

## 4.0 MITIGATION MONITORING PLAN

---

### 1. INTRODUCTION

Section 21081.6 of the Public Resources Code requires a Lead Agency to adopt a “reporting or monitoring program for changes to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.” In addition, Section 15097(a) of the *California Environmental Quality Act (CEQA) Guidelines* requires that:

*[I]n order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and measures it has imposed to mitigate or avoid significant environmental effects. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.*

The City of Porterville, Community Development Department has been designated as the Lead Agency for the proposed project at the project site.

A Draft EIR was prepared to address the potential environmental impacts of the project and circulated for public review. Following public review, the proposed project’s square footage was reduced by approximately 20,000 square feet, a project change that was evaluated in a Revised Draft EIR, which superseded the Draft EIR, and was circulated for Public Review in February through May 2011. As the Draft EIR had done, where appropriate, the Revised Draft EIR identified project design features or recommended mitigation measures to avoid or to mitigate potential impacts identified to a level where no significant impact on the environment would occur. This Mitigation Monitoring Program (MMP) is designed to monitor implementation of the mitigation measures required for the proposed project. As lead agency, the City would be responsible for ensuring that implementation of the mitigation measures identified herein occurs in accordance with the MMP.

The mitigation measures identified in the Draft EIR are categorized by environmental impact section. Following each mitigation measure is identification of the following:

- **Monitoring Phase:** The phase of the project during which the mitigation measure shall be monitored, such as: Pre-Construction, including the design phase; Construction; Prior to Issuance of a Building Permit; Prior to Issuance of a Certificate of Occupancy; Occupancy (post-construction).
- **Enforcement Agency:** The agency with the power to enforce the mitigation measure.

- **Monitoring Agency:** The agency to which reports involving feasibility, compliance, implementation and development are made.

The MMP for the Riverwalk Marketplace Phase II project will be in place throughout all phases of the project. The project applicant will be responsible for implementing all mitigation measures unless otherwise noted. The applicant shall also be obligated to provide certification, as identified below, to the appropriate monitoring agency and the appropriate enforcement agency that compliance with the required mitigation measure has been implemented. The City's existing planning, engineering, review, and inspection processes will be used as the basic foundation for the MMP procedures and will also serve to provide the documentation for the reporting program.

The substance and timing of each certification report that is submitted to the City Community Development Department (CDD) shall be at the discretion of the CDD. Generally, each report will be submitted to the City CDD in a timely manner following completion/implementation of the applicable mitigation measure and shall include sufficient information to reasonably determine whether the intent of the measure has been satisfied. The City CDD, in conjunction with the project applicant, shall assure that project construction occurs in accordance with the MMP. Departments listed below are all departments of the City of Porterville, unless otherwise noted.

## 2. MITIGATION FOR ENVIRONMENTAL IMPACTS

### 5.1 Air Quality

- 5.1-1: The project applicant shall prohibit truck idling in excess of 5 minutes at the loading docks by posting signs at clearly visible locations on the loading docks instructing drivers to turn off their engines within 5 minutes of arrival.

**Monitoring Phase:** Continuous  
**Enforcement Agency:** San Joaquin Valley Air Pollution Control District  
**Monitoring Agency:** San Joaquin Valley Air Pollution Control District

- 5.1-2 All construction contracts shall include the measures specified in SJVAPCD Regulation VIII to reduce fugitive dust impacts. These measures include, but are not limited to, the following:

- All disturbed areas, including storage piles, which are not being actively utilized for construction purpose, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, 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 a 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 the application of water or by presoaking.
- When materials are transported off site, all materials shall be covered, effectively wetted to limit visible dust emissions, or 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 least once every 24 hours when operations are occurring. (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.)
- Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, storage piles shall be effectively stabilized of fugitive dust emissions by utilizing sufficient water or chemical stabilizer/suppressant
- Equipment used during grading activities shall include one of the following:
  - Diesel oxidation catalysts or other amendment to achieve a 15 percent reduction in NOx emissions
  - An engine tier of three or higher
  - An engine of year 2006 or newer
- During all phases of project construction, construction equipment shall be properly maintained in accordance with the manufacturer's specifications; maintenance shall include proper tuning and timing of engines. Equipment maintenance records and equipment design specification data sheets shall be kept on site during construction and subject to inspection by the SJVAPCD.
- During all phases of project construction, the developer shall require all contractors to turn off all construction equipment and delivery vehicles when not in use.
- During all phases of project construction, on-site electrical hookups shall be provided for electric construction tools, including saws, drills, and compressors, to eliminate the need for diesel-powered electric generators.

