

CITY OF ALAMEDA, CALIFORNIA

2350 Fifth Street (Bottle Parcel) Rezoning Project

MITIGATION MONITORING AND REPORTING PROGRAM
(MMRP)

JULY 2020



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Mitigation Monitoring and Reporting Program (MMRP)

1. Introduction

Assembly Bill (AB) 3180, enacted by the California Legislature in 1988, requires lead agencies to prepare and adopt a program to monitor and/or report on all mitigation measures required in conjunction with certification of an Environmental Impact Report (EIR) or adoption of a Mitigated Negative Declaration pursuant to the California Environmental Quality Act (CEQA).

A public agency must certify an EIR or adopt a Mitigated Negative Declaration when approving a discretionary project that could significantly affect the environment in an adverse manner. The monitoring or reporting program is intended to ensure the successful implementation of measures that public agencies impose to reduce or avoid the significant adverse impacts identified in an environmental document. Adoption of the monitoring program is to occur when a public agency makes the findings to approve a project requiring an EIR or when adopting a Mitigated Negative Declaration. There is no statutory requirement for a lead agency to circulate a monitoring program for public review prior to adopting the program.

The monitoring program should specify the steps whereby implementation of project mitigation measures can be verified during project construction and operation. Typically, the monitoring program should, for each mitigation measure, identify the entity responsible for implementing the measure and an individual, qualified professional, or agency responsible for ensuring compliance. The monitoring program should also identify: the action or actions required to ensure compliance; when and how frequently monitoring should occur; a mechanism for reporting compliance or non-compliance; and an agency that receives and monitors the reports on compliance. AB 3180, as promulgated in Public Resources Code Section 21081.6, does not require a mitigation monitoring program to include measures imposed to mitigate the environmental effects of less-than-significant impacts.

AB 3180 does not provide State reimbursement for implementing the mitigation monitoring requirements because local agencies have the authority to levy fees sufficient to pay for such programs. Local agencies may recover the monitoring and reporting costs through charging a service fee pursuant to Government Code sections 65104 and 66000 *et seq.*

2. Monitoring Program

The purpose of this Mitigation Monitoring and Reporting Program (MMRP) is to present a thorough approach for monitoring the implementation of the measures required to mitigate the potentially significant impacts identified in the *2350 Fifth Street (Bottle Parcel) Rezoning Project Initial Study & Mitigated Negative Declaration*. The monitoring program identifies each mitigation measure for a significant impact and specifies the means for verifying successful implementation. Failure to comply with all required mitigation measures will constitute a basis for withholding building permits or undertaking legal enforcement actions.

Project Approvals

Prior to each successive approval during development of the proposed project, the City of Alameda Planning, Building, and Transportation Department shall confirm via the MMRP table (included in this document) proper implementation of all mitigation measures required to that point in time. If any mitigation measures have not been implemented as required, the permit or other approval shall be withheld until successful implementation of the measure has been confirmed by the City. If

noncompliance of required mitigation measures occurs following completion of construction and project occupancy, the failure shall be grounds for revocation of the occupancy permit(s) for the project, or other enforcement action by the City Attorney.

MMRP Table

The heart of this document is the MMRP table, which identifies the monitoring and reporting requirements for each mitigation measure identified in the Initial Study/Mitigated Negative Declaration. More specifically, the table provides the following information for each mitigation measure:

- **Impact Summary**— a brief one-sentence summary statement of the impact being mitigated.
- **Mitigation Measure**— the verbatim text of the mitigation measure as adopted by the City. In some cases, the measure may differ slightly from the language presented in the Mitigated Negative Declaration circulated for public review.
- **Implementation Responsibility**— the entity responsible for implementing the mitigation measure.
- **Monitoring Responsibility**— the person or agency responsible for physically verifying that the mitigation measure has been implemented and for recording the verification in the MMRP table. In some cases, an outside regulatory agency may be involved in determining or ensuring mitigation compliance, but reporting of compliance in the MMRP table is the responsibility of City staff in all cases.
- **Monitoring Activity**— all activities necessary to verify successful implementation of the mitigation measure. Where certain monitoring activities are verified during the normal course of project review and approvals (e.g., verification of compliance with building codes), such verification has been noted but has not been incorporated into the MMRP, and no separate reporting is required beyond that which normally occurs.
- **Timing/Frequency of Monitoring**— the phase of the project during which monitoring activities must occur and/or milestone(s) at which single-event monitoring activities must occur followed by how often monitoring activities must occur. Typically, the monitoring occurs once, weekly, or monthly.
- **Date & Monitor's Initials/Status/Comments**— the initials of the Responsible Monitor verifying that implementation of the mitigation measure has been satisfactorily completed. A notation shall be provided for each required occurrence of monitoring and/or verification, as stipulated in the MMRP table for each mitigation measure. The notation by the proper monitor should be dated and initialed, and should note any irregularities or problems in compliance. When final implementation of a mitigation measure has been verified by the designated monitor, a notation of full and completed implementation shall be made in this space.

