

**MITIGATION MONITORING AND REPORTING PROGRAM
TOWBIN DODGE DEALERSHIP (CONDIT-DODGE)
MORGAN HILL, CALIFORNIA**

Prepared for the:



Community Development Department
17575 Peak Avenue
Morgan Hill, CA 95037
408.778.6480

Prepared by:

M-Group
307 Orchard City Drive,
Suite 100
Campbell, CA 95008

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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 Towbin Dodge Dealership (Condit-Dodge) (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. In addition, the MMRP 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 the 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 M-Group, a planning & environmental consulting firm. Questions should be directed to Emily Foley, Contract Planner, at the City of Morgan Hill.

Contact Information:

City of Morgan Hill
Community Development Department
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Mitigation Measure	Implementation Responsibility	Monitoring Responsibility ¹	Timing of Implementation
Prior to Construction			
<p><i>BIO-1: Nesting Raptors or Other Migratory Birds.</i></p> <ul style="list-style-type: none"> • Construction related activities should take place during the non-breeding season (September 1-January 31) to the greatest extent feasible. • A preconstruction nesting bird survey shall be completed by a qualified biologist prior to demolition or any construction activity that occurs during the breeding season (February 1 through August 31) in order to avoid impacts to nesting birds. Surveys shall be completed by a qualified biologist no more than 15 days before initiation of construction activities. Surveys shall include the project site, staging area, and 500 feet surrounding the project site. If nests are observed, the biologist in consultation with California Department of Fish and Wildlife (CDFW), will determine an adequate buffer zone and other minimization measures to ensure that nest will not be disturbed during project construction. 	Project Applicant with Construction Contractor	City of Morgan Hill Community Development Department	No more than 30 days prior to initiation of any ground disturbing (construction) activity

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<p>BIO-2: Burrowing Owls</p> <p>A pre-construction survey shall be conducted by a qualified Burrowing Owl biologist no more than 30 days prior to initiation of any ground disturbing (construction) activity to assure take avoidance of burrowing owls. The survey shall consist of a habitat assessment, burrow survey, owl survey, and completion of a written report. The written report shall be submitted to the Community Development Department. If owls are observed during the preconstruction survey, no impacts to the owls or their habitat will be allowed during the nesting season (February 1 to August 31).</p>	<p>Project Applicant with Construction Contractor</p>	<p>City of Morgan Hill Community Development Department</p>	<p>No more than 30 days prior to ground (construction) disturbing activities.</p>
<p>HAZ-1: Construction workers on-site could be exposed to residual migrating contaminants in the soil and groundwater during grading and construction on the site. Excavation at the site could expose the public or the environment to hazardous materials.</p> <p>MM HAZ-1a: Conduct specific testing of soil prior to issuance of grading permit and if residual contaminants are found and are above regulatory environmental screening levels (ESLs) for public health and the environment, the project proponent shall implement appropriate management procedures, such as removal of the contaminated soil and implementation of a Site Management Plan (SMP) under regulatory oversight from the Santa Clara County Department of Environmental Health (SCCDEH) or the California Department of Toxic Substances Control (DTSC). Copies of the environmental investigations shall be submitted to the City of Morgan Hill Planning Division.</p>	<p>Project Applicant with Construction Contractor</p>	<p>City of Morgan Hill Community Development Department / Santa Clara County Department of Health / California Department of Toxic Substances Control</p>	<p>Prior to construction activities and prior to clean up activities associated with construction.</p>

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility ¹	Timing of Implementation
<p>The SMP shall be prepared by a qualified hazardous materials consultant. The SMP shall include:</p> <p>Management practices for handling contaminated soil or other materials if encountered during construction or cleanup activities and measures to minimize dust generation, stormwater runoff, and tracking of soil off-site.</p> <p>Preliminary Remediation Goals (PRGs) for environmental contaminants of concern to evaluate the site conditions following SMP implementation. A health and safety plan (HSP) for each contractor working at the site that addresses the safety and health hazards of each phase of site operations that includes the requirements and procedures for employee protection. The HSP will also outline proper soil handling procedures and health and safety requirements to minimize worker and public exposure to hazardous materials during construction.</p> <p>The SMP would be prepared and submitted to SCCDEH or DTSC for review and approval prior to issuance of grading permits and commencement of cleanup activities. The approved SMP would detail procedures and protocols for management of soil containing environmental contaminants during site development activities.</p> <p>All measures shall be printed on all construction documents, contracts, and project plans prior to issuance of grading permits.</p> <p>A No Further Action letter (or equivalent assurance) from SCCDEH or DTSC documenting</p>			