**Monitoring Phase:** Construction  
**Enforcement Agency:** San Joaquin Valley Air Pollution Control District  
**Monitoring Agency:** San Joaquin Valley Air Pollution Control District

## 5.2 Biology

**5.2-1:** Within 30 days prior to ground disturbance activities associated with construction or grading that would occur during the nesting/breeding season of native bird species potentially nesting on the site (typically March through August in the project region, or as determined by a qualified biologist), the applicant shall have weekly surveys conducted by a qualified biologist to determine if active nests of bird species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code are present in the disturbance zone or within 300 feet (500 feet for raptors and special status species) of the disturbance zone. The surveys shall continue on a weekly basis with the last survey being conducted no more than seven days prior to initiation of disturbance work. If ground disturbance activities are delayed, then additional pre-disturbance surveys shall be conducted such that no more than seven days will have elapsed between the survey and ground disturbance activities.

If active nests are found, clearing and construction within 300 feet of the nest (500 feet for raptors and special-status species) shall be postponed or halted, at the discretion of the biologist, until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. Limits of construction to avoid an active nest shall be established in the field with flagging, fencing, or other appropriate barriers and construction personnel shall be instructed on the sensitivity of nest areas. The biologist shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts on these nests occur. Results of the surveys shall be provided to CDFG in the Annual Mitigation Status Report.

**Monitoring Phase:** Prior to Construction  
**Enforcement Agency:** California Department of Fish and Game  
**Monitoring Agency:** California Department of Fish and Game

### 5.3 Cultural Resources

**5.3-1:** In the event that cultural resources are unearthed during project subsurface activities, all earth disturbing work within a 200-meter radius must be temporarily suspended or redirected until an archaeologist or paleontologist has evaluated the nature and significance of the find. Any artifacts uncovered shall be recorded and removed for storage at a location to be determined by the archaeologist or paleontologist. Construction on other parts of the project will be subject to Public Resources Code Section 21083.2(i). After the find has been appropriately mitigated, pursuant to this measure, work in the area may resume.

**Monitoring Phase:** Construction  
**Enforcement Agency:** Community Development Department  
**Monitoring Agency:** Community Development Department

### 5.5 Hydrology and Water Quality

**5.5-1:** Prior to the issuance of a grading permit, the applicant shall file a Notice of Intent (NOI) with the CVRWQCB, thereby providing notification and intent to comply with the State of California general permit.

**5.5-2:** Prior to issuance of the first grading permit, the applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP) for on-site and associated off-site construction activities. The City of Porterville Storm Water Management Program shall be used as the basis for the SWPPP. The SWPPP shall outline the source control and/or treatment control best management practices that will avoid or reduce runoff pollutants at the construction site to the "maximum extent practicable." A copy of the permit shall be submitted to the City Public Works Department prior to the start of grading activities. A copy of the SWPPP must be available and implemented at the construction site at all times.

**Monitoring Phase:** Prior to Grading Permits  
**Enforcement Agency:** Department of Public Works  
**Monitoring Agency:** Department of Public Works

## 5.7 Noise

**5.7-1:** Prior to issuance of grading permits, the construction contractor(s) shall prepare a construction management plan for review by the City's Public Works Department that identifies the means to be utilized to attenuate construction noise at nearby single-family residential units. These measures may include, but are not limited to, the following:

- Place stationary construction equipment as far from noise-sensitive uses as feasible.
- All construction equipment shall be equipped with appropriate mufflers in good working condition.
- Truck routes shall avoid travel through residential areas or past sensitive uses.

**Monitoring Phase: Prior to Grading Permits**  
**Enforcement Agency: Department of Public Works**  
**Monitoring Agency: Department of Public Works**

**5.7-2:** Construction activity shall be limited to between the hours of 6:00 AM and 9:00 PM Monday through Friday and 7:00 AM and 9:00 PM on Saturday and Sunday. Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted on a sign no smaller than 4 feet by 8 feet at all construction entrances to allow for surrounding property owners to contact the job superintendent. If the City or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party.

**Monitoring Phase: Construction**  
**Enforcement Agency: Community Development Department**  
**Monitoring Agency: Community Development Department**

**5.7-3:** A 10-foot-high construction noise barrier shall be installed along the project frontage with Springville Avenue and Indiana Street prior to grading activities. The noise barrier shall either be constructed of a minimum 0.5-inch plywood or utilize acoustical blankets with a minimum Sound Transmission Class of 12. The barrier shall remain in place until noise intensive aspects of construction are completed.

**Monitoring Phase: Construction**  
**Enforcement Agency: Community Development Department**  
**Monitoring Agency: Community Development Department**

5.7-4 The project applicant shall ensure that outdoor forklift operations at the proposed Walmart Building occur only during the hours of 7:00 AM to 10:00 PM, and not during the nighttime period of 10:00 PM to 7:00 AM.

