NAME OF PROJECT: LIONEXT WAREHOUSE

MITIGATION MONITORING PROGRAM AND COMPLIANCE RECORD

FILE NO.: MD2023-008, ER2023-026 INITIAL STUDY PREPARED BY: Yee-Lynn Wong

DATE: 12/03/2025 APPLICANT: Roberto Cortez

MITIGATION PLAN				COMPLIANCE RECORD		
MITIGATION MEASURE	**DEPARTMENT**	**ACTION(S) REQUIRED**	**REQUIRED TIME OF COMPLIANCE**	**ACTION TAKEN**	**VERIFIED BY/DEPT.**	**DATE**
BIO-1	Community Development, Public Works	Prior to the City's issuance of building permits, the developer/applicant shall coordinate with the San Francisco Bay Regional Water Quality Control Board to obtain the proper permits to fill materials into wetland areas under Section 401 of the Clean Water Act	Prior to building permit issuance.			
BIO-2	Community Development	If construction is to be conducted during the nesting season of migratory birds (February 1 to September 31), a qualified biologist shall conduct a pre-construction nesting bird survey in areas of suitable habitat (trees and vegetation, and also eaves and other building structures) no more than 5 days prior to the onset of construction activity. If work does not begin within 5 days of the survey date, a subsequent survey must be conducted. If an active nest is discovered, the biologist shall determine an appropriate disturbance-free (i.e., no-work-zone) buffer (typically between 100 and 500 feet) depending on the species and project activities. Buffer zones should be clearly demarcated in the field to avoid construction activities. The size of an established buffer may be altered if the biologist conducts behavioral observations and determines that the nesting birds would not be affected by the project activities. If this occurs, the biologist shall prescribe a modified buffer that allows sufficient room to prevent undue disturbance/harassment to the nesting birds. If the buffer is reduced, the biologist shall remain on site to monitor the behavior of the nesting birds during construction in order to ensure that the reduced buffer does not result in take of eggs or nestlings. No construction or earth-moving activity shall occur within the established buffer until it is determined by the biologist that the young have fledged (are no longer dependent on the nest or the adults for feeding) and have attained sufficient flight skills to avoid project construction zones. If a biologist is not hired to monitor the nest, then the full buffer(s) shall be maintained in place from February 1 to September 31. The buffer may be removed, and work may proceed as otherwise planned within the buffer on October 1.	Prior to building permit issuance.			

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CR-1	Community Development	If prehistoric archaeological resources are discovered during grading and trenching activities, work within 25 feet of the discovery shall be redirected and a qualified archaeologist contacted to evaluate the finds and make recommendations for mitigation to be followed by the applicant. Adverse effects to such deposits shall be avoided. If such deposits cannot be avoided, it shall be determined, by a qualified archaeologist or equally qualified professional, whether they qualify as historical or unique archaeological resources under CEQA. If the deposits are not eligible, avoidance is not necessary. If they are eligible, they shall be avoided, or, if avoidance is not feasible, the adverse effects shall be mitigated. Mitigation may include, but is not limited to, thorough recording on Department of Parks and Recreation form 523 records (DPR523) or data recovery excavation. If data recovery excavation is selected, the excavation shall be guided by a data recovery plan prepared and adopted prior to beginning the data recovery work, and a report of findings shall be submitted to the City of Fairfield and the Northwest Information Center (NWIC) (CCR Title 14(3) 15126.(b)(3)(C)).	Prior to building permit issuance.			
GEO-1	Community Development	If paleontological resources are discovered during grading activities, work within 25 feet of the discovery will be redirected until a paleontological monitor can evaluate the resources and make recommendations. If paleontological deposits are identified, it is recommended that such deposits be avoided by construction activities. If such deposits cannot be avoided, or if avoidance is not feasible, the adverse effects shall be mitigated. Mitigation can include data recovery and analysis, preparation of a report and the presentation of fossil material recovered to an accredited paleontological repository, such as the University of California, Museum of Paleontology (UCMP). Monitoring shall continue until, at the paleontologist's judgment, paleontological resources are no longer likely to be encountered. Upon project completion, a report shall be prepared documenting the methods and results of the monitoring. Copies of this report shall be submitted to the City of Fairfield and the repository to which any fossils were presented.	Prior to building permit issuance and during construction.			
TC-1	Community Development	Due to the possibility of archeological resources on the project site, the City of Fairfield shall require a note on any plans that require ground disturbing excavation that there is a potential for exposing buried cultural resources, including prehistoric Native American burials.	Prior to building permit issuance and during construction.			

