

Exhibit H
Draft Environmental Impact Report
Mitigation Monitoring and Reporting Program

MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP) has been formulated based upon the findings of the Environmental Impact Report (EIR) prepared for the 2740 West Nielsen Office/Warehouse Project (Development Permit Application No. P21-02699 and Tentative Parcel Map Application No. P21 05930) (herein referred to as the project), for which the City of Fresno (City) is the CEQA Lead Agency for environmental review. The MMRP, which is provided in Table A, lists mitigation measures recommended in the EIR for the proposed project and identifies mitigation monitoring requirements. The Final MMRP must be adopted when the City makes a final decision on the project.

This MMRP has been prepared to comply with the requirements of State law (Public Resources Code Section 21081.6). State law requires the adoption of an MMRP when mitigation measures are required to avoid significant impacts. The MMRP is intended to ensure compliance during implementation of the project.

The MMRP is organized in a matrix format:

- The first column identifies the mitigation measure that would be implemented for each project impact.
- The second column refers to the party or agency responsible for implementing the mitigation measure.
- The third column refers to the action that prompts implementation and/or implementation timing.
- The fourth column refers to the agency responsible for oversight or ensuring that the mitigation measure is implemented.
- The fifth column refers to the action that prompts the commencement of monitoring.
- The sixth column refers to when the monitoring will occur to ensure that the mitigation action is completed.
- The seventh and final column is where the lead agency contact initials and dates are provided as verification of mitigation measure implementation.

Table A: EIR Mitigation Monitoring and Reporting Program

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
4.1: AESTHETICS						
Mitigation Measure AES-1: Lighting systems for street and parking areas shall include shields to direct light to the roadway surfaces and parking areas. Vertical shields on the light fixtures shall also be used to direct light away from adjacent light sensitive land uses such as residences.	Project Applicant and project architect	Lighting systems to be confirmed during plan check, prior to issuance of building permits	Planning and Development Department	Plan review and approval	Prior to approval	Initials: _____ Date: _____
Mitigation Measure AES-2: Lighting systems for public facilities such as active play areas shall provide adequate illumination for the activity; however, low intensity light fixtures and shields shall be used to minimize spillover light onto adjacent properties.	Project Applicant and project architect	Lighting systems to be confirmed during plan check, prior to issuance of building permits	Planning and Development Department	Plan review and approval	Prior to approval	Initials: _____ Date: _____
Mitigation Measure AES-3: Lighting systems for non-residential uses, not including public facilities, shall provide shields on the light fixtures and orient the lighting system away from adjacent properties. Low intensity light fixtures shall also be used if excessive spillover light onto adjacent properties will occur.	Project Applicant and project architect	Lighting systems to be confirmed during plan check, prior to issuance of building permits	Planning and Development Department	Plan review and approval	Prior to approval	Initials: _____ Date: _____
Mitigation Measure AES-4: Lighting systems for freestanding signs shall not exceed 100 foot Lamberts (FT-L) when adjacent to streets which have an average light intensity of less than 2.0 horizontal footcandles and shall not exceed 500 FT-L when adjacent to streets which have an average light intensity of 2.0 horizontal footcandles or greater.	Project Applicant and project architect	Lighting systems to be confirmed during plan check, prior to issuance of building permits	Planning and Development Department	Plan review and approval	Prior to approval	Initials: _____ Date: _____
Mitigation Measures AES-5: Materials used on building facades shall be non-reflective.	Project Applicant and project architect	Building materials to be used confirmed during plan check, prior to issuance of building permits	Planning and Development Department	Plan review and approval	Prior to approval	Initials: _____ Date: _____

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4.2: AIR QUALITY						
<p>Mitigation Measure AIR-1: Consistent with SJVAPCD Regulation VIII (Fugitive PM₁₀ Prohibitions), the following controls are required to be included as specifications for the proposed project and implemented at the construction site:</p> <ul style="list-style-type: none"> • All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover. • All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant. • All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking. • When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least 6 inches of freeboard space from the top of the container shall be maintained. • All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.) <p>Following the addition of materials to, or the removal of materials from, the surface of out-door storage piles, said piles shall be effectively stabilized of fugitive dust emission utilizing sufficient water or chemical stabilizer/suppressant.</p>	Project Applicant and Construction Contractor	Prior to issuance of a building permit and throughout the construction period	Planning and Development Department	Plan review and approval	Prior to approval and during scheduled site visits	Initials: _____ Date: _____

