

Maggiora & Ghilotti Inc.
(Applicant/Owner)

**Mitigation Monitoring and Reporting Program
County File # DP18-3020**

**2800 Radiant Avenue
Richmond, CA 94801**

APN: 408-082-030 and 001

JULY 2021

SECTION 1: AESTHETICS

Potential Impact (1-1): *The North Richmond Planned Unit District development standards require proper screening of parking, loading, and other utility areas from the street and adjacent properties, as well as buffer planting on property lines. Compliance with these standards in the Final Landscaping Plan must be ensured to mitigate the visual impact of the development.*

Mitigation Measures:

AES-1: At least 30 days prior to submittal of a building/grading permit application, a Final Landscape Plan shall be submitted to the Department of Conservation and Development, Community Development Division (CDD) staff for review and approval. Plant materials shall meet the guidelines specified in the North Richmond Design Guidelines for landscaping in industrial areas. The Final Landscape Plan is subject to a concurrent review for compliance with the State/County Model Water Efficient Landscape Ordinance.

Implementing Action:	COA # TBD
Timing Verification:	At least 30 days prior to CDD issuance of a grading or building permit.
Responsible Department or Agency:	Project proponent and CDD.
Compliance Verification:	CDD Plan Check review of plans prior to issuance of building or grading permit, and field verification by the CDD prior to final of building/grading permit.

Potential Impact (1-2): *The North Richmond Planned Unit District development standards require all outdoor lighting to be directed down and screened away from adjacent properties and streets. Compliance with this standard in any future Lighting Plan must be ensured to mitigate the visual impact of the development.*

Mitigation Measures:

AES-2: At least 30-days prior to applying for a building permit for lighting, the applicant shall submit for review and approval of CDD staff a Lighting Plan. Light standards shall be low-lying and deflected so that the lights shine onto applicant’s property and avoid spilling into adjacent properties.

Implementing Action:	COA # TBD
Timing Verification:	At least 30 days prior to applying for a lighting improvements, the applicant shall submit to CDD a lighting plan for review.
Responsible Department or Agency:	Project proponent and CDD.

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Compliance Verification:	CDD Plan Check review of plans prior to issuance of building permit, and field verification of installation by the Building Inspection Division.
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SECTION 3: AIR QUALITY

Potential Impact (3-1): *Exhaust emissions and particulates produced by construction activities may cause exposure of the public or sensitive receptors to significant amounts of pollutants.*

Mitigation Measures:

AIR-1: *The following Bay Area Air Quality Management District, Basic Construction mitigation measures shall be implemented during project construction and shall be included on all construction plans:*

- 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. *Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.*
- e. *Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).*
- f. *Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).*
- g. *Install sandbags or other erosion control measures to prevent silt runoff to public roadways.*
- h. *Replant vegetation in disturbed areas as quickly as possible.*
- i. *All vehicle speeds on unpaved roads shall be limited to 15 mph.*
- j. *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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- k. *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.*
- l. *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.*
- m. *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.*

Implementing Action:	COA # TBD
Timing Verification:	Prior to submittal of a grading or building permit, all construction contracts and construction plan sets shall include BAAQMD, Basic Construction Mitigation Measures.
Responsible Department or Agency:	Project proponent and CDD.
Compliance Verification:	CDD Plan Check review of plans prior to submittal of building or grading permit, and code enforcement response to any complaints.

Potential Impact (3-2): *Construction activities may cumulatively increase criteria pollutants which the region is in non-attainment under applicable federal or state ambient air quality standards.*

Mitigation Measures:

AIR-2: Non-emergency maintenance, construction, and other activities on the site related to this project are restricted to the hours of 7:30 A.M. to 5:30 P.M., Monday through Friday, and shall be prohibited on State and Federal holidays on the calendar dates that these holidays are observed by the State or Federal government as listed below:

- New Year's Day (State and Federal)
- Birthday of Martin Luther King, Jr. (State and Federal)
- Washington's Birthday (Federal)
- Lincoln's Birthday (State)
- Presidents' Day (State and Federal)
- Cesar Chavez Day (State)
- Memorial Day (State and Federal)
- Independence Day (State and Federal)

