

# MITIGATION MONITORING AND REPORTING PROGRAM

## A. INTRODUCTION

Prior to approving a project, the California Environmental Quality Act (CEQA) requires public agencies to adopt a Mitigation Monitoring and Reporting Program (MMRP) when the project requires mitigation measures as the result of a CEQA analysis (Public Resources Code Section 21081.6(a)(1)). A public agency is required to ensure that the measures are fully enforceable, through permit conditions, agreements, or other means (Public Resources Code Section 21081.6(b)). The MMRP must be designed to ensure project compliance with mitigation measures during project implementation.

This MMRP addresses the Peralta Crossing Residential Project EIR (SCH 2015022010). The MMRP on the following pages includes the mitigation measures identified in the Draft EIR and Initial Study (included as Appendix B of the Draft EIR) required to address the significant impacts associated with the proposed project. The required mitigation measures are summarized in this program; the full text of the impact analysis and mitigation measures is presented in the Draft EIR in Chapter 2, Summary, except as revised in this Final EIR.

## B. FORMAT

The MMRP is organized in a table format (see Table 1), keyed to each significant impact and each mitigation measure. Only mitigation measures adopted to address significant impacts are included in this program. Each mitigation measure is set out in full, followed by a tabular summary of monitoring requirements. The column headings in Table 1 are defined as follows:

- **Mitigation Measures:** This column presents the mitigation measure identified in the EIR.
- **Implementation Responsibility:** This column identifies the person/group responsible for implementation of the mitigation measure.
- **Monitoring Responsibility:** This column contains an assignment of responsibility for the monitoring and reporting tasks.
- **Monitoring and Reporting Action:** This column refers to the outcome from implementing the mitigation measure.
- **Mitigation Schedule:** The general schedule for conducting each mitigation task, identifying where appropriate both the timing and the frequency of the action.
- **Verification of Compliance:** This column may be used by the lead agency to document the person who verified the implementation of the mitigation measure and the date on which this verification occurred.

## **C. ENFORCEMENT**

If the proposed project is approved, the MMRP would be incorporated as a condition of such approval. Therefore, all mitigation measures for significant impacts must be carried out in order to fulfill the requirements of approval. A number of the mitigation measures would be implemented during the course of the development review process. These measures would be checked on plans, in reports, and in the field prior to construction. Most of the remaining mitigation measures would be implemented during the construction or project implementation phase.

**Table 1: Mitigation Monitoring and Reporting Program**

Mitigation Measures	Implementation Responsibility	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
<b>MITIGATION MEASURES REQUIRED BY THE ENVIRONMENTAL IMPACT REPORT</b>					
<b>IV. NOISE</b>					
<p><b>Mitigation Measure NOI-1:</b> To reduce interior noise levels, the project applicant shall implement the following measures:</p> <ul style="list-style-type: none"> <li>In order for windows and doors to remain closed, mechanical ventilation such as air conditioning shall be provided for all units.</li> <li>Windows and exterior doors shall be constructed with the Sound Transmission Class (STC) ratings shown in Figure IV-2. All windows and glass doors rated STC 36 (or higher) shall meet attenuation provided by glass lite thicknesses no less than 3/16 inch, as demonstrated by the applicant for approval by the City. Single-strength (3/32 inch) glass shall not be permitted in any of the window or glass door assemblies.</li> <li>All vent ducts connecting interior spaces to the exterior (i.e., bathroom exhaust, etc.) shall have at least two 90 degree turns in the duct.</li> <li>All windows and doors shall be installed in an acoustically-effective manner. Sliding-window panels shall form an air-tight seal when in the closed position and the window frames shall be caulked to the wall opening around the perimeter with a non-hardening caulking compound to prevent sound infiltration. Exterior doors shall seal air-tight around the full perimeter when in the closed position.</li> <li>An acoustical test report of all the sound-rated windows and doors shall be provided to the City for review by a qualified acoustical consultant to ensure that the selected windows and doors would reduce interior noise levels to the extent feasible.</li> </ul>	<p>Project sponsor and its contractor(s) incorporate specifications of measures into all project plans and contracts.</p>	<p>City of Fremont, Community Development Department</p>	<p>Verify inclusion of measures in building plans and specifications.</p>	<p>Prior to issuance of building permits.</p>	

