

# Fresno Costco Commercial Center Project

#### MITIGATION MONITORING AND REPORTING PROGRAM

State Clearinghouse No. 2021100443

City of Fresno

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# MITIGATION MONITORING AND REPORTING PROGRAM

## INTRODUCTION

CEQA and the State CEQA Guidelines (PRC Section 21081.6 and State CEQA Guidelines Sections 15091[d] and 15097) require public agencies "to adopt a reporting and monitoring program for changes to the project which it has adopted or made a condition of project approval to mitigate or avoid significant effects on the environment." A Mitigation Monitoring and Reporting Program (MMRP) is required for the proposed project because the EIR identifies potential significant adverse impacts related to the project implementation, and mitigation measures have been identified to reduce those impacts.

## PURPOSE OF MITIGATION MONITORING AND REPORTING PROGRAM

This MMRP has been prepared to ensure that all required mitigation measures are implemented and completed in a satisfactory manner prior to implementation of the proposed project. The attached table has been prepared to assist the responsible parties in implementing the mitigation measures. The table identifies the mitigation measures, monitoring responsibility, mitigation timing, and provides space to confirm implementation of the mitigation measures. The numbering of mitigation measures follows the numbering sequence found in the Draft EIR. Mitigation measures that are referenced more than once in the Draft EIR are not duplicated in the MMRP table.

## ROLES AND RESPONSIBILITIES

Unless otherwise specified herein, the project applicant or its designee is responsible for taking all actions necessary to implement the mitigation measures under its jurisdiction according to the specifications provided for each measure and for demonstrating that the action has been successfully completed. The City of Fresno shall confirm implementation of all measures under its jurisdiction according to the specifications provided for each measure.

Inquiries should be directed to:

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The location of this information is:

City of Fresno 2600 Fresno Street, Third Floor, Room 3043 Fresno, CA 93721

#### MITIGATION MONITORING AND REPORTING PROGRAM TABLE

The categories identified in the attached MMRP table are described below.

- ▶ Mitigation Measure This column provides the verbatim text of the adopted mitigation measure.
- ▶ Implementation Responsibility This column identifies the party responsible for implementing the mitigation measure.
- ▶ Timing This column identifies the time frame in which the mitigation will be implemented.
- Verification This column is to be dated and signed by the person (either project manager or his/her designee) responsible for verifying compliance with the requirements of the mitigation measure.

#### Mitigation Monitoring and Reporting Program

Mitigation Measures	Implementation Responsibility	Timing	Verification
Archaeological, Historical, and Tribal Cultural Resources	*	N	•
<ul> <li>Mitigation Measure 3.4-1a: Develop and Implement a Worker Environmental Awareness Program</li> <li>The applicant shall retain a qualified professional archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for archaeologists to prepare a worker environmental awareness program. The program shall be provided to all construction personnel and supervisors who will have the potential to encounter and alter archaeological resources. A copy of the worker environmental awareness program shall be provided to the City's Planning Division before construction activities begin. The topics to be addressed in the worker environmental awareness program will include, at a minimum:</li> <li>types of cultural resources expected on the project site;</li> <li>types of evidence that indicates cultural resources might be present (e.g., glass shards, lithic scatters);</li> </ul>	Project Applicant	Before construction activities begin	
<ul> <li>what to do if a worker encounters a possible resource;</li> </ul>			
<ul> <li>what to do if a worker encounters animal bones or possible human bones; and</li> </ul>			
<ul> <li>repercussions for removing or intentionally disturbing archaeological resources.</li> </ul>			
Mitigation Measure 3.4-1b: Retain an Archaeological Monitor and Native American Monitor, and Halt Ground-Disturbing Activity upon Discovery of Subsurface Archaeological Features or Tribal Cultural Resources In the event that any historic-era subsurface archaeological features or deposits (e.g., glass, metal, and/or ceramic refuse scatters), or prehistoric subsurface archaeological features or deposits (e.g., locally darkened soil ("midden"), stone tool chipping debris, bones, shell beads, or concentrated charcoal layers), are discovered during construction, all ground-disturbing activity within 50 feet of the resources shall be halted and the City shall be notified. The applicant will then retain the services of a qualified professional archaeologist to assess the significance of the find. Specifically, the archaeological resource, or tribal artifacts. If the find qualifies as an historical resource, a unique archaeological resource, or tribal artifacts. If the find does fall within one of these three categories, the qualified archaeologist shall then make recommendations to the City regarding appropriate procedures that should be used to protect the integrity of the resource and to ensure that no additional resources are affected. Procedures could include preservation in place, archival research, subsurface testing, and/or data recovery, with preservation in place being the preferred option if feasible. If the find is a tribal artifact, the City shall provide a reasonable opportunity for input from a Native American tribal representative affiliated with the location of the discovery; affiliation shall be determined by the City, in consultation with the qualified archaeologist, based on the City's AB 52 list or the	Project Applicant and Construction Contractors	During construction activities	