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Labor Day (State and Federal)
 Columbus Day (State and Federal)
 Veterans Day (State and Federal)
 Thanksgiving Day (State and Federal)
 Day after Thanksgiving (State)
 Christmas Day (State and Federal)

For specific details on the actual day the state and federal holidays occur, please visit the following websites:

Federal Holidays:
http://www.opm.gov/Operating_Status_Schedules/fedhol/2021.asp

California Holidays:
<http://www.ftb.ca.gov/aboutFTB/holidays.shtml>

Implementing Action:	COA # TBD
Timing Verification:	Prior to submittal of a grading or building permit, all construction plan sets shall include construction hour restrictions.
Responsible Department or Agency:	Project proponent and CDD.
Compliance Verification:	CDD Plan Check review of plans prior to submittal of building or grading permit, and field verification by the Building Inspection Division.

Potential Impact (3-3): *Exhaust emissions and particulates produced during construction activities may cause exposure of the public or sensitive receptors to significant amounts of pollutants.*

Mitigation Measures:

AIR 3: *The following mitigation measures shall be implemented during all construction activities related to the project:*

- a. Provide the necessary infrastructure to support the zero and near-zero emission technology vehicles and equipment that will be operating on-site. Necessary infrastructure may include the physical (e.g., needed footprint), energy, and fueling infrastructure for construction equipment, on-site vehicles, and medium-heavy and heavy-heavy duty trucks.*
- b. Portable equipment used during construction shall be powered by electricity from the grid instead of diesel-powered generators, to the maximum amount feasible.*
- c. Construction contracts shall include language that requires all off-road diesel-powered equipment used during construction to be equipped with Tier 4 or cleaner*

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engines, except for specialized construction equipment in which Tier 4 engines are not available. In place of Tier 4 engines, off-road equipment can incorporate retrofits such that emission reductions achieved equal or exceed that of a Tier 4 engine.

- d. Construction contracts shall include language that requires all off-road equipment with a power rating below 19 kilowatts (e.g., plate compactors, pressure washers), used during project construction be battery powered.*
- e. Construction contracts shall include language that requires all heavy-duty trucks entering the construction site, during the grading and building construction phases be model year 2014 or later. All heavy-duty haul trucks shall also meet CARB’s lowest optional low-NOx standard starting in the year 2022.¹*
- f. At least 30-days prior to submitting for a grading or building permit, property owner/tenant/lessee shall submit for review and approval of CDD, a dust and litter control program. Any violation of the approved program or applicable ordinances shall require an immediate work stoppage. Construction work shall not be allowed to resume until, if necessary, an appropriate construction bond has been posted.*

Implementing Action:	COA
Timing Verification:	Prior to CDD issuance of a grading or building permit, all construction plan sets shall include construction restrictions, and applicant shall submit to CDD necessary documentation.
Responsible Department or Agency:	Project proponent, Building Inspection, and CDD.
Compliance Verification:	CDD Plan Check review of plans prior to issuance of building or grading permit, and field verification by the Building Inspection Division.

Potential Impact (3-4): Exhaust emissions and particulates produced by operation of diesel trucks/equipment during on-going business operations (delivery and pick-up, etc.) may cause exposure of the public or sensitive receptors to significant amounts of pollutants.

Mitigation Measures:

AIR-4: *The following mitigation measures shall be implemented during all on-going business operations, and shall be included as part of contractual lease agreement*

¹ The regulation requires newer heavier trucks and buses must meet PM filter requirements beginning January 1, 2012. Lighter and older heavier trucks replaced starting January 1, 2015. By January 1, 2023, nearly all trucks and buses will need to have 2010 model year engines or equivalent. CARB’s Statewide Truck and Bus Regulation is available at <https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>.

language to ensure the tenants/lessees are informed of all on-going operational responsibilities.

- a. The property owner/tenant/lessee shall ensure that all heavy-duty trucks (Class 7 and 8) domiciled on the project site are model year 2014 or later from start of operations, and shall expedite a transition to zero-emission vehicles, with the fleet fully zero-emission by December 31, 2025 or when commercially available for the intended application, whichever date is later.*

“Domiciled at the project site shall mean the vehicle is either (i) parked or kept overnight at the project site more than 70% of the calendar year or (ii) dedicated to the project site (defined as more than 70% of the truck routes (during the calendar year) that start at the project site even if parked or kept elsewhere).

Zero-emission heavy-duty trucks which require service can be temporarily replaced with model year 2014 or later trucks. Replacement trucks shall be used for only the minimum time required for servicing fleet trucks.

- b. The property owner/tenant/lessee shall utilize a “clean fleet” of vehicles/delivery/vans/trucks (Class 2 through 6) as part of business operations as follows: For any vehicle (Class 2 through 6) domiciled at the project site, the following “clean fleet” requirements apply: (i) 33% of the fleet will be zero emission at start of operations, (ii) 65% of the fleet will be zero emission vehicles by December 31, 2023, (iii) 80% of the fleet will be zero emission vehicles by December 31, 2025, and (iv) 100% of the fleet will be zero emission vehicles by December 31, 2027.*

“Domiciled at the project site” shall mean the vehicle is either (i) parked or kept overnight at the project site more than 70% of the calendar year or (ii) dedicated to the project site (defined as more than 70% of the truck routes (during the calendar year) that start at the project site even if parked or kept elsewhere).

Zero-emission vehicles which require service can be temporarily replaced with alternate vehicles. Replacement vehicles shall be used for only the minimum time required for servicing fleet vehicles.

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The property owner/tenant/lessee shall not be responsible to meet “clean fleet” requirements for vehicles used by common carriers operating under their own authority that provide delivery services to or from the project site.

- c. The property owner/tenant/lessee shall make all reasonable efforts to procure the zero emission vehicles/trucks required to meet the “clean fleet” requirements in (a) and (b) above. In the event that there is a disruption in the manufacturing of zero emission vehicles/trucks or that sufficient vehicles/trucks are not commercially available for the intended application, the “clean fleet requirements” may be adjusted as minimally as possible by the CDD to accommodate the manufacturing disruption or unavailability of commercially available vehicles/trucks. The property owner/tenant/lessee shall provide all necessary documentation describing efforts made to meet clean fleet requirements as part of any adjustment request. The CDD staff may seek the recommendation of the California Air Resources Board in determining whether there has been a manufacturing disruption or insufficient vehicles/trucks commercially available for the intended application.*
- d. The property owner/tenant/lessee shall ensure all on-site equipment and vehicles (e.g., yard hostlers, yard equipment, forklifts, yard trucks and tractors, and pallet jacks) used within the project site are zero-emission from start of operations.*
- e. The property owner/tenant/lessee shall use the cleanest technologies available, and provide the necessary infrastructure to support zero-emission vehicles and equipment that will be operating on-site.*
- f. At least 30 days prior to applying for building permits, the property owner/tenant/lessee shall submit plans for review and approval of CDD staff, which include the necessary infrastructure for future use of zero emission vehicles, including both heavy-duty and delivery trucks (e.g., installation of conduit specifically designated for truck charging equipment in the future).*
- g. Idling is strictly prohibited on the subject property and adjacent streets in the Richmond/San Pablo area. The property owner/tenant/lessee shall inform all truck drivers associated with the business of this prohibition.*
- h. Applicant/tenant/lessee shall periodically sweep the property to remove road dust, tire wear, brake dust and other contaminants in paved parking lots.*

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- i. *Applicant/tenant/lessee shall not use diesel back-up generators on the property unless absolutely necessary. If absolutely necessary, at the time of initial operation, generators shall have Best Available Control Technology (BACT) that meets CARB's Tier 4 emission standards or meets the most stringent in-use standard, whichever has the least emissions. In the event rental back-up generators are required during an emergency, the units shall be located at the project site for only the minimum time required. Applicant/tenant/lessee shall make every effort to utilize emergency back-up generators that meet CARB's Tier 4 emission standards or have the least emissions.*
- j. *The property owner/tenant/lessee shall monitor and ensure compliance with all current air quality regulations for on-road trucks including CARB's Heavy-Duty (Tractor-trailer) Greenhouse Gas Regulation, Periodic Smoke Inspection Program, and the Statewide Truck and Bus Regulation.*
- k. *The operation of Transportation Refrigeration Units (TRUs) is prohibited on the subject site. Any proposed use of TRUs at the subject location will require submittal of a Development Plan modification application.*
- l. *As determined by the CDD, the property owner/tenant/lessee shall install sound walls and/or vegetation, when appropriate, to effectively block diesel emissions from existing nearby sensitive receptors (e.g., schools and residential neighborhoods).*
- m. *The property owner shall add mitigation measures Air Quality 4, a through m, as part of contractual lease agreement language to ensure the tenant/lessee is informed of all on-going operational responsibilities.*