Reporting

Reporting shall be satisfied by a written notation in the space provided for each mitigation measure in the MMRP table, as noted above. The MMRP table shall be maintained on file at the offices of the Planning Division until, at a minimum, all mitigation measures have been successfully implemented and verified.

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Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Monitoring Activity	Timing/ Frequency of Monitoring	Date & Monitor's Initials/ Status/Comments
AIR QUALITY					
<p>Impact: Generation of airborne particulate matter during construction.</p> <p>Mitigation Measure AQ-1: The property owner/applicant of a future residential use shall require the construction contractor to reduce the severity of project construction period dust and equipment exhaust impacts by complying with the following control measures:</p> <ul style="list-style-type: none"> All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. All haul trucks transporting soil, sand, or other loose material off-site shall be covered. 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. All vehicle speeds on unpaved roads shall be limited to 15 mph. 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. 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. All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. 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 	Project Sponsor and Construction Contractor	Bay Area Air Quality Management District (BAAQMD), City of Alameda Planning, Building, and Transportation Department	Monthly site visits shall be made by City staff to verify compliance with requirements. Additional site visits shall be promptly made in response to any complaints received by the City or BAAQMD. Any excessive dust observed shall be discussed with the project sponsor and reported in the MMRP table.	During construction/ Monthly and in response to complaints	

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phone number shall also be visible to ensure compliance with applicable regulations.					
CULTURAL RESOURCES					
<p>Impact: Potential damage to significant archaeological or historical resources or buried human remains.</p> <p>Mitigation Measure CR-1: At such time that a proposal to develop the project site is submitted to the City, the City shall commission, or shall require the applicant to commission, an archival search of archaeological records maintained by the California Historical Resources Information System (CHRIS) in the Northwest Information Center (NWIC) at Sonoma State University to determine if archaeological resources are known to be present in the project area. If the results from the NWIC include any recommendations for additional investigation because the NWIC determined that there is a moderate or high probability for cultural resources to be present at the site, all recommendations shall be implemented by a qualified professional archaeologist and the results shall be presented in a professional-quality report, to be submitted to the Alameda Planning Division and the NWIC. Any additional investigation or mitigation recommended by the archaeologist, such as monitoring during ground-disturbing project construction activities, shall be implemented. With the exception of potential construction monitoring, this mitigation measure shall be implemented prior to issuance of a grading permit for the project.</p>	<p>City of Alameda Planning, Building, and Transportation Department</p> <p>Project Engineer</p>	<p>City of Alameda Planning, Building, and Transportation Department</p>	<p>Prior to issuance of a grading permit, City staff shall confirm receipt of the letter report from NWIC documenting the results of the archival records search. If the report recommends additional investigation, City staff shall confirm receipt of a report from a professional archaeologist documenting the additional investigation and implementation of any recommended mitigation. In the event that monitoring by an archaeologist during ground-disturbing project construction activities is recommended, City staff shall receive written verification from the Archaeological Monitor that monitoring was successfully completed prior to issuance of an occupancy permit.</p>	<p>Verification of archival records search: Prior to issuance of grading permit/ Once</p> <p>Verification of additional investigation (if applicable): Prior to issuance of grading permit/ Once</p> <p>Verification of construction monitoring (if applicable): Prior to issuance of occupancy permits/ Once</p>	
<p>Impact: Potential damage to significant archaeological or historical resources or buried human remains.</p> <p>Mitigation Measure CR-2: In the event that any human remains are encountered during future site disturbance, all ground-disturbing work shall cease immediately and a qualified archaeologist shall notify the Office of the Alameda County Coroner and advise that office as to whether the remains are likely to be prehistoric or historic period in date. If determined to be prehistoric, the Coroner's Office will notify the Native American Heritage Commission of the find, which, in turn, will then appoint a "Most Likely Descendant" (MLD). The MLD in consultation with the archaeological consultant and the City, will advise and help formulate an appropriate plan for treatment of the remains, which might include recordation, removal, and scientific</p>	<p>Project Sponsor/ Project Construction Superintendent</p> <p>Archaeological Monitor</p>	<p>City of Alameda Planning, Building, and Transportation Department</p>	<p>If human remains are encountered during project construction, City staff shall receive written verification from the Archaeological Monitor that proper notification, treatment, documentation, and return of remains occurred.</p>	<p>Within 3 weeks of completion of mitigation requirements/ Once</p>	

