

EXHIBIT J



Mitigation Monitoring and Reporting Plan Producers Dairy Cheese Plant Project



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Prepared for:

City of Fresno
Development and Resource Management
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This statement is prepared in compliance with the California Environmental Quality Act

Introduction

Producers Dairy (Producers) proposes to remove two boarded-up buildings at 450 E. Belmont Avenue, Fresno, California totaling approximately 12,500 square feet. The purpose of the Producers Dairy Cheese Plant Project (Project) is to secure additional parking for Producers delivery trailers due to the loss of delivery trailer parking at the southwest corner of Tuolumne Street and H Street to the High-Speed Rail project.

This environmental Mitigation Monitoring and Reporting Program (MMRP) has been prepared pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines to provide for the monitoring of mitigation measures required for the Project as set forth in the Supplement to the Tower District Specific Plan Final Environmental Impact Report (SEIR).

Section 21081.6 of the California Public Resources Code require public agencies to “...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.” An MMRP is required for the proposed Project because the Initial Study and Final SEIR for the Project identify potentially significant adverse impacts related to Cultural Resources, and mitigation measures have been developed to reduce those impacts, though the impacts to Cultural Resources will not be reduced to a less-than-significant level. The Project will avoid or reduce potentially adverse impacts to Transportation/ Traffic and Noise/ Vibrations to a less-than-significant level with the implementation of the mitigation measures included in this MMRP (Table 1). See Table 1, Significant Impacts Matrix, of the Final SEIR for more details regarding impacts before and after mitigation measure implementation.

Purpose of the MMRP

This MMRP has been prepared to ensure that all required mitigation measures are implemented and completed according to schedule and maintained in a satisfactory manner during project construction and implementation, as required by CEQA guideline §15097. The MMRP may be modified by the City of Fresno (City) during project implementation, as necessary, in response to changing conditions or other refinements. Table 1: Mitigation Monitoring and Reporting Table, will assist the responsible parties in implementing the MMRP. The table identifies individual mitigation measures, monitoring/mitigation timing, responsible person/agency for implementing the measure, monitoring procedures, and a record of implementation of the mitigation measures. The numbering of mitigation measures follows the numbering sequence provided in the Initial Study and Final SEIR.

Roles and Responsibilities

Unless otherwise specified herein, Producers is responsible for taking all actions necessary to implement the mitigation measures according to the specifications provided for each measure and for demonstrating that the action has been successfully completed. Producers at their discretion may delegate implementation responsibility or portions thereof to a licensed contractor or other professional consulting service, as applicable.

The City will be responsible for the overall administration of the MMRP and for verifying that Producers or a qualified construction contractor has completed the necessary actions for each measure. Producers

will designate a project manager to oversee the MMRP during the construction period. Duties of the project manager include the following:

- Ensure that routine inspections of the construction site are conducted by appropriated Producers staff; and check plans, reports, and other documents required by the MMRP.
- Serve as liaison between the City and the construction contractor regarding mitigation monitoring issues.
- Complete forms and maintain records and documents required by the MMRP.
- Coordinate and ensure that corrective actions or enforcement measures are taken, if necessary.

Changes to Mitigation Measures

Any substantive change in the MMRP made by Producers shall be reported in writing. Reference to such changes shall be documented in a monthly or annual Environmental Mitigation Monitoring Report prepared by Producers. Modifications to the mitigation measures may be made by City staff, subject to one of the following findings and documented by evidence included in the record:

1. The mitigation measure included in the Final SEIR and the MMRP is no longer required because the significant environmental impact identified in the Final SEIR has been found not to exist or to occur at a level which makes the impact less than significant as a result of changes in the project, changes in conditions of the environment, or other factors.

OR

2. The modified or substitute mitigation measure to be included in the MMRP provides a level of environmental protection equal to or greater than that afforded by the mitigation measure included in the Final SEIR and the MMRP.

AND

3. The modified or substitute mitigation measures are feasible, and the City, through measures included in the MMRP or other City procedures, can assure their implementation.

Findings and related documentation supporting the findings involving modifications to mitigation measures shall be maintained in the project file with the MMRP and shall be made available to the public upon request.

MMRP Summary Table

The MMRP Summary Table that follows should guide the City in their evaluation and records of the implementation of mitigation measures.

The column categories identified in the MMRP Summary Table are:

- Mitigation Measures - lists the mitigation measures by number identified in the Final SEIR and provides the text of the mitigation measures identified in the Final SEIR.
- Method of Verification – Identifies the method of verification to ensure compliance with the mitigation measure.
- Timing of Verification – Identifies the timing in which the mitigation will take place.

- Responsible for Verification - identifies the entity responsible for verifying compliance with the requirements of the mitigation measure.
- Verification of Compliance – Provides a record of the completed mitigation measure.

Table 1 – Producers Dairy Cheese Plant Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
Section 4.1 – Cultural Resources					
MM CUL 1: The Proposed Project will include an installation of a commemorative monument with a plaque explaining the history of the buildings on the property, with the character-defining features of Mission Revival style and the importance of the style within the City of Fresno. The monument will be located on the east side of the site, on N. Roosevelt Avenue. In addition to this, the measurements are a 2'-6" base foundation with an 8'-0" long x 5'-0" high x 6" thick wall. This work will require some demolition of existing buildings at strategic locations to allow for the construction of the commemorative monument. Brick from the existing buildings shall be incorporated into the construction of the commemorative monument. Efforts should be taken in designing the commemorative monument to incorporate the curved parapet and Spanish tile overhang of the Mission Revival style currently present in the North building.	Submittal of Documentation and/or Onsite Verification	During Project Construction	City of Fresno		
MM CUL 2: The Proposed Project will include an installation of a decorative iron fence with brick pilasters of appropriate spacing along the northwest, north, and northeast boundaries of the project site. Brick from the existing buildings will be incorporated into the pilasters if any reusable brick remains after construction of the commemorative monument.	Submittal of Documentation and/or Onsite Verification	During Project Construction	City of Fresno		
MM CUL 3: The Proposed Project will include an installation of a sound wall. The wall will be along the southwest, southern, and southeast border of the property. Brick from the existing buildings shall be incorporated into the wall if any reusable brick remains after construction of the commemorative monument and the brick pilasters.	Submittal of Documentation and/or Onsite Verification	During Project Construction	City of Fresno		

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Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
MM CUL 4: Retain a photographer qualified in large format architectural photography to perform a photo documentation of the north building in order to provide a proper public record of the site's architectural significance. Any photo documentation would then be provided to a local library	Submittal of Documentation	Prior to any Construction activities	City of Fresno		
MM CUL 5: Salvage building materials to be reused for educational purposes or to be incorporated into other buildings through donation of materials to interested local government entities.	Submittal of Documentation	During Project Construction	City of Fresno		
Initial Study Section 4.2.1 – Land Use and Planning					
MM LUP 1: The project proponent shall provide and maintain street trees in tree wells in the sidewalk on the west side of the property south to the entry driveway. These trees and major trees planted along the remainder of the west and south sides of the property shall be a species that attain a minimum height of thirty feet (30'0") at maturity.	Submittal of Documentation and/or Onsite Verification	During Project Construction and after Project completion	City of Fresno		
Section 4.2 – Noise and Vibrations					
MM NOI 1: The Proposed Project will include an installation of a 12-foot-high Concrete Masonry Unit (CMU) sound wall. The wall will be along the southwest, southern, and southeast border of the property.	Onsite Verification	During Project Construction	City of Fresno		
MM NOI 2: The Proposed Project will not operate Refrigeration Trailer Units on the Project Site at any time.	Submittal of Documentation and/ or Verification	During Project Construction and after Project completion	City of Fresno		

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Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
MM NOI 3: The applicant Proposed Project will not utilize the project site area south of the project access locations for vehicle movements or operations between the hours of 10:00 p.m. and 7:00 a.m.	Submittal of Documentation and/ or Onsite Verification	During Project Construction and after Project completion	City of Fresno		
MM NOI 4: Truck noise shall not exceed the level of forty-five decibels (45db) inside adjacent residences between the hours of 10:00 p.m. and 6:00 a.m. If noise levels exceed that criteria, mitigation measures shall be imposed by the City of Fresno which could include further restrictions on hours of operation.	Submittal of Notification of compliance with City noise ordinances	During Project Construction and after Project completion	City of Fresno		
Section 4.3 – Transportation and Traffic					
MM TRA 1: The frequency of truck trips (loaded or empty) shall be no greater than (a) one every 10 minutes (six truck trips per hour) during the a.m. and p.m. peak commute hours, and (b) one every five minutes (12 truck trips per hour) during periods other than the a.m. and p.m. peak commute hours.	Submittal of Notification of compliance and/or Onsite Verification	During Project Construction and after Project completion	City of Fresno		
MM TRA 2: The Contractor will restrict project-related vehicle traffic, within the construction area, to established roads, construction areas, and other designated areas.	Submittal of Documentation and/or Onsite Verification	During Project Construction	City of Fresno		
MM TRA 3: Observe a 5-mph speed limit for construction areas.	Submittal of Documentation and/or Onsite Verification	During Project Construction.	City of Fresno		

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Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
MM TRA 4: All truck maneuvering and parking shall be subject to the requirements of the City of Fresno.	Submittal of Documentation and/or Onsite Verification	During Project Construction and after Project completion	City of Fresno		