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Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
Mitigation Measure AIR-2: During construction of the proposed project, the project contractor shall ensure all off-road diesel-powered construction equipment of 50 horsepower or more used for the project construction at a minimum meets the California Air Resources Board Tier 4 emissions standards or equivalent.	Project Applicant and Construction Contractor	Prior to issuance of a building permit and throughout the construction period	Planning and Development Department	Plan review and approval	Prior to approval and during scheduled site visits	Initials: _____ Date: _____
Mitigation Measure AIR-3: The project applicant shall ensure that the proposed project provides the infrastructure for AC and/or DC chargers for electric heavy-duty trucks. The infrastructure provided shall accommodate a minimum of one future charger per 50,000 square feet.	Project Applicant	Prior to issuance of a building	Planning and Development Department	Plan review and approval	Prior to approval and during scheduled site visits	Initials: _____ Date: _____
4.3: BIOLOGICAL RESOURCES						
Mitigation Measure BIO-1: If project construction activities occur during nesting season (between February 1 and August 31), a qualified biologist shall conduct pre-construction surveys for active migratory bird nests at the project site within 14 days of the onset of these activities. Should any active nests be discovered in or near proposed construction zones, the biologist shall identify a suitable construction-free buffer around the nest. This buffer shall be identified on the ground with flagging or fencing, and shall be maintained until the biologist has determined that the young have fledged.	Project Applicant and Construction Contractor	Prior to project construction if during the nesting season (February 1 to August 31)	Planning and Development Department	Plan review and approval	During project construction if during the nesting season (February 1 to August 31)	Initials: _____ Date: _____

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4.4: CULTURAL AND TRIBAL RESOURCES						
<p>Mitigation Measure CUL-1: If previously unknown resources are encountered before or during any ground disturbing activities, construction shall stop in the immediate vicinity of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The qualified archaeologist shall make recommendations to the City on the measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with Section 15064.5 of the State CEQA Guidelines and the City’s Historic Preservation Ordinance.</p> <p>If the resources are determined to be unique archeological resources as defined under Section 15064.5 of the State CEQA Guidelines, measures shall be identified by a qualified archaeologist meeting the Secretary of the Interior’s Professional Qualifications Standards for Archaeology and recommended to the lead agency. Appropriate measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds.</p> <p>No further ground disturbing activity shall occur in the area of the discovery until the lead agency approves the measures to protect identified resources. Any significant or unique recovered as a result of mitigation shall be provided to a City-approved institution or person who is capable of providing long-term preservation to allow future scientific study.</p>	Project Applicant and Construction Contractor	During construction	Qualified archaeologist approved by the Planning and Development Department	Initiated in the event that a find is made during construction	During regularly scheduled site inspections that would be initiated in the event that a find is made during construction	Initials: _____ Date: _____

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Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
<p>Mitigation Measure CUL-2: In the event that human remains are unearthed during excavation and grading activities of any future development project, all activity shall cease immediately. Pursuant to Health and Safety Code (HSC) Section 7050.5, no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98(a). If the remains are determined to be of Native American descent, the coroner shall within 24 hours notify the Native American Heritage Commission (NAHC). The NAHC shall then contact the most likely descendent of the deceased Native American, who shall then serve as the consultant on how to proceed with the remains. Pursuant to PRC Section 5097.98(b), upon the discovery of Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located is not damaged or disturbed by further development activity until the landowner has discussed and conferred with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. The landowner shall discuss and confer with the descendants all reasonable options regarding the descendants' preferences for treatment.</p>	<p>Project Applicant and Construction Contractor</p>	<p>During construction</p>	<p>The Fresno County Coroner</p>	<p>Initiated in the event that a find is made during construction</p>	<p>During regularly scheduled site inspections initiated after a find is made during construction</p>	<p>Initials: _____ Date: _____</p>

