

MITIGATION MONITORING AND REPORTING PROGRAM

WALNUT AVENUE
SPECIFIC PLAN

PREPARED FOR

Susan Stanton, City Manager

June 3, 2014

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WALNUT AVENUE SPECIFIC PLAN MITIGATION MONITORING AND REPORTING PROGRAM

INTRODUCTION

California Environmental Quality Act Guidelines (CEQA) section 15097 requires public agencies to adopt reporting or monitoring programs when they approve projects subject to an environmental impact report or a negative declaration that includes mitigation measures to avoid significant adverse environmental effects. The reporting or monitoring program is to be designed to ensure compliance with conditions of project approval during project implementation in order to avoid significant adverse environmental effects.

The law was passed in response to historic non-implementation of mitigation measures presented in environmental documents and subsequently adopted as conditions of project approval. In addition, monitoring ensures that mitigation measures are implemented and thereby provides a mechanism to evaluate the effectiveness of the mitigation measures.

A definitive set of project conditions would include enough detailed information and enforcement procedures to ensure the measure's compliance. This monitoring program is designed to provide a mechanism to ensure that mitigation measures and subsequent conditions of project approval are implemented.

MITIGATION MEASURES TO BE MONITORED

The *Walnut Avenue Specific Plan Draft Environmental Impact Report* (Draft EIR) was circulated for public review from January 29, 2014 to March 14, 2014. The Draft EIR contains a range of mitigation measures to reduce significant impacts of future development as would be guided by

the *Walnut Avenue Specific Plan* (“specific plan” or “proposed project”). The specific plan contains policies, implementation actions, design standards, and development regulations to which future development must conform. Where these components of the specific plan direct future development in a manner that reduces environmental impacts of the proposed project, they serve as de-facto mitigation measures for CEQA purposes.

The Draft EIR contains a range of mitigation measures. With the exception of just one of the mitigation measures, the Draft EIR directs the mitigation measures to be incorporated into the specific plan as policies. With this action, future development within the specific plan boundaries will be required to be consistent with these policies. By ensuring such consistency, the significant impacts addressed by the respective policies will be reduced to less than significant. Concurrent with the city’s consideration to certify the Final EIR and adopt the specific plan, the city will also approve modification of the specific plan to incorporate the new policies as noted.

The Draft EIR mitigation measures to be included in the specific plan as new policies do not require monitoring for CEQA purposes. The consistency of future development projects with the new policies will be evaluated through the city’s development review process to be conducted for future individual projects proposed within the specific plan boundary. For reference, the following is a list of the mitigation measures to be included in the specific plan as new policies; the mitigation text is summarized for brevity:

- AG-1 – Modify specific plan policy to ensure adequate agricultural buffers (Draft EIR, page 3-16);
- AQ-1 – Incorporate additional measures to reduce volatile organic compound and suspended particulate emissions (Draft EIR, page 3-39);
- AQ-2 – Inspect existing structures north of Walnut Avenue for presence of asbestos, lead, or other hazardous materials prior to demolition (Draft EIR, page 3-43);
- BIO-1 – Prior to initiating construction activities for any individual project for which construction would begin during the period February 1 to August 31, individual project developers will conduct pre-construction surveys for protected nesting birds. If present, appropriate protection measures will be implemented (Draft EIR, page 3-57);
- CR-1 – Conduct a historic evaluation of the structures located north of Walnut Avenue. If deemed historic, determine appropriate course of action and require additional CEQA documentation of removal is significant and unavoidable (Draft EIR, page 3-89);
- CR-2/CR-3 – Include language in construction documents regarding protective actions to be taken in the event that cultural resources or human remains are uncovered during the construction process (Draft EIR, page 3-89);

