Mitigation Monitoring and Reporting Program

The California Environmental Quality Act (CEQA) requires a public agency to adopt a monitoring and reporting program for assessing and ensuring compliance with any required mitigation measures applied to proposed development. As stated in section 21081.6(a)(1) of the Public Resources Code:

> *...the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.*

Section 21081.6 also provides general guidelines for implementing mitigation monitoring programs and indicates that specific reporting and/or monitoring requirements, to be enforced during project implementation, shall be defined as part of adopting a mitigated negative declaration.

The Consistency Checklist prepared pursuant to CEQA Guidelines Section 15183 for the Quail Acres Development Project ("Project") lists the mitigation measures from the Town of Windsor 2040 General Plan Environmental Impact Report (EIR). Table 1 lists the General Plan mitigation measures that the Project is required to implement, which will be applied as conditions of approval. The Consistency Checklist prepared pursuant to CEQA Guidelines Section 15183 for the Project also identifies uniformly applicable development policies which will be implemented as conditions of approval for the project. These are included in Table 2.

To ensure that the applicable mitigation measures and uniformly applicable development policies are properly implemented, a monitoring program has been devised which identifies the timing and responsibility for monitoring each measure. The project applicant will have the responsibility for implementing the measures, and the various Town of Windsor departments will have the primary responsibility for monitoring and reporting the implementation of the mitigation measures.

Table 1 Applicable Town of Windsor 2040 General Plan EIR Mitigation Measures

General Plan EIR Mitigation Measure/Conditions of Approval	Monitoring Action Required	Monitoring Timing	Monitoring Agency	Compliance Verification		
				Initial	Date	Comments
Air Quality						
General Plan EIR Mitigation Measure AQ-1 Construction Emissions Measures						
The Town shall require that development projects incorporate the Bay Area Air Quality Management District (BAAQMD) Basic Construction Mitigation Measures to reduce construction emissions for reactive organic gases, nitrogen oxides, and particulate matter (PM10 and PM2.5). The Town shall require the following to be adhered to during Project construction to reduce air quality impacts. During construction activities: 1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day, with priority given to the use of recycled water for this activity when feasible. 2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered. 3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. 4. All vehicle speeds on unpaved roads shall be limited to 15 mph. 5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. 6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. 7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. 8. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.	Implemented through a Uniformly Applicable Development Policy/Condition of Approval, see Table 2.					

General Plan EIR Mitigation Measure/Conditions of Approval	Monitoring Action Required	Monitoring Timing	Monitoring Agency	Compliance Verification		
				Initial	Date	Comments
Biological Resources						
General Plan EIR Mitigation Measure BIO-1 Nesting Bird Protection Policy						
The Town shall require project applicants to retain the services of a qualified biologist(s) to conduct a pre-construction nesting bird survey during the nesting season (February 1 through August 31) prior to all new development that may remove any trees or vegetation that may provide suitable nesting habitat for migratory birds or other special-status bird species. If nests are found the qualified biologist(s) shall identify appropriate avoidance measures.	Implemented through a Uniformly Applicable Development Policy/Condition of Approval, see Table 2.					
Cultural Resources						
General Plan EIR Mitigation Measure CR-4 Human Remains						
If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be list in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the County Coroner determines that remains to be Native American, the Native American Heritage Commission must be contacted within 24 hours. The Native American Heritage Commission must then immediately identify the "most likely descendant(s)" of receiving notification of the discovery. The most likely descendant(s) shall then make recommendations within 48 hours, and engage in consultations concerning the treatment of the remains as provided in Public Resources Code 5097.98).	Implemented through a Uniformly Applicable Development Policy/Condition of Approval, see Table 2.					
Noise						
General Plan EIR Mitigation Measure N-1 Construction Noise Control Measures						
The following noise control measures shall be included as standard conditions of approval for projects involving construction: 1. Properly muffle and maintain all construction equipment powered by internal combustion engines. 2. Prohibit unnecessary idling of combustion engines. 3. Locate all stationary noise-generating construction equipment such as air compressors as far as practical from existing nearby residences and other noise-sensitive land uses. Such equipment shall also be acoustically shielded.	Implemented through a Uniformly Applicable Development Policy/Condition of Approval, see Table 2.					