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4.7: HAZARDS AND HAZARDOUS MATERIALS						
<p>Mitigation Measure HAZ-1: Prior to soil disturbance, a consultant qualified under American Society for Testing and Materials (ASTM) International Standard E1527-13 for the purposes of identifying hazardous materials shall be retained to prepare a Soil Management Plan (SMP) address soil management procedures that may arise based on historical use of the project site and the known total petroleum hydrocarbons (TPH) and arsenic impacts. Construction may not proceed until the extent and nature of the TPH and arsenic impacts are determined by qualified personnel and in consultation with appropriate City staff.</p> <p>The removal and/or disposal of any contaminants shall be in accordance with all applicable local, State, and federal standards to the degree that adequate public health and safety standards are maintained, to the satisfaction of the City.</p>	Project Applicant and a consultant qualified under American Society for Testing and Materials (ASTM) International Standard E1527-13	Prior to permit issuance	Planning and Development Department	Plan review and approval	Prior to approval	Initials: _____ Date: _____
4.9: NOISE						
<p>Mitigation Measure NOI-1: The project contractor shall implement the following measures during construction of the project:</p> <ul style="list-style-type: none"> • Equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers’ standards. • Designate a “disturbance coordinator” at the City who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g., starting too early, bad muffler) and would determine and implement reasonable measures warranted to correct the problem. 	Project Applicant and Construction Contractor	Prior to issuance of construction permits	Planning and Development Department	Plan review and approval	During construction	Initials: _____ Date: _____

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Mitigation Measure NOI-2: All loading dock activities shall be prohibited at the loading dock doors on the south end of Building 1 during the nighttime hours (10:00 p.m. to 7:00 a.m.) or once operational, the project proponent shall provide documentation to the City of Fresno Planning and Development Department that demonstrates that nighttime loading dock activities would comply with the noise level specifications of the City's Municipal Code.	Project Applicant	prior to issuance of building permits	Planning and Development Department	Plan review and approval	Prior to approval	Initials: _____ Date: _____
Initial Study						
GEOLOGY AND SOILS						
Mitigation Measure GEO-1: Subsequent to a preliminary City review of the project grading plans, if there is evidence that a project will include excavation or construction activities within previously undisturbed soils, a field survey and literature search for unique paleontological/geological resources shall be conducted. The following procedures shall be followed: <ul style="list-style-type: none"> If unique paleontological/geological resources are not found during either the field survey or literature search, excavation and/or construction activities can commence. In the event that unique paleontological/geological resources are discovered during excavation and/or construction activities, construction shall stop in the immediate vicinity of the find and a qualified paleontologist shall be consulted to determine whether the resource requires further study. The qualified paleontologist shall make recommendations to the City on the measures that shall be implemented to protect the discovered resources, including but not limited to, excavation of the finds and evaluation of the finds. If the resources are determined to be significant, mitigation measures shall be identified by the monitor and recommended to the lead agency. Appropriate mitigation measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or 	Project Applicant and Construction Contractor	During construction	Qualified paleontologist approved by the Planning and Development Department	Initiated in the event that a find is made during construction	During regularly scheduled site inspections that would be initiated in the event that a find is made during construction	Initials: _____ Date: _____

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<p>open space, or data recovery excavations of the finds. No further grading shall occur in the area of the discovery until the lead agency approves the measures to protect these resources. Any paleontological/geological resources recovered as a result of mitigation shall be provided to a City-approved institution or person who is capable of providing long-term preservation to allow future scientific study.</p> <p>If unique paleontological/geological resources are found during the field survey or literature review, the resources shall be inventoried and evaluated for significance. If the resources are found to be significant, mitigation measures shall be identified by the qualified paleontologist. Similar to above, appropriate mitigation measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds. In addition, appropriate mitigation for excavation and construction activities in the vicinity of the resources found during the field survey or literature review shall include a paleontological monitor. The monitoring period shall be determined by the qualified paleontologist. If additional paleontological/geological resources are found during excavation and/or construction activities, the procedure identified above for the discovery of unknown resources shall be followed.</p>						

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