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		Prior to groundbreaking, construction personnel associated with earth moving equipment, drilling, grading, and excavating, shall be provided with basic archaeological and cultural sensitivity training conducted by a qualified archaeologist and in consultation with the Yocha Dehe Wintun Nation. Issues that shall be included in the basic training will be geared toward training the applicable construction crews in the identification of archaeological deposits and tribal cultural resources. Training will include written notification of the restrictions regarding disturbance and/or removal of any portion of archaeological deposits and the proper procedures to follow should a resource be identified. The project applicant shall inform the Yocha Dehe Wintun Nation of the project construction schedule and allow for a Yocha Dehe Wintun Nation tribal monitor to be present at the project site during any ground disturbance activities in native soil, to ensure such activities do not negatively impact cultural resources. The tribal monitor will also be provided an opportunity to attend the pre-construction briefing. The construction contractor, or its designee, shall be responsible for implementation of this measure.				
TC-2	Community Development	If archaeological remains or tribal cultural resources are uncovered, all construction activities within a 100-foot radius shall be halted immediately until a qualified archaeologist, in consultation with the tribal monitor, can evaluate whether the resource requires further study. The City shall require that the applicant include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Any previously undiscovered archaeological resources are found during construction shall be recorded on appropriate Department of Parks and Recreation forms and evaluated for significance in terms of California Environmental Quality Act criteria by a qualified archaeologist. If the resource is determined to be significant under CEQA, the City and a qualified archaeologist shall determine whether preservation in place is feasible. Such preservation in place is the preferred mitigation. If such preservation is infeasible, the qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan for the resource. The archaeologist shall also conduct appropriate technical analyses, prepare a comprehensive written report and file it with the appropriate information center (California Historical Resources Information System [CHRIS]), and provide for the permanent curation of the recovered materials. For any tribal cultural resources found during the ground disturbance activities, the Yocha Dehe Wintun Nation shall be immediately notified, and the appropriate treatment method for the uncovered resources shall be determined by the City and archaeologist in consultation with the Yocha Dehe Wintun Nation and its Yocha Dehe Treatment Protocol.	Prior to building permit issuance and during construction.			

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		The treatment of human remains and any associated or unassociated funerary objects discovered during any soil-disturbing activity within the project site shall comply with applicable State laws. This shall include immediate notification of the Solano County Coroner and the City of Fairfield of the discovery of any human remains. In the event of the Coroner's determination that the human remains are Native American, the coroner must contact the NAHC within 24 hours. The NAHC shall identify a Most Likely Descendant (MLD) of the deceased Native American (PRC Section 5097.98). The MLD may then make recommendations to the landowner or the person responsible for the excavation work, for the means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98. Development activity on the impacted site will halt until the landowner has conferred with the MLD about their recommendations for treatment of the remains, and the coroner has determined that the remains are not subject to investigation under California Government Code Section 27491.				

MITIGATION MONITORING AND REPORTING PROGRAM

INTRODUCTION

AB 3180 (Public Resources Code section 21081.6) requires public agencies to adopt a reporting or monitoring program whenever: a) a Negative Declaration which incorporates mitigation measures is adopted for a project; and b) after certifying an EIR, CEQA findings are adopted which concludes that otherwise significant impacts will be substantially lessened or avoided through the adoption of mitigation measures.

