified archaeologist (36 CFR Part 61) notified immediately so that an assessment of potential significance can be undertaken in accordance with City of Antioch General Plan Policy 10.9.2.d (2003). Construction activities may continue in other areas, but shall not resume in the area of the find until the City of Antioch Community Development Department provides written permission.</i></p> <p><i>If the discovery proves to be significant, additional work, such as data recovery</i></p>	City of Antioch Community Development Department	During the construction period	



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	interred outside of dedicated cemeteries.	<p><i>excavation, may be warranted and would be discussed in consultation with the City of Antioch Community Development Department, any invested tribes, and other relevant regulatory agencies, as appropriate.</i></p> <p>V-2 <i>In the event of the accidental discovery or recognition of any or human remains, further excavation or disturbance of the find or any nearby area reasonably suspected to overlie adjacent human remains shall not occur until compliance with the provisions of CEQA Guidelines Section 15064.5(e)(1) and (2) has occurred. The Guidelines specify that in the event of the discovery of human remains other than in a dedicated cemetery, no further excavation at the site or any nearby area suspected to contain human remains shall occur until the County Coroner has been notified to determine if an investigation into the cause of death is required. If the coroner determines that the remains are Native American, then, within 24 hours, the Coroner must notify the Native American Heritage Commission, which in turn will notify the most likely descendants who may recommend treatment of the remains and any grave goods. If the Native American Heritage Commission is unable to identify a most likely descendant or most likely descendant fails to make a recommendation within 48 hours after notification by the Native American Heritage Commission, or the landowner or his</i></p>	<p>City of Antioch Community Development Department</p> <p>County Coroner</p> <p>NAHC</p>	During the construction period	



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		<i>authorized agent rejects the recommendation by the most likely descendant and mediation by the Native American Heritage Commission fails to provide a measure acceptable to the landowner, then the landowner or his authorized representative shall rebury the human remains and grave goods with appropriate dignity at a location on the property not subject to further disturbances. Should human remains be encountered, a copy of the resulting County Coroner report noting any written consultation with the Native American Heritage Commission shall be submitted as proof of compliance to the City's Community Development Department.</i>			
VII-a.iii., aiv., c.,d.	<p>Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?</p> <p>Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?</p> <p>Be located on a geologic unit or soil that is</p>	<p>VII-1 <i>All grading and foundation plans for the development shall be designed by a Civil and Structural Engineer and reviewed and approved by the City of Antioch Building Division prior to issuance of grading and building permits to ensure that all geotechnical recommendations specified in the Preliminary Geotechnical Exploration prepared for the proposed project are properly incorporated and utilized in the project design.</i></p> <p>VII-2 <i>Prior to issuance of any grading permits, the project applicant shall submit to the City of Antioch Engineering Department, for review and approval, a design-level geotechnical exploration study produced by a California Registered Civil Engineer or Geotechnical Engineer and identify grading and building</i></p>	<p>City of Antioch Building Division</p> <p>City of Antioch Engineering Department</p>	<p>Prior to issuance of grading and building permits</p> <p>Prior to issuance of any grading permits</p>	



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	<p>unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?</p> <p>Be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?</p>	<p><i>practices necessary to achieve compliance with the latest adopted edition of the California Building Standards Code's geologic, soils, and seismic requirements. Consistent with the Preliminary Geotechnical Exploration prepared for the proposed project, the design-level geotechnical exploration study shall include additional soil borings, test pits, laboratory testing, chemical testing for corrosivity, geologic mapping and fault trenching/evaluation.</i></p>			
VII-b.	<p>Result in substantial soil erosion or the loss of topsoil?</p>	<p>VII-3 <i>Prior to issuance of grading and building permits, the project applicant shall submit, for the review and approval by the City Engineer, an erosion control plan that utilizes standard construction practices to limit the erosion effects during construction of the proposed project. Measures shall include, but are not limited to, the following:</i></p> <ul style="list-style-type: none"> • <i>Hydro-seeding;</i> • <i>Placement of erosion control measures within drainage ways and ahead of drop inlets;</i> • <i>The temporary lining (during construction activities) of drop inlets with "filter fabric" (a specific type of geotextile fabric);</i> 	City Engineer	Prior to issuance of grading and building permits	



