

**Washington Community Swim Center Initial Study/MND
Mitigation Monitoring and Reporting Program
For Planning Project #
225 Pastoria Avenue
(APN: 165-11-001)**



PREFACE

Section 21081.6 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring and Reporting Program whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the monitoring and reporting program is to ensure compliance with the mitigation measures during project implementation.

The Initial Study prepared for the Washington Community Swim Center concluded that the implementation of the project could result in significant effects on the environment and mitigation measures were incorporated into the proposed project or are required as a condition of project approval. This MMRP addresses those measures in terms of how and when they will be implemented.

This document does not discuss those subjects for which the Initial Study concluded that the impacts from implementation of the project would be less than significant.

MITIGATION MONITORING OR REPORTING PROGRAM WASHINGTON COMMUNITY SWIM CENTER				
Impact	Mitigation	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
BIOLOGICAL RESOURCES				
Impact BIO-1: Construction of the project could result in impacts to nesting migratory birds. (Significant Impact)	<p>MM BIO-1.1: Construction activities shall be scheduled to avoid the nesting season to the extent feasible. If feasible, construction activities shall be commenced prior to the start of nesting season to help preclude nesting. The nesting season for most birds and raptors in the San Francisco Bay area extends from February 1 through August 31.</p> <p>MM BIO-1.2: If it is not possible to schedule the start of construction activities between September 1 and January 31, a qualified ornithologist shall be contracted to conduct a preconstruction survey for nesting raptors and other migratory breeding birds within on-site trees as well as all trees within 250 feet of the site to identify active bird nests that may be disturbed during project construction. Between February 1 and April 30, pre-construction surveys shall be completed no more than 7 days prior to the initiation of</p>	No more than 7 days prior to the initiation of demolition/construction activities.	Public Works Department – Engineering Division	Public Works Department – Engineering Division and California Department of Fish and Wildlife

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	<p>demolition/construction activities (including tree removal and pruning). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats in and immediately adjacent to the construction areas for nests. If construction has commenced prior to February 1, construction activities must be continuously maintained on the site through August 31 in order to deter bird nesting on or adjacent to the site during the construction period.</p> <p>If the survey does not identify any nesting birds that would be affected by construction activities, no further mitigation is required.</p> <p>MM BIO-1.3: If an active nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist (in consultation with the California Department of Fish and Wildlife) shall designate a construction-free buffer zone (typically 250 feet for raptors and 100 feet for non-raptors) to be established</p>			

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	around the nest to ensure that no nests of species protected by the Federal Migratory Bird Treaty Act (MBTA) and California Fish and Game Code will be disturbed during construction activities. The buffer shall remain in place until the breeding season has ended and/or a qualified ornithologist has determined that the nest is no longer active.			
CULTURAL RESOURCES				
Impact CUL-1: Project implementation could result in significant impacts to buried cultural resources, if encountered. (Significant Impact)	MM CUL-1.1: In the event of the discovery of prehistoric or historic archaeological deposits or paleontological deposits during construction, work shall be halted within 50 feet of the discovery and a qualified professional archaeologist (or paleontologist, as applicable) shall examine the find and make appropriate recommendations regarding the significance of the find and the appropriate mitigation. The recommendation shall be implemented and could include	Prior to issuance of final building and occupancy permits.	Contractor	Public Works Department – Engineering Division

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	<p>collection, recordation, and analysis of any significant cultural materials.</p> <p>MM CUL-1.2: Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California:</p> <ul style="list-style-type: none"> • In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify 			

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	<p>descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, the City shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.</p> <p>MM CUL-1.3: If cultural resources are encountered, a final report summarizing the discovery of cultural materials shall be submitted to the Director of Public Works prior to issuance of final building and occupancy permits. This report shall contain a description of the mitigation program that was implemented (e.g., monitoring and testing program), a list of the resources found, a summary of the resources analysis methodology and conclusion, and a description of the disposition/curation of the resources. The report shall verify</p>			

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	completion of the mitigation program to the satisfaction of the Director Public Works.			
HAZARDS AND HAZARDOUS MATERIALS				
Impact HAZ-1: Project implementation could result in the exposure of construction workers during demolition of the existing building to harmful levels of ACMs or lead. (Significant Impact)	MM HAZ-1: The project shall conform to the following regulatory programs and to implement the following measures to reduce impacts due to the presence of ACMs and/or Lead Based Paint: <ul style="list-style-type: none"> • In conformance with state and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of on-site buildings to determine the presence of asbestos-containing materials and/or lead-based paint. • Prior to demolition activities, all building materials containing lead-based paint 	Prior to the demolition of on-site buildings	Contractor	Public Works Department – Engineering Division

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	<p>shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code of Regulations 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings would be disposed of at landfills that meet acceptance criteria for the waste being disposed.</p> <ul style="list-style-type: none"> • All potentially friable ACMs shall be removed in accordance with National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines prior to any building demolition or renovation that may disturb the materials. All demolition activities will be undertaken in accordance with Cal/OSHA standards contained in Title 8 			

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	<p>of CCR, Section 1529, to protect workers from exposure to asbestos.</p> <ul style="list-style-type: none"> • A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above. • Materials containing more than one percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations. Removal of materials containing more than one percent asbestos shall be completed in accordance with BAAQMD requirements. 			