Implementing Action:	COA # TBD
Timing Verification:	Prior to entering into any lease agreement, include language to ensure the tenant/lessee is informed of all on-going operational responsibilities. Copy of lease language shall be submitted to CDD.
Responsible Department or Agency:	Project proponent and CDD.
Compliance Verification:	CDD review of agreement language prior to execution of any lease.

SECTION 4: BIOLOGICAL RESOURCES

Potential Impact (4-1): *Special-status bird species, and other nesting birds protected by the Migratory Bird Treaty Act, could be impacted by the construction phase of the project.*

Mitigation Measures:

BIO-1: If project construction-related activities would take place during the nesting season (February through August), preconstruction surveys for nesting passerine birds and raptors (birds of prey) within the property and the surrounding area of influence should be conducted by a competent biologist prior to the commencement of the tree removal or site grading activities. Since there is only a single small tree located on the property, the survey should focus on low vegetation and ground nesters. If any bird listed under the Migratory Bird Treaty Act is found to be nesting within the project site or within the area of influence, an adequate protective buffer zone should be established by a qualified biologist to protect the nesting site. This buffer shall be a minimum of 50 feet from the project activities for passerine birds, and a minimum of 200 feet for raptors. The distance shall be determined by a competent biologist based on the site conditions (topography, if the nest is in line of sight of the construction and the sensitivity of the birds nesting). The nest site(s) shall be monitored by a competent biologist periodically to see if the birds are stressed by the construction activities and if the protective buffer needs to be increased. Once the young have fledged and are flying well enough to avoid project construction zones (typically by August), the project can proceed without further regard to the nest site(s).

Implementing Action:

COA # TBD

Timing Verification:

Perform necessary survey(s) if construction is to occur between February and August.

Responsible Department or Agency:

Project proponent and CDD.

Compliance Verification:

CDD review of survey(s) prior to ground disturbance.

SECTION 5: CULTURAL RESOURCES

Potential Impact: Surface construction activities could potentially damage or destroy previously undiscovered historic and prehistoric resources.

Mitigation Measures:

CUL-1: The following Mitigation Measures shall be implemented during project related ground disturbance, and shall be included on all construction plans:

- a. All construction personnel, including operators of equipment involved in grading, or trenching activities will be advised of the need to immediately stop work if they observe any indications of the presence of an unanticipated cultural resource discovery (e.g. wood, stone, foundations, and other structural remains; debris-filled wells or privies; deposits of wood, glass, ceramics). If deposits of prehistoric or historical archaeological materials are encountered during ground disturbance

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activities, all work within 50 feet of the discovery shall be redirected and a qualified archaeologist contacted to evaluate the finds and, if necessary, develop appropriate treatment measures in consultation with the County and other appropriate agencies.

If the deposits are not eligible, avoidance is not necessary. If eligible, deposits will need to be avoided by impacts or such impacts must be mitigated. Upon completion of the archaeological assessment, a report should be prepared documenting the methods, results, and recommendations. The report should be submitted to the Northwest Information Center and appropriate Contra Costa County agencies.

- b. If human remains are encountered, work within 50 feet of the discovery shall be redirected and the County Coroner notified immediately. At the same time, an archaeologist shall be contacted to assess the situation. If the human remains are of a Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Most Likely Descendant (MLD) to inspect the property and provide recommendations for the proper treatment of the remains and associated grave goods.