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		<ul style="list-style-type: none"> • The placement of straw wattles along slope contours; • Directing subcontractors to a single designation “wash-out” location (as opposed to allowing them to wash-out in any location they desire); • The use of siltation fences; and • The use of sediment basins and dust palliatives. 			
VII-f.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<p><i>VII-4 Prior to the initiation of ground-disturbing activities, a qualified paleontologist shall be retained to administer Worker Environmental Awareness Program (WEAP) training to construction personnel so that a basic understanding of local geology and the paleontological sensitivity of the project area will be acquired by those involved in earth-moving activities. The training shall include information on the types of fossils that may be encountered during project work, relevant compliance requirements, and the course to action to be taken in the event of an inadvertent fossil discovery. A sign-in sheet shall be kept with the signatures of all attendees for submission to the City of Antioch Community Development Department.</i></p> <p><i>VII-5 In the event that a paleontological resource is inadvertently discovered during project-related work, regardless of the depth of excavation or location, work shall be halted within 50 feet (15 meters) of the find and a qualified paleontologist (Society of Vertebrate</i></p>	<p>City of Antioch Community Development Department</p> <p>City of Antioch Community Development Department</p>	<p>Prior to the initiation of ground-disturbing activities</p> <p>During any project-related work</p>	



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		<p><i>Paleontology [SVP] 2010) notified immediately so that an assessment of the resource's potential significance can be undertaken in accordance with City of Antioch General Plan Policy 10.9.2.d (City 2003). Construction activities could continue in other areas.</i></p> <p><i>If the find is determined to be significant under SVP criteria, the find shall be left in place without further disturbance, or if avoidance is not feasible, then additional work, such as fossil recovery excavation (salvage) and curation at a certified repository, such as the University of California Museum of Paleontology (UCMP), may be warranted and would be discussed in consultation with the City of Antioch Community Development Department, and any other relevant regulatory agency, as appropriate.</i></p>			
IX-b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	IX-1 Prior to final map approval, the project applicant shall submit to the City of Antioch Engineering Department, for review and approval, plans which show that future inhabited structures will not be located over or within the required setback from any active petroleum pipelines in compliance with the California Department of Conservation, Division of Oil, Gas, and Geothermal Resources (DOGGR) Construction Site Review Program.	City of Antioch Engineering Department	Prior to the final map approval	



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		<p>IX-2 <i>Prior to issuance of any grading permits, the project applicant shall coordinate with Conoco Phillips and Chevron to determine the accurate depths and alignment of the existing on-site pipelines and shall conduct field checking and potholing of the pipelines, if necessary. Arrangements for potholing of the pipelines shall be made at least 48 hours in advance. The project applicant shall be responsible for providing a backhoe and operator, as well as a surveyor if needed. All construction plans that involve pipeline easement encroachments shall be submitted to the applicable pipeline owner to allow for review.</i></p> <p><i>After determining the accurate depths and alignments of the existing pipelines, the results shall be noted on all project construction plans, subject to review by the City Engineer. For any work occurring within the pipeline easement, construction plans shall demonstrate compliance with applicable local, State, and federal regulations and development restrictions, which would include, but would not be limited to, the following:</i></p> <ul style="list-style-type: none"> <i>Maintain a minimum of 12 inches of clearance between the pipelines and other cross-lines that intersect at a 90-degree angle, or a minimum of 24</i> 	City Engineer	<p>Prior to issuance of any grading permits</p> <p>Arrangements for potholing of the pipelines shall be made at least 48 hours in advance</p>	



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		<p><i>inches of clearance for intersection angles less than 90-degrees;</i></p> <ul style="list-style-type: none"> • <i>Maintain a minimum of 24 inches of undisturbed clearance between the top of pipe and bottom of the sub grade for paving and grass or shallow rooted plants within the pipeline easements;</i> • <i>Prohibit deep-rooted trees and structures within pipeline easements;</i> • <i>All excavations within 24-inches of the pipelines shall be accomplished using hand tools only;</i> • <i>Restrict use of heavy vibratory equipment over pipelines; and</i> • <i>Notify Underground Service Alert (USA) at 800-227-2600 at least 48 hours prior to any excavation work.</i> 			
X-a.	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.	<p>X-1 <i>Prior to issuance of grading permits, the contractor shall prepare a Storm Water Pollution Prevention Plan (SWPPP). The developer shall file the Notice of Intent (NOI) and associated fee to the SWRCB. The SWPPP shall serve as the framework for identification, assignment, and implementation of BMPs. The contractor shall implement BMPs to reduce pollutants in stormwater discharges to the maximum extent practicable. The SWPPP shall be submitted to the Director of Public Works/City Engineer for review and approval and shall remain on the project site during all phases of construction. Following implementation of the SWPPP, the</i></p>	Director of Public Works/City Engineer	Prior to issuance of grading permits	



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		<i>contractor shall subsequently demonstrate the SWPPP's effectiveness and provide for necessary and appropriate revisions, modifications, and improvements to reduce pollutants in stormwater discharges to the maximum extent practicable.</i>			
X-civ.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows.	X-2 <i>Prior to issuance of grading permits, the project applicant shall prepare a site-specific hydraulic analysis to determine the BFE within Zone A in the vicinity of the proposed EVA. If the analysis determines that the portion of the proposed EVA within the floodplain would be less than one foot above the BFE, the elevation of the portion of the EVA within the floodplain shall be raised to at least one foot above the BFE or to the satisfaction of the CCCFCD. The site-specific hydraulic analysis and proof of CCCFCD satisfaction shall be submitted to the City of Antioch Community Development Department.</i>	City of Antioch Community Development Department	Prior to issuance of grading permits	
XIII-a.	Result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.	XIII-1 <i>Prior to approval of grading permits, the City shall establish the following requirements, via written notation on final improvement plans, subject to review and approval by the City of Antioch Community Development Department:</i> <ul style="list-style-type: none"> • <i>Construction activities shall be limited to the hours of 7:00 AM and 6:00 PM Monday through Friday, and 9:00 AM and 5:00 PM on weekends.</i> • <i>The construction contractor shall use temporary noise attenuation fences to</i> 	City of Antioch Community Development Department	Prior to approval of grading permits	



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		<p><i>protect sensitive receptors west of the project site.</i></p> <ul style="list-style-type: none"> • <i>The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.</i> • <i>Construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation.</i> • <i>When not in use, motorized construction equipment shall not be left idling for more than five minutes.</i> • <i>Stationary equipment (power generators, compressors, etc.) shall be located at the furthest practical distance from nearby noise-sensitive land uses or sufficiently shielded to reduce noise-related impacts.</i> 			
XVIII-a., b.	Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape	XVIII-1 Implement Mitigation Measures V-1 and V-2.	See Mitigation Measures V-1 and V-2	See Mitigation Measures V-1 and V-2	



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	<p>that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).</p> <p>Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe,</p>				



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	<p>and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.</p>				
XXI-a.	<p>Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the</p>	<p><i>XXI-1 Implement Mitigation Measures IV-1 through IV-13, V-1, and V-2.</i></p>	<p>See Mitigation Measures IV-1 through IV-13, V-1, and V-2</p>	<p>See Mitigation Measures IV-1 through IV-13, V-1, and V-2</p>	



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	range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				








2024-18_Albers Ranch EIR CEQA

Final Audit Report

2024-12-05

Created:	2024-12-05
By:	Monique Villagrana (mvillagrana@antiochca.gov)
Status:	Signed
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