Mitigation Measures	Implementation Responsibility	Timing	Verification
contact list provided by the NAHC. If responsive, the tribal representative will then determine whether the artifact is considered a tribal cultural resource, as defined by PRC Section 21074. The applicant, in consultation with the City and Tribe, shall implement the recommended preservation options (which may include preservation in place, data recovery, mapping, capping, or avoidance), and proper curation of significant artifacts, if it determines that the measures are feasible in light of project design, logistics, and cost considerations.			
Mitigation Measure 3.4-4: Halt Ground-Disturbing Activity upon Discovery of Subsurface Paleontological Resources If paleontological resources are discovered during earthmoving activities, the project applicant shall immediately halt operations within 30 feet of the find and notify the City. If the find is determined to be significant, it shall be salvaged by a qualified paleontologist retained by the project applicant following the standards of the SVP (2010) and curated at a certified repository such as the University of California Museum of Paleontology.	Project Applicant and Construction Contractors	During construction activities	
Biological Resources		·	
<ul> <li>Mitigation Measure 3.5-1a: Conduct Take Avoidance Survey for Burrowing Owl, Implement Avoidance Measures, and Compensate for Loss of Occupied Burrows</li> <li>A qualified biologist shall conduct a focused survey for burrowing owls in accessible areas (i.e., not including private property) of habitat suitable for the species on and within 1,640 feet (500 meters) of the project site no less than 14 days before initiating ground disturbance activities using survey methods described in Appendix D of the CDFW 2012 Staff Report (CDFW 2012). Much of the area within this 1,640-foot survey area does not contain habitat suitable for burrowing owl (e.g., residential areas, commercial development, roads) and would not require surveys. Inaccessible areas that contain habitat suitable for burrowing owl (e.g., the Riverside Golf Course property) shall be surveyed using binoculars or a spotting scope.</li> <li>If no occupied burrows are found, the qualified biologist shall submit a report documenting the survey methods and results to the City of Fresno, and no further mitigation shall be required.</li> <li>If an active burrow is found within 1,640 feet of pending construction activities during the nonbreeding season (September 1 through January 31), the applicant shall establish and maintain a minimum protection buffer of 164 feet (50 meters) around the occupied burrow throughout construction. If an active burrow is found on property outside of the project site (e.g., the Riverside Golf Course), then the protection buffer shall be established on a map, and only the portion of the buffer within the project site shall be marked with fencing, flagging, or other means. The actual buffer size shall be determined by the qualified biologist based on the time of year and level of disturbance in accordance with guidance provided in the CDFW Staff Report on Burrowing Owl Mitigation (CDFW 2012). The protection buffer may be adjusted if, in consultation with CDFW, a qualified biologist</li> </ul>	Project Applicant	Before construction activities begin (no less than 14 days prior to ground disturbance) and during construction activities	