General Plan EIR Mitigation Measure/Conditions of Approval	Monitoring Action Required	Monitoring Timing	Monitoring Agency	Compliance Verification		
				Initial	Date	Comments
4. Select quiet construction equipment, particularly air compressors, whenever possible. Fit motorized equipment with proper mufflers in good working order. 5. Residences adjacent to project sites shall be notified in advance by writing of the proposed construction schedule before construction activities commence. 6. The project applicant shall designate a "noise disturbance coordinator" responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of any noise complaint (e.g., starting too early, bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. A telephone number for the disturbance coordinator shall be posted at the construction site.						
General Plan Mitigation Measure N-2 Construction Vibration Control Measures						
The following measures to minimize exposure to construction vibration shall be included as standard conditions of approval for applicable projects involving construction: 1. Avoid the use of vibratory rollers within 50 feet of fragile buildings, which are buildings that are susceptible to damage from vibration. 2. Schedule construction activities with the highest potential to produce vibration to hours with the least potential to affect nearby institutional, educational, and office uses that the Federal Transit Administration identifies as sensitive to daytime vibration (FTA 2006). 3. Notify neighbors of scheduled construction activities that would generate vibration.	Implemented through a Uniformly Applicable Development Policy/Condition of Approval, see Table 2.					
Tribal Cultural Resources						
General plan EIR mitigation Measure CR-2 Tribal Cultural Resource Consultation						
The following Implementation Program shall be added to the 2040 General Plan: Mitigation Measure CR-1 shall apply to all discretionary projects. Where potential tribal cultural resources are encountered or revealed through the Phase 1 Survey, the Town will consult with applicable tribe(s) to determine appropriate measures for addressing the resources.	Implemented through a Uniformly Applicable Development Policy/Condition of Approval, see Table 2.					

Table 2 Uniformly Applicable Development Policies

Uniformly Applicable Development Policy/Conditions of Approval	Monitoring Action Required	Monitoring Timing	Monitoring Agency	Compliance Verification		
				Initial	Date	Comments
Aesthetics						
Project design shall include LED, downcast, shielded lighting and lighting that would be directed towards building walls in order to limit overspill and glare from the project, without compromising the safety and security of the community, and protecting wildlife in the Project area from spillover effects. The Town shall review and approve the lighting design prepared by the applicant.	Review and approve the lighting design.	Prior to issuance of building permit.	Town of Windsor Community Development Department			
Air Quality						
The Project shall incorporate the Bay Area Air Quality Management District (BAAQMD) Basic Construction Mitigation Measures to reduce construction emissions for reactive organic gases, nitrogen oxides, and particulate matter (PM10 and PM2.5). The Town shall require the following to be adhered to during Project construction to reduce air quality impacts. 1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day, with priority given to the use of recycled water for this activity when feasible. 2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered. 3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. 4. All vehicle speeds on unpaved roads shall be limited to 15 mph. 5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. 6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.	Verify BAAQMD Basic Construction Mitigation Measures have been incorporated.	During demolition, site preparation, and project construction.	Town of Windsor Community Development Department, Public Works Department			

