

RESOLUTION NO. 2016-074

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VACAVILLE
REAFFIRMING THE 2007 MONTESSA MITIGATED NEGATIVE DECLARATION
AND 2014 MITIGATION MONITORING AND REPORTING PROGRAM
(SCH# 2007012083) FOR THE MONTESSA SUBDIVISION LOCATED
SOUTH OF CALIFORNIA DRIVE AND WEST OF KEATING PARK
(APNS: 0128-060-110, 0128-060-120, 0128-070-010, 020, 030)**

WHEREAS, the City of Vacaville has received applications to reaffirm the 2007 Montessa Subdivision Mitigated Negative Declaration, to approve a Development Agreement, to approve a Tentative Map Time Extension, and to approve a Planned Development Time Extension for the Montessa Subdivision; a 58-unit single family development with various parcels to be dedicated to the City on 40 acres located south of California Drive, opposite Araquipa Court (APNS: 0128-060-110, 0128-060-120, 0128-070-010, 020, 030); and

WHEREAS, the City Council heard testimony from staff and other interested parties at the public hearing on July 10, 2007, and on the basis of the factual information, as contained in the written record and the testimony given at the public hearing, the City Council approved Montessa Subdivision Mitigated Negative Declaration (SCH# 2007012083); and

WHEREAS, the Planning Commission of the City of Vacaville conducted a public hearing on July 19, 2016, regarding said proposed reaffirmation for the Tentative Map Time Extension, and Planned Development Time Extension for the Montessa Subdivision, and voted (5-0-2) to recommend that the City Council approve said actions; and

WHEREAS, the City Council heard testimony from staff and other interested parties at the public hearing on August 9, 2016, and on the basis of the factual information, as contained in the written record and the testimony given at the public hearing, the City Council finds that with respect to reaffirming the Montessa Subdivision Mitigated Negative Declaration (SCH# 2007012083):

1. That the activity is within the scope of the project covered by the previous EIR, negative declaration, or mitigated negative declaration;

The proposed project is the same as was identified and analyzed in the previous mitigated negative declaration, as adopted in July 2007. Consistent with CEQA and City Municipal Code Section 14.03.026.020.D, the Community Development Director approved minor changes and updates to the Mitigation Monitoring and Reporting Program on December 3, 2014 (attached).

2. That no new significant effects would occur or no new mitigation measures would be required;

The proposed project is the same as was identified and analyzed in the previous mitigated negative declaration, as adopted in July 2007. Pursuant to CEQA Section 15162, and based on the analysis in an initial study checklist, the development of project as originally proposed would not create any new significant effects or require new mitigation measures that were not already considered and disclosed in the adopted MND.

3. That the Statement of Overriding Considerations, if any, adopted with the previous project for which the EIR, was prepared has been incorporated into the project approval;

The project action would incorporate all requirements of the previously approved MND mitigation measures. The City Council adopted the MND and a Mitigated Monitoring and Reporting Plan, and thus these effects were considered "acceptable" under CEQA Guidelines Section 15093(a). Since proposed project is the same as was identified and analyzed in the previous MND, as adopted in July 2007, these findings of mitigation remain in effect for the Montessa Subdivision.

4. That feasible mitigation measures or alternatives adopted with the previous EIR or mitigated negative declaration have been incorporated into the project approval; and

The project approval action would incorporate all requirements of the approved 2014 Mitigation Monitoring and Reporting Plan. All mitigation measures are applicable to the project.

5. That no new environmental document would be required.

The project meets the requirements of Land Use & Development Code Section 14.03.025 providing for the reaffirmation of a previously approved environmental document as described above. All potential impacts from development of the project area have already been analyzed and disclosed in the adopted Montessa Subdivision MND. All mitigation measures are applicable to the development of the project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Vacaville hereby reaffirms the 2007 Montessa Subdivision Mitigated Negative Declaration and the 2014 Mitigation Monitoring and Reporting Plan for the Montessa project.

I HEREBY CERTIFY that the foregoing resolution was introduced and passed at a regular meeting of the City Council of the City of Vacaville, held on the 9th day of August, 2016, by the following vote:

AYES: Councilmembers Harris, Hunt, Mashburn, Vice Mayor Rowlett,
Mayor Augustine

NOES: None

ABSENT: None

ATTEST:


Michelle A. Thornbrugh, City Clerk

Montessa Subdivision Mitigation Monitoring and Reporting Plan (MMRP)



City of Vacaville
November, 2014
File Number: 07-109

This Mitigation Monitoring and Reporting Program (MMRP) is for the Montessa Subdivision project (project or proposed project). The purpose of the MMRP is to ensure the implementation of mitigation measures identified as part of the environmental review for the project. The MMRP includes the following information:

- ◆ A list of mitigation measures;
- ◆ The party responsible for implementing the mitigation measures;
- ◆ The timing for implementation of the mitigation measure;
- ◆ The agency responsible for monitoring the implementation; and
- ◆ The monitoring action and frequency.

The implementation of the mitigation measure would be accomplished during the project's implementation. The timing for implementation of the mitigation measure is described in the following phases:

- ◆ Pre-Construction
- ◆ Construction
- ◆ Operation

The parties responsible for implementing the mitigation measures and agencies responsible for monitoring the implementation of the mitigation measures are identified as follows:

- ◆ CDD = Community Development Department
- ◆ PWD = Public Works Department
- ◆ CSD = Community Services Department
- ◆ CDFG = California Department of Fish and Wildlife
- ◆ Corps = United States Army Corps of Engineers
- ◆ USFWS = United States Fish and Wildlife Services
- ◆ RWQCB = Regional Water Quality Board

The City of Vacaville must adopt this MMRP, or an equally effective program, if it approves the project with the mitigation measures that were adopted or made conditions of project approval.