- GHG-1 – Incorporate a range of greenhouse gas reduction measures into each development project within the specific plan boundary;
- HAZ-1 – Prepare an Environmental Site Assessment to determine potential presence of hazardous pesticide or other hazardous residues from historic agricultural activities; remediate as needed (Draft EIR, page 3-111);
- N-1 – Minimize potential transportation source noise impacts on residential areas and outdoor seating areas by establishing setback requirements from adjacent roads and U.S. Highway 101 (Draft EIR, page 3-141);
- N-2 – Fund and prepare a noise assessment prior to the final increment of development within the specific plan area to assess cumulative project impacts on residences at the Oak Street/3rd Street intersection. Implement a noise barrier or other acceptable alternative mitigation as needed (Draft EIR, page 3-142);
- TRANS-1 – City to install interim all-way stop control at U.S. Highway 101/Walnut Avenue southbound and northbound ramps. Up to 190,000 square feet of commercial use, or equivalent amount of residential, or commercial/residential use (Draft EIR, page 3-168);
- TRANS-2 – City to install all way stop control at Oak Avenue/4th Street intersection prior to development of more than 190,000 square feet of commercial use, or equivalent amount of residential, or commercial/residential use (Draft EIR, page 3-168);
- CUM AQ-1 – Amend specific plan policy to include requirement for high efficiency filtration ventilation systems at residential units located within 240 feet of the U.S. Highway 101 right-of-way (Draft EIR, page 4-9); and
- CUM TRANS-1 – Mitigate cumulative transportation impacts at three different city intersections using one of four options provided in the mitigation measure and implement mitigation within one of three timeframes provided in the mitigation measure (Draft EIR, page 4-22).

Mitigation measure UD-1 (Draft EIR, page 3-185) is the only mitigation measure that requires monitoring and reporting as part of the CEQA process, as it will not be included in the specific plan as an additional policy. This mitigation measure becomes a condition of project approval for implementation by the city.

Monitoring for implementation of mitigation measure UD-1 is described below.

MONITORING AND REPORTING PROGRAM PROCEDURES

The city shall use the attached mitigation monitoring list for the project. The monitoring program should be implemented as follows:

1. The city is responsible for coordinating the monitoring program, including the monitoring list. The city is responsible for completing the monitoring list and distributing the list to the responsible individuals or agencies for their use in monitoring the mitigation measure.
2. Each responsible individual or agency will then be responsible for determining whether the mitigation measure contained in the monitoring list has been complied with. Once the mitigation measure has been complied with, the responsible individual or agency should submit a copy of the monitoring list to the city to be placed in the project file. If the mitigation measure has not been complied with, the monitoring list should not be returned to the city.
3. The city will review the list to ensure that appropriate mitigation measure has been complied with at the appropriate time. Compliance with mitigation measures is required for project approvals.
4. If a responsible individual or agency determines that a non-compliance event has occurred, a written notice should be delivered by certified mail to the city within 10 calendar days, describing the non-compliance and requiring compliance within a specified period of time. If non-compliance still exists at the expiration of the specified period, construction may be halted and fines may be imposed at the discretion of the city.
5. On an annual basis, the city should report on progress made in implementing mitigation measures. Where challenges or constraints to implementing mitigation measures are encountered, corrective action should be taken.

MITIGATION MEASURE TO BE IMPLEMENTED PRIOR TO ISSUANCE OF AN OCCUPANCY PERMIT

The following mitigation measure shall be implemented prior to the issuance of an occupancy permit for the first commercial development within the specific plan boundary:

UD-1. The city shall consider developing a merchant assistance program to mitigate the economic impacts of future development of the specific plan area on existing businesses in the city, particularly those located in the downtown/El Camino Real corridor. The program should consist of a proactive effort to assist local merchants with the technical and financial assistance necessary to compete more effectively in the retail market. The following elements should be considered for inclusion in the program:

- Assist by funding a market study which identifies goods and services that could be most successful in the downtown as a means to differentiate goods and services available in the downtown from commercial development within the specific plan area.
- Assist merchants with a marketing program to increase awareness among local and regional customers of the variety of goods and services currently available downtown. Use signage, wayfinding techniques, and promotional activities to inform visitors to the specific plan area of the unique commercial and other resources available in the downtown and to encourage them to visit and shop downtown.
- Use a small business revolving loan fund program or mechanism funded from sales tax or other sources of revenue generated by development within the specific plan area to improve and maintain the appearance and functionality of downtown to make it attractive to regional shoppers drawn by the proposed project.
- Consider establishing a small business revolving loan fund, either through a mechanism funded from sales tax or other sources of revenue generated by development within the specific plan area, through application to the State CDBG program, or other sources, to provide funds at low interest to assist merchants and property owners in making improvements to their product inventories or facilities.
- Provide comprehensive referral services to local merchants to help them access management and financial counseling services in the region. Such resources may be helpful in assisting merchants to restructure their product lines, pricing, or advertising to better compete with commercial uses that locate within the specific plan area.

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The merchant assistance program should, at a minimum, be retained until the first 190,000 square feet of commercial development is constructed within the specific plan area.

Party Responsible for Implementation: **City of Greenfield**

Party Responsible for Monitoring: **City of Greenfield Planning Department**

Implementation Complete

Monitoring Notes and Status: