

**MITIGATION MONITORING AND REPORTING PROGRAM
DIANA AVENUE - MANA
RESIDENTIAL DEVELOPMENT
MORGAN HILL, CALIFORNIA**

Prepared for the:



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MITIGATION MONITORING AND REPORTING PROGRAM

INTRODUCTION

The City of Morgan Hill, as Lead Agency under the California Environmental Quality Act (CEQA) and State CEQA Guidelines, has prepared the Final Mitigated Negative Declaration (MND) for the West Dunne Avenue - Gera Residential Project (Project). When a lead agency makes findings on significant effects identified in an MND, it must also adopt a program for reporting or monitoring mitigation measures that were adopted or made conditions of project approval (Public Resources Code [PRC] Section 21081.6[a]; State CEQA Guidelines Sections 15091[d], 15097).

This document represents the mitigation monitoring and reporting program (MMRP) prepared by the City of Morgan Hill for the Project. This MMRP includes all measures required to reduce potentially significant environmental impacts to a less-than-significant level. It also identifies the timing of implementation; the agency responsible for implementing the mitigation; and the agency responsible for monitoring the mitigation. The mitigation measures, timing, and responsibility are summarized in Table 1, and the full text of the mitigation measures follows. The implementation and monitoring of these mitigation measures in conjunction with the implementation of the City's Standard Measures required for such projects will ensure the reduction of potentially significant environmental effects to less than significant levels.

This MMRP has been prepared by the City of Morgan Hill, with technical assistance from Geier & Geier Consulting, Inc., an environmental consulting firm. Questions should be directed to Joey Dinh at the City of Morgan Hill.

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TABLE 1. MITIGATION MONITORING AND REPORTING PROGRAM – SUMMARY OF MITIGATION MEASURES

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility ¹	Monitoring Notes
Prior to Construction			
BIO-1: A qualified biologist should conduct a pre-construction survey for suitable bat roosting sites prior to removal of mature trees and demolition or renovation of structures. Specific measures as described herein shall be implemented for the protection of the bats that may occur on the site.	Project Applicant with Construction Contractor	City of Morgan Hill Community Development Department	
BIO-2: Prior to site preparation for project construction, including the removal of mature trees, demolition of structures, and grading, the measures outlined below shall be performed. If demolition, site clearing, grading or shrub removal or pruning are to be conducted outside of the breeding season (i.e., September 1 through January 31), no preconstruction surveys for nesting migratory birds is necessary. If demolition, site clearing, grading or shrub removal or pruning are to be conducted during the breeding season (i.e., February 1 through August 31), a preconstruction nesting bird survey shall be conducted. The survey shall be performed by a qualified biologist no more than two weeks prior to the initiation of work. Specific measures as described herein shall be implemented for the protection of the bats that may occur on the site.	Project Applicant with Construction Contractor	City of Morgan Hill Community Development Department	
HYD-1: The project sponsor shall determine the location of the site's water well, if present, prior to the start of project construction. The project sponsor shall retain a licensed well driller to destruct or abandon the former irrigation well at the project site in accordance with the standards specified in Santa Clara Valley Water District Ordinance 90-1 and the California Water Well Standards.	Project Applicant with Construction Contractor	City of Morgan Hill Community Development Department and City of Morgan Hill Public Works Department	

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility ¹	Monitoring Notes
HAZ-2: Remove and dispose of existing hazardous materials prior to building demolition.	Project Applicant with Construction Contractor	City of Morgan Hill Community Development Department and County of Santa Clara Department of Environmental Health	
During Construction			
AQ-1: To limit the project’s construction-related dust and criteria pollutant emissions, the BAAQMD-recommended Basic Construction Mitigation Measures shall be included in the project’s grading plan, building plans, and contract specifications.	Project Applicant with Construction Contractor and City of Morgan Hill	City of Morgan Hill – Community Development Department	
HYD-1: The applicant shall retain a licensed well driller to destroy or abandon the water well at the project site in accordance with the standards specified in Santa Clara Valley Water District Ordinance 90-1 and the California Water Well Standards developed by the California Department of Water Resources. Documentation of appropriate disposal shall be submitted to the City of Morgan Hill Building Inspection Department prior to issuance of a demolition permit. http://www.water.ca.gov/groundwater/well_info_and_other/california_well_standards/well_standards_content.html .	Project Applicant with Construction Contractor	City of Morgan Hill – Public Works Department	
Prior to Occupancy			
HAZ-1: Implement Buyer Education Program for Household Hazardous Waste.	Project Applicant with City of Morgan Hill	City of Morgan Hill – Community Development Department	

¹ The City of Morgan Hill may hire a qualified contractor to conduct mitigation monitoring.

