

**Mitigation Monitoring and Reporting Program
for the
Willow Avenue Commercial Center Project
Initial Study/Mitigated Negative Declaration
City of Hercules, Contra Costa County, California**

Prepared for:
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Table 1: Willow Avenue Commercial Center Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
3. Air Quality					
MM AQ-1: In order to ensure all the impacts are less than significant, the project applicant shall: a) Ensure all off-road construction equipment greater than 50 horsepower must be equipped with engines meeting the EPA Tier IV emission standards; or b) Prior to issuance of grading permits, the project applicant shall submit a revised air quality emissions and health risk assessment modeling results demonstrating that the project-specific detailed construction equipment list to be used and the construction schedule to be followed by the general contractor would result in emissions below the BAAQMD’s air quality and health risk thresholds.	City Staff will confirm that all off-road construction equipment meets EPA Tier IV emission standards; or, the applicant will submit modeling memorandum ensuring emissions will be below the BAAQMD’s air quality and health risk thresholds.	Prior to the issuance of grading permits.	City of Hercules		
4. Biological Resources					
MM BIO-1: Prior to the start of construction activities, temporary fencing shall be installed around the wetland area. No construction equipment or activities, including the stockpiling of soils, shall be allowed within the fenced area. The temporary fencing shall be removed when construction activities are completed.	City Staff will visually verify that a fence has been installed.	Prior to issuance of grading permits.	City of Hercules		
5. Cultural Resources					
MM CUL-1: Because of the moderate potential for undiscovered cultural resources within the project area, a qualified archaeologist shall be present during the initial phase of ground disturbance and grading in order to check for the inadvertent exposure of cultural materials. The initial phase of ground disturbance shall be deemed the grading operation that includes removal of organic material along the surface of the site. For areas to be excavated and soil removed, the upper 3 feet of removals shall be deemed initial ground	City Staff will verify that the Applicant has hired a qualified archaeologist to be present during the initial phase of ground disturbance.	Prior to issuance of grading permits.	City of Hercules		

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disturbance. On areas to receive fill, scarification and moisture conditioning occurring on the upper 12 to 18 inches shall be deemed the initial ground disturbance. This may be followed by regular periodic or “spot-check” archaeological monitoring as needed by a full-time archaeological monitoring who meets the Secretary of Interior’s Professional Qualification Standards for archaeology, as well as a Tribal Cultural Monitor. If a potentially significant cultural resource is encountered during subsurface earthwork activities, all construction activities within a 100-foot radius of the find shall cease and workers should avoid altering the materials until the Archaeologist or Tribal Monitor has evaluated the situation and provided appropriate recommendations. Project workers shall not collect or remove any cultural resources. The Applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Any previously undiscovered resources found during construction activities shall be recorded on appropriate Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of CEQA criteria by a qualified archaeologist. Potentially significant cultural resources consist of but are not limited to stone, bone, glass, ceramics, fossils, wood, or shell artifacts, or features including hearths, structural remains, or historic dumpsites. If the resource is determined significant under CEQA, the qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan that will capture those categories of data for which the site is significant in accordance with Section 15064.5 of the CEQA Guidelines. The archaeologist shall also perform appropriate technical analyses, prepare a comprehensive report complete with methods, results, and recommendations, and provide for the permanent curation of the recovered resources. The report shall be submitted to the City of Hercules, the Northwest Information Center, and the State Historic Preservation Office (SHPO), if required.					

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MM CUL-2: In the event that fossils or fossil-bearing deposits are discovered during construction activities, excavations within a 100-foot radius of the find shall be temporarily halted or diverted. The project contractor shall notify a qualified paleontologist to examine the discovery. The applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. The paleontologist shall document the discovery as needed in accordance with Society of Vertebrate Paleontology standards and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction activities are allowed to resume at the location of the find. If the Applicant determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of construction activities on the discovery. The plan shall be submitted to the City of Hercules for review and approval prior to implementation, and the Applicant shall adhere to the recommendations in the plan.	Applicant will ensure that, in the event that fossils or fossil-bearing deposits, work is stopped within a 100-foot radius and a qualified paleontologist is contacted.	Ongoing during construction.	Applicant/City of Hercules		
MM CUL-3: In the event of the accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Sections 5097.94 and 5097.98 must be followed. If during the course of project development there is accidental discovery or recognition of any human remains, the following steps shall be taken: 1. There shall be no further excavation or disturbance within 100 feet of the remains until the County Coroner is contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If	Applicant will ensure that, in the event accidental discovery or recognition of any human remains, work is stopped within a 100-foot radius and the County Coroner is contacted.	Ongoing during construction.	Applicant		

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<p>the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the most likely descendant (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98.</p> <p>2. Where the following conditions occur, the landowner or his or her authorized representative shall reburial the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the most likely descendant or on the project site in a location not subject to further subsurface disturbance:</p> <ul style="list-style-type: none"> • The NAHC is unable to identify a most likely descendant or the most likely descendant failed to make a recommendation within 48 hours after being notified by the commission. • The descendant identified fails to make a recommendation. • The landowner or his authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner. <p>Additionally, California Public Resources Code Section 15064.5 requires the following relative to Native American remains:</p> <p>When an initial study identifies the existence of, or the probable likelihood of, Native American remains within a project, a lead agency shall work with the appropriate Native Americans as identified by the NAHC, as provided in Public</p>					

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Resources Code Section 5097.98. The applicant may develop a plan for treating or disposing of, with appropriate dignity, the human remains, and any items associated with Native American burials with the appropriate Native Americans as identified by the NAHC.					
6. Geology and Soils					
MM GEO-1: Prior to final project approval, the project applicant shall incorporate earthwork, grading, foundation support, and other recommendations regarding project design and construction in the Preliminary Geotechnical Evaluation prepared by ENGEO Incorporated on November 16, 2017.	Applicant will incorporate Preliminary Geotechnical Evaluation recommendations, City Staff will verify.	Prior to issuance of grading permits.	City of Hercules		
MM GEO-2: Prior to final project approval, the project applicant shall incorporate recommendations regarding expansive soils in the Preliminary Geotechnical Evaluation prepared by ENGEO Incorporated on November 16, 2017. As noted in Section 5.7 of the Preliminary Geotechnical Evaluation, the following alternatives shall be incorporated to reduce the effects of expansive soils on building foundation and improvements: <ul style="list-style-type: none"> Construct the upper 24 inches of the building pads extending at least 10 feet laterally beyond building areas with selected fill derived from excavations in lower plasticity bedrock. Because of the distribution of expansive materials on-site, selective grading may be difficult to perform. Alternatively, if selective grading cannot be performed building pads shall be constructed with imported non-expansive fill. Lime treat the upper 24 inches of the building pad to reduce the expansion potential of the on-site soil. 	Applicant will incorporate Preliminary Geotechnical Evaluation recommendations, City Staff will verify.	Prior to issuance of grading permits.	City of Hercules		

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7. Greenhouse Gas Emissions					
MM GHG-1: Prior to the issuance of the final Certificate of Occupancy, the project applicant shall provide documentation demonstrating that it has purchased carbon offsets from local or regional registries in the amount of 250 MT CO2e per year for the expected determined life of the project (20-years). The chosen registry must have California Air Pollution Control Officers Association (CAPCOA)-approved protocols.	Applicant will provide documentation demonstrating purchase of carbon offsets, per the mitigation measure.	Prior to issuance of the final Certificate of Occupancy.	City of Hercules		
16. Transportation/Traffic					
MM TRANS-1: Prior to the issuance of occupancy permits, the applicant shall make the following improvement: <ul style="list-style-type: none">Restripe and widen Willow Avenue on the south side approaching Palm Avenue and the Willow/Palm Intersection to include a second westbound through lane to provide separate left-turn and through/right-turn lanes in the westbound direction, and modification of the southeast corner curb radius to accommodate right turns by trucks from northbound Palm Avenue to eastbound Willow Avenue, thereby ensuring that provision of the left-turn lane will not impede emergency access.	Applicant will make, or provide a bond, for the improvement.	Prior to the issuance of occupancy permits.	City of Hercules		
MM TRANS-2: Prior to the issuance of construction permits, the applicant shall ensure there is adequate room for future Class II bike lanes in the ultimate widened configuration of Willow Avenue bordering the project site.	Applicant will provide engineering drawings for review by City Staff.	Prior to the issuance of construction permits.	City of Hercules		
MM TRANS-3: Prior to the issuance of occupancy permits, the applicant shall provide engineering drawings for review by City staff confirming the provision of adequate stopping sight distance at the project driveway, and adequate sight-distance for permissive left-turns relevant to the westbound left-turn into the project site. Following project completion, the	Applicant will provide engineering drawings for review by City Staff.	Prior to the issuance of occupancy permits.	City of Hercules		

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applicant shall ensure that adequate maintenance is provided to ensure that vegetation growth will not impeded the necessary sight distance.					

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