Mitigation Measures	Implementation Responsibility	Timing	Verification
determines that an alternative buffer shall not disturb burrowing owl use of the burrow because of particular site features or other buffering measures. If occupied burrows are present that cannot be avoided or adequately protected with a no-disturbance buffer, a burrowing owl exclusion plan shall be developed, as described in Appendix E of the CDFW Staff Report. Burrowing owls shall not be excluded from occupied burrows until the project burrowing owl exclusion plan is approved by CDFW. The exclusion plan shall include a compensatory habitat mitigation plan (see below).			
► If an active burrow is found during the breeding season (February 1 through August 31), occupied burrows shall not be disturbed and shall be provided with a protective buffer at a minimum of 164 feet unless a qualified biologist verifies through noninvasive means that either: (1) the birds have not begun egg laying, or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. The size of the buffer may be adjusted depending on the time of year and level of disturbance as outlined in the CDFW 2012 Staff Report. If an active burrow is found on property outside of the project site (e.g., the Riverside Golf Course), then the protection buffer shall be established on a map, and only the portion of the buffer may be reduced if a broad-scale, long-term, monitoring program acceptable to CDFW is implemented so that burrowing owls are not adversely affected. Once the fledglings are capable of independent survival, the owls can be evicted, and the burrow can be destroyed per the terms of a CDFW 2012 Staff Report.			
<ul> <li>If burrowing owls are evicted from burrows and the burrows are destroyed by implementation of project activities, the applicant shall mitigate the loss of occupied habitat in accordance with guidance provided in the CDFW 2012 Staff Report, which states that permanent impacts on nesting, occupied, and satellite burrows, and burrowing owl habitat (i.e., grassland habitat with suitable burrows) shall be mitigated such that habitat acreage and number of burrows are replaced through permanent conservation of comparable or better habitat with similar vegetation communities and burrowing mammals (e.g., ground squirrels) present to provide for nesting, foraging, wintering, and dispersal. The applicant shall retain a qualified biologist to develop a burrowing owl mitigation and management plan that incorporates the following goals and standards:</li> <li>Mitigation lands shall be selected based on comparison of the habitat lost to the compensatory habitat, including type and structure of habitat, disturbance levels, potential for conflicts with humans, pets, and other wildlife, density of burrowing owls, and relative importance of the habitat to the species throughout its range.</li> </ul>			

Mitigation Measures	Implementation Responsibility	Timing	Verification
<ul> <li>If feasible, mitigation lands shall be provided adjacent or proximate to the project site so that displaced owls can relocate with reduced risk of injury or mortality. Feasibility of providing mitigation adjacent or proximate to the project site depends on availability of sufficient habitat to support displaced owls that may be preserved in perpetuity.</li> </ul>			
<ul> <li>If habitat suitable for burrowing owl is not available for conservation adjacent or proximate to the project site, mitigation lands can be secured off-site and shall aim to consolidate and enlarge conservation areas outside of planned development areas and within foraging distance of other conservation lands. Mitigation may be also accomplished through purchase of mitigation credits at a CDFW-approved mitigation bank, if available. Alternative mitigation sites and acreages may also be determined in consultation with CDFW.</li> </ul>			
If burrowing owl habitat mitigation is completed through permittee-responsible conservation lands, the mitigation plan shall include mitigation objectives, site selection factors, site management roles and responsibilities, vegetation management goals, financial assurances and funding mechanisms, performance standards and success criteria, monitoring and reporting protocols, and adaptive management measures. Success shall be based on the number of adult burrowing owls and pairs using the site and if the numbers are maintained over time. Measures of success, as suggested in the CDFW 2012 Staff Report, shall include site tenacity, number of adult owls present and reproducing, colonization by burrowing owls from elsewhere, changes in distribution, and trends in stressors.			
<ul> <li>Mitigation Measure 3.5-1b: Conduct Focused Surveys for Swainson's Hawk, White-Tailed Kite, Other Nesting Raptors, and Other Native Nesting Birds and Implement Protective Buffers</li> <li>To minimize the potential for loss of Swainson's hawk, white-tailed kite, other raptors, and other native birds, project construction activities (e.g., tree removal, vegetation clearing, ground disturbance, staging) shall be conducted during the nonbreeding season (approximately September 1-January 31, as determined by a qualified biologist), if feasible. If project construction activities are conducted during the nonbreeding season, no further mitigation shall be required.</li> <li>Within 14 days before the onset of project construction activities during the breeding season (approximately February 1 through August 31, as determined by a qualified biologist), a qualified biologist familiar with birds of California and with experience conducting nesting bird surveys shall conduct focused surveys for Swainson's hawk, white-tailed kite, other nesting raptors, and other native birds. Surveys shall be conducted in accessible areas (i.e., not including private property) within 0.5 mile of the project site for Swainson's hawk and white-tailed kite; within 500 feet of the site for other raptors; and within 50 feet of the site for non-raptor common native bird nests. Inaccessible areas that contain habitat suitable for nesting birds (e.g., the Riverside Golf Course property) shall be surveyed using binoculars or a spotting scope.</li> </ul>	Project Applicant	Before construction activities begin (with 14 days of ground disturbance) and during construction activities	