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<p>completion of cleanup activities shall be provided to the City of Morgan Hill Planning Department prior to issuance of grading permit.</p> <p>HAZ-1b: Prior to issuance of a grading permit, a groundwater management and dewatering plan shall be developed to protect construction workers if groundwater is encountered, and to meet the permit requirements if groundwater is determined to require treatment prior to discharge to the sewer system. The SCCDEH would be informed of any groundwater contaminants and oversee the groundwater management plan.</p> <p>HAZ-1c: A copy of the Site Management Plan and any associated environmental investigations shall be provided to the City of Morgan Hill Planning Division.</p> <p>HAZ-1d: Prior to issuance of a grading permit, the project proponent would implement Mitigation Measures HAZ-1a-c and would be required to provide a monitoring plan to the satisfaction of the City of Morgan Hill Planning Division.</p>	<p>Project Applicant with Construction Contractor</p>	<p>City of Morgan Hill Community Development Department</p>	<p>Prior to issuance of a grading permit.</p>
<p>HYD-1: In order to be consistent with the City’s requirements for storm runoff control, the proposed project design would need to include the development of a storm water detention basin or other drainage control structures on the subject property. The storm drainage facilities proposed for the project would need to be consistent with provisions the City’s Storm Drainage System Master Plan and the stormwater-related conditions of project approval. The incorporation of the Stormwater Conditions for construction activities, post-construction operation of the project, and Low</p>			

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Impact Development (LID) would reduce the potentially significant impacts of the project on stormwater quality to less than significant levels.			
During Construction			
AQ-1: Include basic measures to control dust and exhaust during construction.	Project Applicant with Construction Contractor	City of Morgan Hill Community Development Department	During Construction.
<p>During any construction period ground disturbance, the applicant shall ensure that the project contractor implement measures to control dust and exhaust. Implementation of the measures recommended by Bay Air Quality Management District (BAAQMD) and listed below would reduce the air quality impacts associated with grading and new construction to a less than significant level. The contractor shall implement the following best management practices that are required of all projects:</p>			
<ol style="list-style-type: none"> 1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. 2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered. 3. 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. 4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph). 5. 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. 			

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<p>6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five (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.</p> <p>7. 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.</p> <p>8. 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 phone number shall also be visible to ensure compliance with applicable regulations.</p>			
<p>BIO-3: Burrowing Owls</p> <p>Should burrowing owls be found on the site during the breeding season (February 1 through August 31), exclusion zones, with a 250-foot radius from occupied burrows, shall be established. All development-related activities shall occur outside of the exclusion area until the young have fledged.</p>	<p>Project Applicant with Construction Contractor and City of Morgan Hill</p>	<p>City of Morgan Hill – Community Development Department</p>	<p>If burrowing owls are found on the site during the breeding season (February 1 through August 31)</p>
<p>BIO-4: Burrowing Owls</p> <p>If pre-construction surveys are conducted during the non-breeding season (September 1 through January 31) and burrowing owls are observed on the site, the project proponent shall establish a 250-foot non-disturbance buffer around occupied burrows as determined by a qualified biologist.</p>	<p>Project Applicant with Construction Contractor</p>	<p>City of Morgan Hill Community Development Department</p>	<p>September 1 through January 31</p>

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<p>Construction activities outside of the 250-foot buffer shall be allowed. Construction activities within the non-disturbance buffer shall be allowed if the following criteria are met in order to prevent owls from abandoning important overwintering sites:</p> <ul style="list-style-type: none"> • A qualified biologist monitors the owls for at least three days prior to construction to determine baseline foraging behavior (i.e., behavior without construction). • The same qualified biologist monitors the owls during construction and finds no change in owl foraging behavior in response to construction activities. • If any change in owl foraging behavior occurs as a result of construction activities, such activities shall cease within the 250-foot buffer. • If the owls are gone for at least one week, the project proponent may request approval from the Habitat Agency that a qualified biologist excavate usable burrows to prevent owls from reoccupying the site. After all usable burrows are excavated, the buffer zone shall be removed and construction may continue. Monitoring shall continue as described above for the non-breeding season as long as the burrow remains active. <p>Passive relocation of owls shall not be permitted unless the positive growth trend described in Section 5.4.6 of the Santa Clara Valley Habitat Conservation Plan (SCVHP) is achieved and all passive relocation measures identified in the SCVHP are implemented. The project applicant may choose to obtain an exception that would allow for passive relocation, in which case an application shall be submitted to the Habitat Agency along with a passive relocation plan in accordance with</p>			

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<p>Section 6.6.1, Condition 15, Exceptions to Passive Relocation Prohibition, of the SCVHP. The Habitat Agency shall have the final authority to grant or deny the requested exception.</p>			
<p><i>NOI-1: Construction Best Management Practices</i> All gasoline-powered construction equipment shall be equipped with an operating muffler or baffling system as originally provided by the manufacturer, and no modification to these systems is permitted. Unnecessary idling of internal combustion engines should be strictly prohibited. Located stationary noise generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors (adjacent hotels). Utilize “quiet” air compressors and other stationary noise sources where technology exists.</p>	<p>Project Applicant with Construction Contractor</p>	<p>City of Morgan Hill Community Development Department</p>	<p>During construction activities</p>

FINDING

The City of Morgan Hill Community 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 MND are included in the project.

Jennifer Carman
Community Development Director

Date: _____