CDD = Community Development Department CDFW = California Department of Fish and Wildlife PWD = Public Works Department USFWS = U.S. Fish and Wildlife Service
USACE = United States Army Corps of Engineers SWRCB = State Water Resources Control Board

Mitigation Monitoring and Reporting Plan

Mitigation Monitoring and Reporting Plan

Mitigation Measure	Timing/Frequency of Action	Responsible for Implementing	Responsibility for Monitoring	Standards for Compliance	Verification of Compliance
<p>1. The applicant shall provide all new homeowners with a written disclosure of the type of activities occurring at the adjoining Keating Park. These activities include night-time sporting events with lighted sports fields that may produce objectionable noise, traffic, and stray lighting. It also will be disclosed that the field most-adjacent to the Montessa Subdivision (Field E) is planned for expansion and new sports field lighting that does not exist at this time. The applicant shall provide Community Services with statements signed by the new land owners that they have received and are aware of the disclosed conditions.</p>	<p>Prior to the approval of the Final Map and at time of sale of each home.</p>	<p>Applicant</p>	<p>CDD & CSD</p>	<p>Disclosure subject to review/approval by CDD & CSD prior to Final Map.</p> <p>Developer provides signed copy to CSD at time of sale.</p>	
<p>2. Prior to the issuance of building permits or final map and improvement plans, the applicant shall conduct pre-project nesting surveys for raptors, burrowing owls, and migratory birds within a 500-foot radius of the construction and staging areas. Surveys will be conducted within 15 days prior to the beginning of project-related activities. If active nests are found, appropriate measures shall be implemented to prevent impacts.</p>	<p>Prior to the commencement of construction</p>	<p>Developer</p>	<p>CDD/CDFW</p>	<p>Developer to provide survey to City prior to issuance of grading permit. If measures are required as a result of survey, provide final plans prior to commencement of construction.</p>	
<p>3. The trees along the western property lines adjoining the Skyview subdivision (on lots 11-13) may be removed as part of the subdivision improvements. This measure shall not apply to the tree numbered T11 on the tree plan, the 25 inch Oak tree at the rear of proposed Lot 13. The project grading plans shall be revised to incorporate</p>	<p>Prior to and during construction</p>	<p>Developer</p>	<p>Applicant/ Construction Contractor & CDD</p>	<p>Prior to approval of Improvement / Grading plans, submit arborist evaluation for review and approval by CDD.</p>	

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<p>this tree into the project design. The grading plans shall be subject to the review and approval of a certified arborist and the Community Development Director, to verify that project grading will be accomplished in a manner that will preserve this tree. The demolition contractor and all subcontractors are required to meet with the Consulting Arborist and City Landscape Inspector at the site prior to beginning work to review preservation measures for this tree. If it is determined at the discretion of the Community Development Director that this tree cannot be feasibly preserved, then the project grading plan shall not be required to be revised and the tree may be removed. In this case, replacement trees shall be planted in the rear yard areas of the newly graded lots 11-13.</p>				<p>Final grading plans to reflect CDD requirements, including construction barriers, landscape plans, and revision to grading for tree protection.</p>	
<p>4. Prior to issuance of grading permits and building permits, the applicant shall incorporate a concrete V-ditch or J-ditch at the toe of the slope adjacent to the planned curb, gutter and sidewalk along C Street to intercept runoff. In addition, a subdrain shall be constructed below the surface ditch to intercept potential subsurface hillside seepage from entering the road section. The subdrain will consist of an 18 inch wide trench extending a minimum depth of 3 feet below road subgrade elevation. The trench will be backfilled with Caltrans Class 2 Permeable Drainrock and a six inch diameter SD35 perforated pipe. Approximately four inches of drainrock will be placed in the trench prior to placing the pipe, with holes facing downward. The remainder of the trench will be filled with drainlock.</p>	<p>Pre-construction</p>	<p>Developer / CDD / PWD</p>	<p>CDD / PWD</p>	<p>Prior to approval of construction plans, include measures on grading and improvement plans subject to CD & PW approval.</p>	<p>Prior to Final Map prepare maintenance plan subject to CD / PW approval.</p>

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<p>The subdrain pipe will need to discharge into a suitable drainage facility. Final designs of any slope repair, and any potential maintenance & monitoring requirements required by the City to ensure long-term protection for the future residential subdivision shall be subject to the approval of the Directors of Public Works and Community Development, prior to recordation of the Final Map and approval of subdivision improvement.</p>	<p>Pre-construction & construction</p>	<p>Developer</p>	<p>CDD & PWD</p>	<p>Prepare plans for approval prior to Final Map. Construct as part of subdivision improvements.</p>	
<p>5. The applicant shall provide all new homeowners with a written disclosure of the type of activities occurring at the adjoining Keating Park. These activities include night-time sporting events with lighted sports fields that may produce objectionable noise, traffic, and stray lighting. It also will be disclosed that the field most-adjacent to the Montessa Subdivision (Field E) is planned for expansion and new sports field lighting that does not exist at this time. The applicant shall provide Community Services with Statements signed by the new land owners that they have received and agree to the disclosed conditions.</p>	<p>Prior to the approval of the Final Map and at time of sale of each home.</p>	<p>Applicant</p>	<p>CDD & CSD</p>	<p>Disclosure subject to review/approval by CDD & CSD prior to Final Map. Developer provides signed copy to CSD at time of sale.</p>	

