



MITIGATION MONITORING + REPORTING PROGRAM

PROJECT NAME	1700 Embarcadero Road Auto Dealership Project	APPLICATION NUMBER	21PLN-00191
APPLICANT	Eric Iverson Swickard Auto Group 19400 SE McLoughlin Blvd. Gladstone, OR 97027	DATE	November 7, 2022

The Draft Initial Study - Mitigated Negative Declaration (IS-MND) for the 1700-1730 Embarcadero Road Auto Dealership Project and the Revised 1700 Embarcadero Road Auto Dealership Project Addendum to the 1700-1730 Embarcadero Road Auto Dealership Project IS-MND identify mitigation measures that will be implemented to reduce the impacts associated with the project.

The California Environmental Quality Act (CEQA) was amended in 1989 to add Section 21081.6, which requires a public agency to adopt a monitoring and reporting program for assessing and ensuring compliance with any required mitigation measures applied to proposed development. As stated in section 21081.6(a)(1) of the Public Resources Code, "... the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment."

Section 21081.6 also provides general guidelines for implementing mitigation monitoring programs and indicates that specific reporting and/or monitoring requirements, to be enforced during project implementation, shall be defined as part of adopting a Mitigated Negative Declaration.

The mitigation monitoring table lists those mitigation measures that would be included as conditions of approval for the project. To ensure that the mitigation measures are properly implemented, a monitoring program has been devised which identifies the timing and responsibility for monitoring each measure.

Mitigation Measure Number	Mitigation Measure Text	Responsible for Implementation	Timing of Compliance	Oversight of Implementation
BIOLOGICAL RESOURCES				
BIO-2: Nesting Bird Surveys and Avoidance	Construction of the project and any other site disturbing activities that would involve vegetation or tree removal, shall be prohibited during the general avian nesting season (February 1 – August 31), if feasible. If nesting season avoidance is not feasible, the applicant shall retain a qualified biologist, as approved by the City of Palo Alto, to conduct a preconstruction nesting bird survey to determine the presence/absence, location, and activity status of any active nests on or adjacent to the project site. The extent of the survey buffer area surrounding the site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the CFGC, nesting bird surveys shall be performed not more than 14 days prior to scheduled vegetation clearance and structure demolition. In the event that active nests are discovered, a suitable buffer (typically a minimum buffer of 50 feet for passerines and a minimum buffer of 250 feet for raptors) shall be established around such active nests and no construction shall be allowed within the buffer areas until a qualified biologist has determined that the nest is no longer active (i.e., the nestlings have fledged and are no longer reliant on the nest). No ground disturbing activities shall occur within this buffer until the qualified biologist has confirmed that breeding/nesting is completed, and the young have fledged the nest. Under the MBTA, no nest shall be purposefully removed because of or for the purposes of project activities. Nesting bird surveys are not required for construction activities occurring between August 31 and February 1.	Applicant or designee/ Construction contractor	Prior to and during construction	CPA Planning Department
CULTURAL RESOURCES				
CR-1: Resource Recovery Procedures	In the event that archaeological or paleontological resources are unearthed during project construction, all earth-disturbing work in the vicinity of the find shall be temporarily suspended or redirected until an archaeologist or paleontologist has evaluated the nature and significance of the find. If the discovery proves to be significant under CEQA, additional work such as preservation in place, archaeological data recovery, and/or paleontological salvage shall occur as required by the archeologist or paleontologist in coordination with City staff and descendants and/or stakeholder groups, as warranted. After the find has been appropriately treated, depending on the nature of the discovery, work in the area may resume. A Native American representative shall be retained to monitor mitigation work associated with Native American cultural material.	Applicant or designee/ Construction contractor	During construction	CPA Planning Department

Mitigation Measure Number	Mitigation Measure Text	Responsible for Implementation	Timing of Compliance	Oversight of Implementation
CR-2: Human Remains Recovery Procedures	If human remains are unearthed, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to the origin and disposition pursuant to the Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission.	Applicant or designee/ Construction contractor	During construction	CPA Planning Department
GEOLOGY AND SOILS				
GEO-1: Geotechnical Design Considerations	The recommendations included in the 2015 Geotechnical Investigation conducted by Romig Engineers, Inc. (Appendix C of the 2019 IS-MND) related to soil engineering shall be incorporated into the proposed project grading and building plans. The recommendations are related to: <ul style="list-style-type: none"> ◆ Foundation design; ◆ Surface improvements; ◆ Slabs-on-grade; ◆ Retaining walls; ◆ Vehicle pavements; and, ◆ Earthwork. 	Applicant or designee	Prior to building permit	CPA Planning Department
NOISE				
N-1: Car Wash Noise Reduction	Prior to operation of the car wash, the project applicant shall implement noise reduction measures to ensure car wash noise complies with PAMC Chapter 9.10. The applicant shall implement any measure or combination of measures that would achieve compliance such as the following: <ul style="list-style-type: none"> ◆ Doors enclosing the car wash shall be sealed at all times when dryers are operating ◆ Housings or silencers shall be installed on the dryers/blower fans ◆ Noise attenuation mats shall be installed on the interior of the car wash tunnel ◆ Dryers/blowers shall be installed as far into the tunnel as feasible. <p>The City shall review and approve the plans to ensure compliance with the PAMC Chapter 9.10 prior to issuance of certificate of occupancy.</p>	Applicant or designee	Prior to issuance of certificate of occupancy	CPA Planning Department

Mitigation Measure Number	Mitigation Measure Text	Responsible for Implementation	Timing of Compliance	Oversight of Implementation
TRIBAL CULTURAL RESOURCES				
TCR-1: Unanticipated Discovery of Tribal Cultural Resources	In the event that cultural resources of Native American origin are identified during construction, all earth disturbing work within the vicinity of the find must be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find and an appropriate Native American representative, based on the nature of the find, is consulted. If the City determines that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with state guidelines and in consultation with Native American groups. The plan would include avoidance of the resource or, if avoidance of the resource is infeasible, the plan would outline the appropriate treatment of the resource in coordination with the archeologist and the appropriate Native American tribal representative.	Applicant or designee/ Construction contractor	During construction	CPA Planning Department