Uniformly Applicable Development Policy/Conditions of Approval	Monitoring Action Required	Monitoring Timing	Monitoring Agency	Compliance Verification		
				Initial	Date	Comments
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. 8. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.						
Biological Resources						
Nesting Birds. If construction is to be conducted during the breeding season of migratory birds (February 1 to August 31), a qualified biologist shall conduct a preconstruction breeding bird survey in areas of suitable habitat within 7 days prior to the onset of construction activity. Nesting bird surveys shall cover the construction footprint and adjacent areas. If bird nests are found, appropriate buffer zones shall be established around all active nests to protect nesting adults and their young from direct or indirect impacts related to project construction disturbance. Size of buffer zones shall be determined per recommendations of the qualified biologist based on site conditions and species involved. No construction or earth-moving activity shall occur within the established buffer zone until it is determined by the qualified biologist that the young have fledged or that the nesting cycle is determined to be complete based on monitoring of the active nest.	Verify preconstruction nesting survey has been conducted; verify buffers established if appropriate.	Prior to issuance of grading permit; during construction.	Town of Windsor Community Development Department			
Aquatic Resources. Where permanent impacts to jurisdictional aquatic resources (seasonal wetlands and riparian habitat) cannot be avoided, impacts shall be offset through purchase of credits at a RWQCB and CDFW-approved mitigation bank for creation at a minimum 1:1 ratio. If the Project falls outside of RWQCB and CDFW-approved mitigation bank service areas, or mitigation bank credits are not available, impacts to jurisdictional aquatic resources shall be offset through habitat restoration and/or enhancement Consistent with General Plan Policy ER-6.5. Prior to issuance of a grading permit, the Applicant shall prepare a site-specific Habitat Restoration/Enhancement Plan (HREP). The HREP shall provide for restoration of any jurisdictional wetlands, waters, or riparian habitat temporarily impacted by the Project. Impacts shall be offset through habitat restoration and/or enhancement on- or off-site at a minimum ratio	Review and approve site-specific Habitat Restoration/Enhancement Plan has been prepared; verify offsets purchased if needed.	Prior to issuance of grading permit.	Town of Windsor Community Development Department			

Uniformly Applicable Development Policy/Conditions of Approval	Monitoring Action Required	Monitoring Timing	Monitoring Agency	Compliance Verification		
				Initial	Date	Comments
of 1:1 (habitat restored and/or enhanced to habitat impacted) in accordance with the HREP and in coordination with regulatory agencies. The HREP shall be prepared by a qualified biologist and submitted to the Town for review and approval prior to submittal to CDFW, USACE, and the North Coast RWQCB (depending on jurisdictional requirements) for review and approval prior to the issuance of any permits. The qualified biologist shall develop the HREP pursuant to the requirements listed below. The HREP shall include the following components, as applicable: ▪ Description of the project/impact site (i.e., location, responsible parties, areas to be impacted by habitat type); ▪ Goal(s) of the compensatory mitigation project (i.e., the type/types and area/areas of habitat to be established, restored, enhanced, and/or preserved; specific functions and values of habitat type/types to be established, restored, enhanced, and/or preserved); ▪ Description of the proposed compensatory mitigation-site (i.e., location and size, ownership status, existing functions and values of the compensatory mitigation-site); ▪ Implementation plan for the compensatory mitigation site (the plan will include rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan, including plant species to be used, container sizes, and seeding rates); ▪ Construction activities during the monitoring period, including jack and bore, excavation, and trenching as appropriate (the plan will include activities, responsible parties, and schedule); ▪ Monitoring plan for the compensatory mitigation-site, including no less than quarterly monitoring for the first year; the plan will include performance standards, target functions and values, target acreages to be established, restored, enhanced, and/or preserved, annual monitoring reports; ▪ Success criteria based on the goals and measurable objectives; said criteria to be, at a minimum, at least 80 percent survival of container plants and 30 percent relative cover by vegetation type; ▪ An adaptive management program and remedial measures to address negative impacts to restoration efforts;						