The following procedures shall be followed to ensure compliance with AB 3180. Please note that these procedures are intended to cover all project categories (private or public) and all stages of a project when monitoring or reporting may be required. A typical mitigation or monitoring program will consist of the checklist (Appendix "A"), the General Provisions, and appropriate portions of the section titled "Types of projects and mitigation and their monitoring/reporting procedures." The monitoring or reporting program may be attached to the Mitigated Negative Declaration or EIR findings and made a part of that document.

The CEQA Guidelines require mitigation of "significant impacts", except where findings of overriding significance are made. Unless this threshold of "significant impact" is reached, it is advisable to address project issues as conditions of project approval outside the CEQA process.

Mitigation measures must be written in very clear language, and must specify what, who, when, where, and if possible, the why.

GENERAL PROVISIONS

A. Checklist: All mitigation measures for a Negative Declaration or EIR shall be incorporated into the attached checklist for the purpose of monitoring or reporting their implementation.

B. Disagreement over the interpretation of a mitigation condition: Where staff and the applicant cannot agree on the exact meaning of a mitigation condition, the matter shall be referred to the Community Development Director. The applicant shall have the right to appeal the Director's interpretation to the Planning Commission.

C. Reporting: All reports submitted by the developer and consultant shall be under the penalty of perjury.

D. Records: All records pertaining to a Mitigated Negative Declaration shall be kept in the project file at the offices of the Community Development Department.

E. Fees: For private projects, the applicant shall bear the cost of monitoring and/or reporting. Fees charged for staff time shall be established by City Council Resolution. Where necessary, the applicant will be required to deposit a lump sum with the Community Development Department. Monitoring costs will be debited against said deposit. For public projects where fees are not charged, the cost of monitoring shall be borne by the Department responsible for the project.

F. Penalties: If an applicant fails to properly implement mitigation measures the Community Development Director, the appropriate City Department, may issue a stop-work order, or deny subsequent approvals necessary to complete and occupy the project. In some cases, the City may require performance bonds or letters of credit to ensure that mitigation conditions are properly implemented. The amount of such bonds or letters of credit shall be determined by the Community Development Director. Failure to implement mitigation measures or to furnish required mitigation reports may be cause for suspension or revocation of a permit or the basis for legal action by the City to enforce compliance with the mitigation measure or reporting requirement.

TYPES OF PROJECTS AND MITIGATION AND THEIR MONITORING/REPORTING PROCEDURES:

Private Projects

A. Conditions affecting permanent construction. These conditions affect the permanent design and location of a structure. Examples include limiting building height, requiring a setback, or providing a landscape buffer.

- The department applying the condition signs off on the mitigation condition(s) before the building permit is issued, verifying that the plans conform with the condition(s).

- The building inspector ensures that construction conforms with approved plans.

- Affected department signs off on the mitigation condition(s) before final inspection/occupancy, verifying that the project conforms to the mitigation condition(s).

B. Conditions during construction. These conditions affect the way construction is carried out. Examples will be hours of operation, erosion control plans, preservation of archaeological sites, and preservation and protection of marshes.

- Responsibility for monitoring and reporting shall be placed on the applicant. The City department which imposed the condition will investigate complaints and review reports that are submitted. City inspectors should be informed about mitigation conditions so they can report obvious violations.

- Reporting by applicant shall be under penalty of perjury.

C. Operational Conditions. These require permanent monitoring/reporting on a regular basis. Examples will include: hours of operation, maximum occupancy, toxic handling and disposal, and limits on nuisances like noise and odors.

- The burden would be placed on the applicant to provide reports to the City as required. The content and frequency of the reports would be specified as part of the conditions. Specialized inspectors may be required.

- Failure to implement an operational mitigation measure or to furnish required mitigation reports may be cause for suspension or revocation of a permit or the basis for legal action by the City to enforce compliance with the mitigation measure or reporting requirement.

- Reporting shall be under penalty of perjury.

- The City may enter into agreement with another agency to monitor compliance (e.g. Fish and Game for creek conditions; County Health for toxins).

- Code enforcement officer, planning staff, appropriate City staff will investigate complaints, and also ensure that reports are submitted as required to the Community Development Department.