**Table 1: Mitigation Monitoring and Reporting Program**

Mitigation Measures	Implementation Responsibility	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
<b>MITIGATION MEASURES REQUIRED BY THE INITIAL STUDY</b>					
<b>III. AIR QUALITY</b>					
<p><b>Mitigation Measure AIR-1:</b> Prior to the issuance of a grading and/or building permit, whichever occurs first, the following best management practices shall be included in a dust control plan to limit particulate matter (dust emissions) and noted on construction plans along with the contact information for a designated crewmember responsible for the on-site implementation of the plan:</p> <ol style="list-style-type: none"> <li>All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered twice per day.</li> <li>All haul trucks transporting soil, sand, or other loose material off-site shall be covered.</li> <li>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.</li> <li>All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.</li> <li>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.</li> <li>Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.</li> <li>All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</li> <li>A publicly visible sign with the telephone number and person to contact at the City of Fremont regarding dust complaints shall be posted. 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.</li> </ol>	<p>Project sponsor and its contractor(s) prepare construction plans that adhere to BAAQMD Best Management Practices for fugitive dust control.</p> <p>Contractor implements best practice measures during soil movement, grading and demolition activities.</p>	<p>City of Fremont, Community Development Department</p>	<p>Verify inclusion of measures in construction plans and contract specifications; conduct field inspections during grading, demolition, and construction activities.</p>	<p>Prior to final building and grading permit approvals; during construction.</p>	

**Table 1: Mitigation Monitoring and Reporting Program**

Mitigation Measures	Implementation Responsibility	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
<b>IV. BIOLOGICAL RESOURCES</b>					
<p><b>Mitigation Measure BIO-1:</b> If project-related activities are scheduled to occur during the nesting season (February 1 through August 31 for protected raptors and migratory birds), a focused survey of the work area for active nests of such birds shall be conducted by a qualified biologist within 15 days prior to the beginning of any project-related activities. If a lapse in the project-related work of 15 days or longer occurs during the nesting season, another focused survey shall be required before project work can be reinitiated. If an active nest is found, the applicant/developer shall establish a buffer area that surrounds the nest location. The width of the buffer shall be determined by the survey biologist and shall be dependent on the location of the nest and the affected species. No project-related work or activities shall be permitted within the buffer area until the biologist has determined the nest is no longer active. The final determination shall be made by the City of Fremont Planning Manager upon receipt of the biologist's recommendation.</p>	Project sponsor and its contractor(s) schedule focused surveys for nesting birds, if necessary.	City of Fremont, Community Development Department	Review site development plans and schedule for appropriate timing; conduct field inspections.	Prior to final building and grading permit approvals; during site preparation activities.	
<b>V. CULTURAL RESOURCES</b>					
<p><b>Mitigation Measure CULT-1:</b> If any archaeological or paleontological resources or human remains are encountered during grading or site disturbance, the following measures shall be implemented:</p> <ul style="list-style-type: none"> <li>All work shall cease within a 200-foot radius of the discovery until it can be evaluated by a qualified archaeologist and/or paleontologist. Work shall not continue until the archaeologist/paleontologist conducts sufficient research and data collection to make a determination as to the significance of the resource. If the resource is determined to be significant and mitigation is required, the first priority shall be avoidance and preservation of the resource. If avoidance is not feasible, an alternative archaeological/paleontological management plan shall be prepared that may include excavation. If human remains are discovered, the Alameda County Coroner's office shall be notified as required by state law. All excavation and monitoring activities shall be conducted in accordance with the prevailing professional standards, as outlined in the CEQA Guidelines and by the California Office of Historic Preservation.</li> </ul>	Project sponsor and its contractor(s) incorporate specifications of measures into all project plans and contracts, train workers, and monitor their activities.	City of Fremont, Community Development Department	Verify that measure is printed on all construction documents, contracts, and project plans prior to final building and grading permits. If resources are encountered, verify adequate mitigation is implemented.	Prior to final grading permit approval; monitor ground-disturbing demolition and construction activities.	

**Table 1: Mitigation Monitoring and Reporting Program**

Mitigation Measures	Implementation Responsibility	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
<b>VII. HAZARDS AND HAZARDOUS MATERIALS</b>					
<p><b>Mitigation Measure HAZ-1:</b> Prior to issuance of a demolition permit for the existing structure, testing for asbestos-containing materials and lead-based paint shall be conducted by a certified environmental professional. If asbestos-containing materials or lead-based paint are detected, then an asbestos operations and maintenance plan or lead-based paint management plan shall be developed for the structures by said professional and submitted to the Planning Manager for review and approval.</p>	<p>Project sponsor and its contractor(s) conduct testing.</p>	<p>City of Fremont, Community Development Department</p>	<p>Verify asbestos-containing materials or lead based paint is not present or verify that a lead-based paint management plan has been prepared.</p>	<p>Prior to final building and grading permit.</p>	

Source: City of Fremont, 2015 and LSA Associates, Inc., 2015.