Upon completion of the assessment by an archaeologist, the archaeologist should prepare a report documenting the methods and results, and provide recommendations for the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the MLD. The report should be submitted to the Northwest Information Center and appropriate Contra Costa agencies.

Implementing Action:	COA # TBD
Timing of Verification:	During initial review of construction plan sets and throughout project.
Responsible Department, Agency, or Party:	Project proponent and CDD.
Compliance Verification:	Include on plan sets during plan check and submittal of archaeologist report in the event of a find, for CDD review.

Potential Impact (5-2): Surface construction activities could potentially damage or destroy previously undiscovered archeological resource.

Mitigation Measures:

Implementation of mitigations measure **CUL-1** would reduce the impact on previously undiscovered archeological resources to a less than significant level.

Potential Impact (5-3): Surface construction activities could potentially damage or destroy previously undiscovered human remains.

Mitigation Measures:	
Implementation of mitigations measure CUL-1 would reduce the impact on previously undiscovered human remains to a less than significant level.	
SECTION 6: ENERGY	
Potential Impact (6-1): <i>Production of project related energy has potential to incrementally increase environmental pollutants at point sources.</i>	
Mitigation Measures:	
Energy-1: <i>At least 30-days prior to applying for the initial building/grading permit, the applicant shall also pay the Contra Costa County, Department of Conservation and Development, Current Planning Division, a flat not-to-exceed amount of \$75,000 as its fair share contribution towards the cost of planning and/or constructing a Solar Project for the benefit of the North Richmond area. The Solar Project must benefit North Richmond residents as mitigation for the construction of the project with its associated emissions and truck traffic. The County will work with the District One Supervisor and the North Richmond Community to define and develop the Solar Project.</i>	
Implementing Action:	COA
Timing of Verification:	Prior to submittal of building or grading permit.
Responsible Department, Agency, or Party:	Project proponent and CDD.
Compliance Verification:	Payment to CDD prior to submittal for building or grading permit.
SECTION 7: GEOLOGY AND SOILS	
Potential Impact: There is a possibility that buried fossils and other paleontological resources could be present and accidental discovery could occur.	
Mitigation Measures:	
Implementation of mitigations measure Cultural Resources 1 would reduce the impact on previously undiscovered paleontological resources to a less than significant level.	
SECTION 17: TRANSPORTATION	
Potential Impact (17-1): <i>Truck traffic associated with the project may negatively impact (air quality and pedestrian safety) within the nearby residential portions of North Richmond and surrounding communities.</i>	
Mitigation Measures:	

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Traffic 1: <i>The operator of the contractor's yard shall prevent all truck traffic from driving through local residential neighborhood streets of the North Richmond area. Truck traffic shall remain on roadways within the industrial area, and utilize the designated truck route (currently Richmond Parkway, Parr Boulevard, Goodrick Avenue and Giant Highway).</i>	
Implementing Action:	COA #TBD
Timing of Verification:	Throughout all phases of the project.
Responsible Department, Agency, or Party:	Project proponent and CDD.
Compliance Verification:	Response to complaints if applicable
Traffic 2: <i>At least 30-days prior to applying for a building/grading permit the applicant shall pay the Contra Costa County, Department of Conservation and Development, Current Planning Division, a flat not-to-exceed amount of \$25,000 as its fair share contribution towards the cost of a General Plan update for the North Richmond area.</i>	
Implementing Action:	COA #TBD
Timing of Verification:	At least 30-days prior to submittal of building/grading application.
Responsible Department, Agency, or Party:	Project proponent and CDD.
Compliance Verification:	Receipt of funds.
SECTION 21: MANDATORY FINDINGS OF SIGNIFICANCE	
Potential Impact: As discussed in individual sections of the Initial Study, the project to construct a contractor's yard on a vacant property, may impact the quality of the environment (Aesthetics, Biological Resources, Hydrology/Water Quality, Noise, Greenhouse Gas Emissions, Air Quality, Cultural Resources, Energy, Geology/Soils, Transportation, and Tribal/Cultural Resources).	
Mitigation Measures:	
The potential impact would be reduced to a less than significant level with the adoption of the Mitigation Measures that are specified in the respective sections of the Initial Study and accepted by the project applicant.	

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