Mitigation Measures	Implementation Responsibility	Timing	Verification
If no nests are found, the qualified biologist shall submit a report documenting the survey			
methods and results to the City of Fresno, and no further mitigation shall be required.			
<ul> <li>Impacts on nesting birds shall be avoided by establishing appropriate buffers around active</li> </ul>			
nest sites identified during focused surveys to prevent disturbance to the nest. Project			
construction activity, including tree removal, shall not commence within the buffer areas			
until a qualified biologist has determined that the young have fledged, the nest is no longer			
active, or reducing the buffer would not likely result in nest abandonment. An avoidance			
buffer shall be implemented for Swainson's hawk and white-tailed kite in consultation with			
CDFW. CDFW guidelines recommend implementation of 0.25- or 0.5-mile-wide buffers for			
Swainson's hawk nests, but the size of the buffer may be decreased if a qualified biologist			
and the City of Fresno, in consultation with CDFW, determine that such an adjustment			
would not be likely to adversely affect the nest. For other species, a qualified biologist shall			
determine the size of the buffer for nests of non-special-status species after a site- and			
nest-specific analysis. Buffers typically shall be 500 feet for common raptors. Buffer size for			
non-raptor common bird species generally shall be at least 20 feet. Factors to be considered			
for determining buffer size shall include presence of natural buffers provided by vegetation			
or topography, nest height above ground, baseline levels of noise and human activity,			
species sensitivity, and proposed project construction activities. The size of the buffer may			
be adjusted if a qualified biologist determines that such an adjustment would not be likely			
to adversely affect the nest. Any buffer reduction for a listed or fully protected species (i.e.,			
Swainson's hawk, white-tailed kite) shall require consultation with CDFW. If an active nest is			
found on property outside of the project site (e.g., the Riverside Golf Course), then the			
protection buffer shall be established on a map, and only the portion of the buffer within			
the project site shall be marked with fencing, flagging, or other means. Periodic monitoring			
of the nest by a qualified biologist during project construction activities shall be required if			
the activity has potential to adversely affect the nest, the buffer has been reduced, or if birds within active nests are showing behavioral signs of agitation (e.g., standing up from a			
brooding position, flying off the nest) during project construction activities, as determined			
by the qualified biologist.			
Noise and Vibration	1		
Mitigation Measure 3.11-1: Implement Additional Measures to Reduce Exposure to Noise	Project Applicant	During construction activities	
Reduction during Noise-Sensitive Time Periods			
For all outdoor construction activity that is to take place outside of the City of Fresno			
construction noise exception timeframes (i.e., 10:00 p.m. and 7:00 a.m., Monday through			
Saturday, and all hours of the day on Sunday), and that is anticipated to generate interior noise			
levels at sensitive receptors that exceed the City of Fresno General Plan interior noise standard			
of 45 dB for residential land uses, the construction contractor shall comply with the following			
22.2.2.1.1.2.1	1	1	

measures:

Mitigation Measures	Implementation Responsibility	Timing	Verification
Consistent with Section 10-110 of the City Noise Control Ordinance, obtain an exception to Article 1, "Noise Regulations," through the Chief Administrative Officer. A permit may be issued authorizing noises prohibited by the noise ordinance whenever it is found that the public interest will be served thereby or that extreme hardship will result from the strict enforcement.			
Install temporary noise curtains as close as possible to the noise-generating activity such that the curtains obstruct the direct line of sight between the noise-generating construction activity and the nearby sensitive receptors. Temporary noise curtains shall consist of durable, flexible composite material featuring a noise barrier layer bounded to sound-absorptive material on one side. The noise barrier layer shall consist of rugged, impervious, material with a surface weight of at least one pound per square foot.			
<ul> <li>Noise-reducing enclosures and techniques shall be used around stationary noise-generating equipment (e.g., concrete mixers, generators, compressors).</li> </ul>			
Operate heavy-duty construction equipment at the lowest operating power possible. All construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation.			
Where available and feasible, construction equipment with back-up alarms shall be equipped with either audible self-adjusting backup alarms or alarms that only sound when an object is detected. Self-adjusting backup alarms shall automatically adjust to 5 dB over the surrounding background levels. All non-self-adjusting backup alarms shall be set to the lowest setting required to be audible above the surrounding noise levels.			
Provide a minimum of one week of advanced notice to owners of all residential located within 350 feet of where nighttime construction activity would take place. This noticing shall inform the recipients of when and where nighttime construction would occur and the types of measures being implemented to lessen the impact at potentially affected receptors. This noticing shall also provide the contact information for the designated disturbance coordinator. The disturbance coordinator shall receive all public complaints and be responsible for determining the cause of the complaint and implementing any feasible measures to alleviate the problem.			
Mitigation Measure 3.11-3: Reduce Exposure of Existing Sensitive Receptors to Noise Generated by Loading Dock Activity The project applicant shall construct a sound wall or other noise attenuating feature west of the loading docks with a demonstrated ability to result in a 4 dB noise decrease at the existing residences along North Riverside Drive.	Project Applicant	Prior to issuance of certificates of occupancy	

Mitigation Measures	Implementation Responsibility	Timing	Verification
<ul> <li>Mitigation Measure 3.11-5: Implement Traffic Noise Reduction Measures along North Riverside Drive</li> <li>The project proponent shall implement noise reduction measures to ensure that exterior noise levels at residential land uses near the west side of North Riverside Drive do not exceed the City's current noise standard of 65 dB L<sub>a</sub>/CNEL under existing-plus-project conditions. This measure is consistent with General Plan Policy NS-1-I, which recommends the use of design alterations to reduce noise impacts. This performance standard can be achieved using any combination of the following measures. Therefore, if one option is not implemented, the other would be required.</li> <li>Pave the roadway segment with rubberized hot-mix asphalt or equivalent surface treatment with known noise-reducing properties on top of the roadway surface. The rubberized hot-mix asphalt overlay shall be designed with appropriate thickness and rubber component quantity (typically 15 percent by weight of the total blend), such that traffic noise levels are reduced by an average of 4 to 6 dB (noise levels vary depending on travel speeds, meteorological conditions, and pavement quality) as compared to noise levels generated by vehicle traffic traveling on standard asphalt. Rubberized hot-mix asphalt has been found to achieve this level of noise reduction in other parts of California (Sacramento County 1999). Pavement will require more frequent than normal maintenance and repair to maintain its noise attenuation effectiveness. The applicant shall fund the incremental cost for maintaining the roadway segment with the surface treatment.</li> <li>Construct a sound barrier taller than the 6-foot cinderblock wall that is currently present from West Spruce Avenue to West Herndon Avenue. The sound barrier shall be constructed of solid material (e.g., wood, brick, adobe, an earthen berm, boulders, or combination thereof). The reflectivity of each sound barrier shall be minimized to ensure that traffic noise reflected off</li></ul>	Project Applicant	Prior to issuance of certificates of occupancy	