Air Quality

Although the project's construction-related air pollutant emissions would not exceed the BAAQMD's applicable significance thresholds, the following measures are recommended by the BAAQMD to reduce the project's construction emissions:

- MM AQ-1: Basic Construction Measures.** To limit the project's construction-related dust and criteria pollutant emissions, the following BAAQMD-recommended Basic Construction Mitigation Measures shall be included in the project's grading plan, building plans, and contract specifications:
- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - c. 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.
 - d. All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
 - f. 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 [CCR]). Clear signage shall be provided for construction workers at all access points.
 - g. 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.
 - h. Post a publicly visible sign with the telephone number and person to contact at the City regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

BIOLOGICAL RESOURCES

The project's construction-related activities, including demolition of structures, site preparation, and grading could have potentially significant effects on special-status animal species that could be expected on the project site or using suitable habitat on-site. Implementation of the following measures would reduce these potentially significant effects to less-than-significant levels:

- MM BIO-1: Special-Status Bats.** Prior to the removal of mature trees or the demolition or renovation of structures, the measures outlined below should be performed.

- a. A pre-construction survey should be conducted by a qualified biologist to identify suitable bat roosting sites.
- b. Any trees or structures determined to support or potentially support maternal roosting sites may only be removed or demolished after coordination with the CDFW and/or the USFWS. Passive exclusion of roosting bats will be required and this may only be performed during the non-breeding season (i.e., between October 1 and March 30).
- c. Any trees or structures determined to provide suitable bat day or night roosting sites should be identified and marked on site plans. Such roosting sites include snags, rotten stumps, and decadent trees with broken limbs, exfoliating bark, cavities, openings leading to interior portions of any structures. If no suitable roost sites or evidence of bat roosting are identified, impact minimization measures are not warranted. If suitable roosting sites or evidence of bat roosting are identified, the following measures should be conducted:
 - i. A qualified biologist should survey suitable roost sites immediately prior to the removal or significant pruning of any of the larger trees, or demolition or significant renovation of any structures.
 - ii. If the project biologist identifies suitable day or night roost sites or evidence of bat occupation, the following steps should be followed to discourage use of the sites by bats and to ensure that any bats present are able to safely relocate.

For trees:

- Tree limbs smaller than 7.6 cm (3 in) in diameter should be removed and any loose bark should be peeled away.
- Any competing limbs that provide shelter around the potential roost site should be removed to create as open of an area as possible.
- The tree should then be alone to allow any bats using the tree/snag to find another roost during their nocturnal activity period.
- The project biologist should re-survey the trees a second time 48 hours after trimming.
- If no bats are present, work may proceed.
- If bats remain on-site, additional measures would be prescribed by the biologist.

For structures:

- Depending on the location of potential roost sites and the nature of bat occupation, partial dismantling of a suspect structure may be performed to discourage use by bats. Partial dismantling may consist of the removal of siding, roof sections, and roof gables to permit air flow and exposure to sunlight. This work should be performed under the supervision and direction of a qualified biologist.

- The project biologist should re-survey the structures a second time 48 hours after performance of the partial dismantling work.
- If no bats are present, work may proceed.
- If bats remain on-site, additional measures shall be prescribed by the biologist.

MM BIO-2: Special-Status Animal Species with Suitable Site Habitat. Prior to site preparation for project construction, including the removal of mature trees, demolition of structures, and grading, the measures outlined below shall be performed.

- a. If demolition, site clearing, grading or shrub removal or pruning are to be conducted outside of the breeding season (i.e., September 1 through January 31), no preconstruction surveys for nesting migratory birds is necessary.
- b. If demolition, site clearing, grading or shrub removal or pruning are to be conducted during the breeding season (i.e., February 1 through August 31), a preconstruction nesting bird survey shall be conducted. The survey shall be performed by a qualified biologist no more than two weeks prior to the initiation of work. If no nesting or breeding activity is observed, work may proceed without restrictions. To the extent allowed by access, all active nests identified within 92 meters (300 feet) for raptors and 31 meters (100 feet) for passerines shall be mapped.
- c. For any active nests found near the construction limits (i.e., 92 meters [300 feet for raptors and 31 meters [100 feet] for passerines) the project biologist shall make a determination as to whether or not construction activities are likely to disrupt reproductive behavior. If it is determined that construction is unlikely to disrupt breeding behavior, construction may proceed. If it is determined that construction may disrupt breeding, the no-construction buffer zone shall be expanded; avoidance is the only mitigation available. The ultimate size of the no-construction buffer zone may be adjusted by the project biologist based on the species involved, topography, lines of site between the work area and the nest, physical barriers, and the ambient level of human activity. If it is determined that construction activities are likely to disrupt raptor breeding, construction activities within the no-construction buffer zone may not proceed until the project biologist determines that the nest is long longer occupied.
- d. If maintenance of a no-construction buffer zone is not feasible, the project biologist shall monitor the nest(s) to document breeding and rearing behavior of the adult birds. If it is determined that construction activities are likely to cause nest abandonment, work shall cease immediately and the CDFW and/or the USFWS Division of Migratory Bird Management shall be contacted for guidance.

HAZARDS AND HAZARDOUS MATERIALS

The following mitigation measures will reduce potential hazardous materials impacts from structure demolition, site preparation, and construction grading that could occur on the project site.

MM HAZ-1: Implement Buyer Education Program for Household Hazardous Waste: The project sponsor, working with the City of Morgan Hill and County of Santa Clara Household Hazardous Waste program, shall implement a Buyer Education Program for Household Hazardous Waste, providing materials and/or direction to sources of information, (e.g. <https://www.morgan-hill.ca.gov/432/Household-Hazardous-Waste>) to educate project buyers about the identification of household hazardous wastes, environmental hazards associated with mishandling of the wastes, appropriate disposal methods, and how to make an appointment for disposal.

MM HAZ-2: Hazardous Building Materials Removal. Prior to demolition of the existing buildings at the project site, the project applicant shall require that the contractor(s) have a hazardous building materials survey completed by a Registered Environmental Assessor or a registered engineer. This survey shall be completed prior to any demolition activities associated with the project. If any friable asbestos-containing materials or lead-containing materials are identified, adequate abatement practices, such as containment and/or removal, shall be implemented in accordance with applicable laws prior to demolition. Specifically, asbestos abatement shall be conducted in accordance with Section 19827.5 of the California Health and Safety Code, as implemented by the BAAQMD, and 8 CCR Section 1529 and Sections 341.6 through 341.14, as implemented by Cal/OSHA. Lead-based paint abatement shall be conducted in accordance with Cal/OSHA's Lead in Construction Standard.

Any PCB-containing equipment, fluorescent light tubes containing mercury vapors, and fluorescent light ballasts containing DEHP shall also be removed and legally disposed of in accordance with applicable laws including 22 CCR Section 66261.24 for PCBs, 22 CCR Section 66273.8 for fluorescent lamp tubes, and 22 CCR Division 4.5, Chapter 11 for DEHP.

HYDROLOGY AND WATER QUALITY

In accordance with the City of Morgan Hill Standard Conditions of Approval and the General National Pollutant Discharge Elimination System Storm Water Permit for Construction Activities, the following measures have been included in the project to reduce potential construction-related water quality impacts to a less than significant level:

MM HYD-1: Properly Abandon Site Well. The project sponsor shall determine the location of the site's water well, if present, prior to the start of project construction. The applicant shall retain a licensed well driller to destroy or abandon the water well at the project site in accordance with the standards specified in Santa Clara Valley Water District Ordinance 90-1 and the California Water Well Standards developed

by the California Department of Water Resources. Documentation of appropriate disposal shall be submitted to the City of Morgan Hill Building Inspection Department prior to issuance of a demolition permit.

(http://www.water.ca.gov/groundwater/well_info_and_other/california_well_standards/well_standards_content.html).

III. FINDING

The City of Morgan Hill Community and Economic Development Director hereby finds that the proposed project could have a significant effect on the environment; however, there would not be a significant effect in this case because mitigation measures summarized above and described in the initial study are included in the project.

Jennifer Carman
Development Services Director

Date: _____