**Monitoring Phase: Store Operation**  
**Enforcement Agency: Community Development Department**  
**Monitoring Agency: Community Development Department**

## 5.10 Traffic and Transportation

5.10-1: Prior to the issuance of building permits, the project applicant shall provide the City with all transportation-related development fees in accordance with the latest adopted fee schedule.

**Monitoring Phase: Prior to Building Permits**  
**Enforcement Agency: Community Development Department**  
**Monitoring Agency: Community Development Department**

5.10-2: Prior to the issuance of building permits, the project applicant shall provide the City, to deposit in its Transportation Development Fund, all transportation-related fair share contributions toward the cost of constructing the improvements identified below in **Mitigation Measures 5.10-3 through 5.10-8** that are not presently included in the City's existing Transportation Impact Fee program.

**Monitoring Phase: Prior to Building Permits**  
**Enforcement Agency: Community Development Department**  
**Monitoring Agency: Community Development Department**

5.10-3: Main Street & SR-190 Off-Ramp (South) – Contribution of fair share fee (2.96 percent) toward installation of a traffic signal.

**Monitoring Phase: When needed based on City traffic surveys**  
**Enforcement Agency: Community Development Department, Department of Public Works**  
**Monitoring Agency: Community Development Department, Department of Public Works**

5.10-4: Jaye Street & Poplar Avenue (SR-190) - Contribution of fair share fee (11.31 percent) toward the addition of one eastbound through lane, one westbound left-turn lane, and one northbound left-turn lane.

**Monitoring Phase: When needed based on City traffic surveys**

**Enforcement Agency:** Community Development Department, Department of Public Works

**Monitoring Agency:** Community Development Department, Department of Public Works

**5.10-5:** Plano Street & Poplar Avenue (SR-190) - Contribution of fair share fee (2.23 percent) toward intersection widening, including the addition of one eastbound left-turn lane, one eastbound through lane, and one westbound left-turn lane; one westbound through lane, one northbound left-turn lane; and one northbound through lane, one southbound left-turn lane, and one southbound through lane.

**Monitoring Phase:** When needed based on City traffic surveys

**Enforcement Agency:** Community Development Department, Department of Public Works

**Monitoring Agency:** Community Development Department, Department of Public Works

**5.10-6:** SR-65 & Scranton - Contribution of fair share fee (2.28 percent) toward intersection widening, including addition of one east-bound left-turn lane, one westbound left-turn lane, one northbound through lane, and one southbound through lane.

**Monitoring Phase:** When needed based on City traffic surveys

**Enforcement Agency:** Community Development Department, Department of Public Works

**Monitoring Agency:** Community Development Department, Department of Public Works

**5.10-7:** Poplar Avenue (SR-190) between Jaye Street and Plano - Contribution of fair share fee (7.61 percent) toward Addition of two lanes.

**Monitoring Phase:** When needed based on City traffic surveys

**Enforcement Agency:** Community Development Department, Department of Public Works

**Monitoring Agency:** Community Development Department, Department of Public Works

**5.10-8:** Jaye Street between Montgomery Avenue & Gibbons Avenue - Contribution of fair share fee (5.45 percent) toward addition of left-turn lanes.

**Monitoring Phase:** When needed based on City traffic surveys

**Enforcement Agency:** Community Development Department, Department of Public Works

**Monitoring Agency:** Community Development Department, Department of Public Works

**5.10-9** Olive Street & Jaye Street - The Project shall increase the existing northbound left turn storage queue length by 65 feet by opening day.

**Monitoring Phase:** When needed based on City traffic surveys  
**Enforcement Agency:** Community Development Department, Department of Public Works  
**Monitoring Agency:** Community Development Department, Department of Public Works

**5.10-10** Springville Avenue & Jaye Street – The Project shall increase the eastbound left turn lane by 31 feet by opening day.

**Monitoring Phase:** When needed based on City traffic surveys  
**Enforcement Agency:** Community Development Department, Department of Public Works  
**Monitoring Agency:** Community Development Department, Department of Public Works

### **5.13 Solid Waste Disposal**

**5.13-1:** During construction, the contractor shall separate all project construction debris and construction-related debris into recyclable and non-recyclable items. Recyclable items shall include those materials that have value and can be diverted from landfill disposal. All recyclable debris shall be transported to appropriate recycling facilities to reduce waste disposed of at County landfills.

**Monitoring Phase:** Construction  
**Enforcement Agency:** Community Development Department  
**Monitoring Agency:** Community Development Department

**5.13-2:** Prior to issuance of grading permits, the project applicant shall submit for review a Construction and Demolition Recycling Plan to the City of Porterville. The plan shall include means to separate recyclable/reusable construction debris. The plan shall include the method the contractor will use to haul recyclable materials and shall include the method and location of material disposal.

**Monitoring Phase:** Prior to Grading Permits  
**Enforcement Agency:** Community Development Department  
**Monitoring Agency:** Community Development Department