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study of the remains and any associated artifacts. After completion of analysis and preparation of the report of findings, the remains and associated grave goods shall be returned to the MLD for reburial.					
GEOLOGY AND SOILS					
<p>Impact: Potential damage to significant buried paleontological resources.</p> <p>Mitigation Measure GS-1: If any paleontological resources—such as fossilized bone, teeth, shell, tracks, trails, casts, molds, or impressions—are encountered during site grading or other construction activities, all ground disturbance within 100 feet of the find shall be halted until the services of a qualified paleontologist can be retained to identify and evaluate the scientific value of the resource(s) and, if necessary, recommend mitigation measures to document and prevent any significant adverse effects on the resource(s). Significant paleontological resources shall be salvaged and deposited in an accredited and permanent scientific institution, such as the University of California Museum of Paleontology (UCMP).</p>	Project Sponsor	City of Alameda Planning, Building, and Transportation Department	City staff shall verify the inclusion in all construction contracts pertaining to grading or other ground-disturbing activities the provisions for work stoppage stipulated in Mitigation Measure GS-1. If paleontological resources are encountered during construction, City staff shall conduct weekly (or more frequent) site inspections to verify implementation of any mitigation recommended by the paleontologist. Inspections shall continue until mitigation implementation is deemed complete by the paleontologist. City staff shall ensure the find is evaluated by a qualified paleontologist.	<p>Verification of work stoppage advisory in construction contracts: Prior to issuance of grading permit/ Once</p> <p>Verification of implementation of additional mitigation during construction (if applicable): During Grading or Ground Disturbance/ Weekly, or more frequently</p>	
HAZARDS AND HAZARDOUS MATERIALS					
<p>Impact: Potential for exposure of workers, other people, and/or the environment to hazardous materials in soils.</p> <p>Mitigation Measure HM-1: Prior to approval of any future development on the project site, the applicant shall retain the services of a Registered Environmental Assessor (REA) to conduct and document a Phase I Environmental Site Assessment (ESA) in accordance with standards established by the American Society for Testing and Materials (ASTM) Standard ASTM E1527-13. If the Phase I ESA determines that there is some potential for contamination at the site and recommends performance of a Phase II ESA with subsurface testing of soil and/or groundwater, the Phase II ESA shall be completed prior to issuance of a grading permit. Any further recommendations presented in the Phase II ESA report, such as performing</p>	Project Sponsor	City of Alameda Planning, Building, and Transportation Department	Prior to issuance of a grading permit, Building Division staff shall verify receipt of a Phase I ESA. If the Phase I ESA recommends performing a Phase II ESA, Building Division staff shall verify receipt of the second document. If the Phase II ESA identifies the need for any site remediation, Building Division staff shall verify receipt of a No Further Action letter from the regulatory agency or agencies overseeing the cleanup or other documentation that remediation	<p>Verification of completion of Phase I ESA: Prior to issuance of grading permit/ Once</p> <p>Verification of Phase II ESA: Prior to issuance of grading permit/ Once</p> <p>Verification of completion of any required site</p>	

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remediation of contaminated soil or groundwater determined to be present, shall also be implemented prior to issuance of a grading permit, and a No Further Action letter from the regulatory agency overseeing the cleanup (likely to be California Department of Toxic Substances Control, San Francisco Bay Regional Water Quality Control Board, or Alameda County Environmental Health Department) shall be provided to the City of Alameda prior to issuance of a grading permit.			was completed to the satisfaction of the agency or agencies prior to issuance of a grading permit.	remediation: Prior to issuance of a grading permit / Once	
TRIBAL CULTURAL RESOURCES					
<p>Impact: Potential damage to significant tribal cultural resources.</p> <p>Mitigation Measure TCR-1: At such time that a proposal to develop the project site is submitted to the City, the City shall provide written notification about the project—within 14 days of deeming the development application complete—to all tribes that have requested placement on the City's notification list. The notification must provide the project location, a brief description of the project, the lead agency contact information, and notice that the tribe has 30 days to request consultation. If a tribe requests consultation, the City shall commence consultation within 30 days of receiving the request, and shall execute the consultation in accordance with the requirements of Assembly Bill (AB) 51 prior to issuing a grading permit for the proposed development.</p>	Project Sponsor/ Construction Contractor	City of Alameda Planning, Building, and Transportation Department	Within 14 days of deeming an application to develop the project site complete, Planning Division staff shall confirm that letters were mailed to all tribes that have requested placement on the City's notification list, if applicable. If a tribe requests consultation, Planning Division staff shall confirm that consultation was completed in accordance with AB 51 prior to issuance of a grading permit.	<p>Verification of notification letters to tribes: Within 14 days of deeming a development application complete/ Once</p> <p>Verification of tribal consultation, if applicable: Prior to issuance of a grading permit / Once</p>	