Uniformly Applicable Development Policy/Conditions of Approval	Monitoring Action Required	Monitoring Timing	Monitoring Agency	Compliance Verification		
				Initial	Date	Comments
▪ Notification of completion of compensatory mitigation and agency confirmation; and ▪ Contingency measures (e.g., initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism).						
Cultural Resources/Tribal Cultural Resources						
If cultural resources are encountered during ground-disturbing activities, work in the immediate area must halt and an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology shall be contacted immediately to evaluate the find. If the discovery proves to be significant under National Historic Preservation Act and/or the California Environmental Quality Act, additional work such as data recovery excavation and Native American consultation may be warranted to mitigate any significant impacts.	Verify that in the event that archaeological artifacts are encountered during project construction, all work in the vicinity of the find has been halted until such time as the find is evaluated.	As needed during construction activities.	Town of Windsor Community Development Department			
If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be list in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the County Coroner determines that remains to be Native American, the Native American Heritage Commission must be contacted within 24 hours. The Native American Heritage Commission must then immediately identify the "most likely descendant(s)" of receiving notification of the discovery. The most likely descendant(s) shall then make recommendations within 48 hours, and engage in consultations concerning the treatment of the remains as provided in Public Resources Code 5097.98).	Verify that if human remains are found, work is halted until the County Coroner has approved the beginning of work. Verify that if the remains are of Native American descent, the NAHC has been notified.	As needed during construction activities.	Town of Windsor Community Development Department			
Where potential tribal cultural resources are encountered or revealed during ground-disturbing activities, the Town will consult with applicable tribe(s) to determine appropriate measures for addressing the resources.	Verify consultation with tribe(s) if cultural resources are encountered.	During construction.	Town of Windsor Community Development Department			

Uniformly Applicable Development Policy/Conditions of Approval	Monitoring Action Required	Monitoring Timing	Monitoring Agency	Compliance Verification		
				Initial	Date	Comments
Geology and Soils						
The project applicant shall be required to implement the recommendations outlined in the Geotechnical Investigation Report prepared by Miller Pacific Engineering Group in September 2021.	Verify recommendations have been incorporated into building design.	Prior to issuance of building permit.	Town of Windsor Community Development Department, Public Works Department			
Noise						
During construction, the Project shall: 1. Properly muffle and maintain all construction equipment powered by internal combustion engines. 2. Prohibit unnecessary idling of combustion engines. 3. Locate all stationary noise-generating construction equipment such as air compressors as far as practical from existing nearby residences and other noise-sensitive land uses. Such equipment shall also be acoustically shielded. 4. Select quiet construction equipment, particularly air compressors, whenever possible. Fit motorized equipment with proper mufflers in good working order. 5. Residences adjacent to project sites shall be notified in advance by writing of the proposed construction schedule before construction activities commence. 6. The project applicant shall designate a "noise disturbance coordinator" responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of any noise complaint (e.g., starting too early, bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. A telephone number for the disturbance coordinator shall be posted at the construction site.	Review and approve site-specific noise control treatments, verify implementation during construction.	Prior to issuance of grading permit, during construction.	Town of Windsor Community Development Department, Public Works Department			
Special Roadway Paving. Install "quiet pavement" roadway improvements, such as rubberized asphalt or open-grade asphalt concrete overlays along the Los Amigos roadway extension between Arata Lane and the realignment with the existing Los Amigos Road at the Windsor town limit.	Verify paving plans include "quite pavement."	Prior to issuance of grading permit.	Town of Windsor Public Works Department			

Uniformly Applicable Development Policy/Conditions of Approval	Monitoring Action Required	Monitoring Timing	Monitoring Agency	Compliance Verification		
				Initial	Date	Comments
The Project shall: 1. Avoid the use of vibratory rollers within 50 feet of fragile buildings, which are buildings that are susceptible to damage from vibration. 1. Schedule construction activities with the highest potential to produce vibration to hours with the least potential to affect nearby institutional, educational, and office uses that the Federal Transit Administration identifies as sensitive to daytime vibration (FTA 2006). 2. Notify neighbors of scheduled construction activities that would generate vibration. 3. Select quiet construction equipment, particularly air compressors, whenever possible. Fit motorized equipment with proper mufflers in good working order. 4. Residences adjacent to the Project site shall be notified in advance by writing of the proposed construction schedule before construction activities commence. 5. The Project applicant shall designate a "noise disturbance coordinator" responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of any noise complaint (e.g., starting too early, bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. A telephone number for the disturbance coordinator shall be posted at the construction site.	Review and approve site-specific vibration control treatments, verify implementation during construction.	Prior to issuance of grading permit, during construction.	Town of Windsor Community Development Department, Public Works Department			