Mitigation Measures	Implementation Responsibility	Timing	Verification
including a maximum allowable height of 15 feet. If the sound barriers ensure that exterior traffic noise levels on the residential properties would not exceed 60 dB $L_{eq}$ , then the applicant shall not be required to pave the roadway with a special low-noise surface treatment. Sound wall construction would only be implemented if all of the property owners on the west side of North Riverside Drive between West Herndon Avenue and West Spruce Avenue collectively agree to the mitigation.			
Transportation and Circulation	·		
<ul> <li>Mitigation Measure 3.13-2: Provide a Program to Reduce Costco Employees' VMT by at least 26 Percent</li> <li>Costco shall provide a program that is designed to achieve at least a 26 percent reduction in employee VMT. The program shall be provided to the City for acceptance prior to issuance of a certificate of occupancy. Specific actions must include the following measures described in the California Air Pollution Control Officers Association's 2021 Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity:</li> <li>Commute Trip Reduction Marketing (estimated to result in up to 4 percent employee VMT reduction): Costco shall implement a marketing strategy to promote Costco's commute reduction program. Information sharing and marketing promote and educate employees about their travel choices to the employment location beyond driving such as carpooling, taking transit, walking, and biking, thereby reducing VMT and greenhouse gas emissions. The following features (or similar alternatives) shall be provided:</li> <li>on-site or online commuter information services,</li> <li>employee transportation coordinators,</li> <li>on-site or online transit pass sales, and</li> <li>guaranteed ride home service.</li> <li>Provide Ridesharing Program (estimated to result in up to 8 percent employee VMT reduction): Costco shall develop and implement a ridesharing program. Ridesharing encourages carpooled vehicle trips in place of single-occupied vehicle trips, thereby reducing the number of trips, VMT, and greenhouse gas emissions. The following strategies provide examples of a multifaceted approach for promoting a rideshare program:</li> <li>designating a certain percentage of desirable parking spaces for ridesharing vehicles,</li> </ul>	Project Applicant	Prior to issuance of certificates of occupancy	
<ul> <li>providing an app or website for coordinating rides.</li> </ul>			

Mitigation Measures	Implementation Responsibility	Timing	Verification
<ul> <li>Implement Subsidized or Discount Transit Program (estimated to result in up to 5.5 percent employee VMT reduction): Costco shall provide free transit passes for employees. Reducing the out-of-pocket cost for choosing transit improves the competitiveness of transit against driving, increasing the total number of transit trips and decreasing vehicle trips. This decrease in vehicle trips results in reduced VMT and, thus, a reduction in greenhouse gas emissions.</li> <li>Provide End-of-Trip Bicycle Facilities (estimated to result in up to 4.4 percent employee VMT reduction): Costco shall install and maintain end-of-trip facilities for employee use. End-of-trip facilities include elements such as bike parking, bike lockers, showers, and personal lockers. The provision and maintenance of secure bike parking and related facilities encourages commuting by bicycle, thereby reducing VMT and greenhouse gas emissions.</li> <li>Improve Street Connectivity (estimated to result in up to 30 percent employee VMT reduction): Costco shall construct West Spruce Avenue along the northern site boundary, creating new connections between West Spruce Avenue and North Aurther Avenue. The</li> </ul>			
increased connectivity and intersection density that would result from these improvements would facilitate shorter trips, thereby reducing VMT.			
Provide Pedestrian Network Improvements/Construct Bike Facilities/Expand Bikeway Network (estimated to result in up to 10 percent employee VMT reduction <sup>1</sup> ): Costco shall construct new, 12-foot-wide pedestrian and bicycle paths along West Herndon Avenue and North Riverside Drive to improve pedestrian access and connect to a larger bicycle network. This encourages a mode shift from automobiles to biking and walking, resulting in VMT reduction.			
<ul> <li>Mitigation Measure 3.13-3: Provide Off-Site Improvements</li> <li>Costco shall provide the following off-site improvements to alleviate queuing that would result in transportation hazards to the greatest extent feasible prior to issuance of building permit:</li> <li>North Golden State Boulevard and West Herndon Avenue: Revise signal phasing to optimize green-time allocation relative to anticipated volumes. To reduce queue blockage of the intersection, "DO NOT BLOCK" pavement markings are required for the full width of North Weber Avenue. On the north leg of the intersection (i.e., North Golden State Boulevard, northeast of West Herndon Avenue), reconstruct the median to extend the south bound dual left-turn pocket as far north as possible without interfering with the existing north bound left-turn pocket at West Kathryn Avenue.</li> </ul>	Project Applicant and City of Fresno	Prior to issuance of certificates of occupancy	
All off-site improvements shall be designed in accordance with City roadway design standards and are subject to review by the City and responsible emergency service providers.			

<sup>&</sup>lt;sup>1</sup> Measures T-18 through T-22-C are in the Neighborhood Design subsector. The VMT reduction from the combined implementation of all measures within this subsector is capped at 10 percent (CAPCOA 2021: 135).