

**Mitigation Monitoring and Reporting Program
for the
100 38th Street Project
Draft Initial Study/Consistency Checklist
City of Richmond, Contra Costa County, California**

Prepared for:

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PREFACE

Section 21081.6 of the California Environmental Quality Act (CEQA) and CEQA Guidelines Section 15097 require a Lead Agency to adopt a Mitigation Monitoring and Reporting Program (MMRP) whenever it adopts a Mitigated Negative Declaration (MND) in conjunction with a project approval. The purpose of the MMRP is to ensure compliance with the mitigation measures occurs during project implementation.

The Draft Initial Study/Mitigated Negative Declaration (Draft IS/MND) prepared for the proposed 100 38th Street Project (proposed project) concluded that project implementation could result in potentially significant effects on the environment and mitigation measures were incorporated into the proposed project or are required as a condition of project approval that reduce these potential impacts to a less than significant level. This MMRP documents how and when the mitigation measures adopted by the lead agency will be implemented and confirms that potential environmental impacts are reduced to less than significant levels as identified in the MND.

This document does not discuss those subjects that the environmental analysis demonstrates would result in less than significant impacts and for which no mitigation was proposed or necessary.

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Table 1: 100 38th Street Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
I. Aesthetics, Light, and Glare					
MM 3.15-1: As a condition of authorizing development within existing undeveloped areas or demolishing commercial or industrial structures that were built prior to 1950, the City shall require the applicant to provide photographs or another appropriate form of visual record of the project location’s existing physical setting, and a photograph or another appropriate form of visual record of one or more public vistas of the project location (e.g., views from public parks or civic buildings). These visual records shall be submitted to the Planning Department or its designee for appropriate storage and retrieval for future studies of the City’s evolving urban character.	Require and store visual records for retrieval for future studies	On-going	Planning and Building Services		
MM 3.15-2a: All street lighting shall be directed downward and shielded to prevent light spill onto surrounding properties, sky glow, and glare.	Street lighting shall be directed downward	During project design and development review	Planning and Building Services		
MM 3.15-2b: The City shall restrict the use of high-level outdoor lighting for new homes, particularly along the hillside ridges.	Restrict the use of high level outdoor lighting	During project design and development review	Planning and Building Services		
MM 3.15-2c: Landscaping shall be incorporated along internal roads and near off-site homes to reduce spill light emanating from vehicles and buildings.	Landscaping shall reduce spill light from vehicles and buildings	During project design and development review	Planning and Building Services		
MM 3.15-2d: The City shall require design review of any project containing reflective glass or metal building materials that exceed 50 percent of any building surface or the first three floors.	Require design review if reflective glass or metal	During project design and development review	Planning and Building Services		

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III. Air Quality					
<p>MM 3.3-2a: Implement BAAQMD Best Management Practices During Construction</p> <p>All construction projects under the implementation of the General Plan shall incorporate the most recent Best Management Practices (BMPs) as required by the Bay Area Air Quality Management District (BAAQMD). Therefore, the BMPs, as recommended by the BAAQMD, shall be implemented during construction:</p> <ul style="list-style-type: none"> • All active construction areas shall be watered at least two times per day. • All exposed non-paved surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and access roads) shall be watered at least three times per day and/or non-toxic soil stabilizers shall be applied to exposed non-paved surfaces. • All haul trucks transporting soil, sand, or other loose material off-site shall be covered and/or shall maintain at least 2 feet of freeboard. • All visible mud or dirt track out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. • All vehicle speeds on unpaved roads shall be limited to 15 miles per hour. • All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. • Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage regarding idling restrictions 	Incorporate the most recent BMP	On-going during grading and construction	Planning and Building Services/BAAQMD		

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<p>shall be provided for construction workers at all access points.</p> <ul style="list-style-type: none"> All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. The prime construction contractor shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The City of Richmond and the construction contractor shall take corrective action within 48 hours. The BAAQMD’s phone number shall also be visible to ensure compliance with applicable regulations. 					
<p>MM 3.3-3d: The City of Richmond shall consult with the Bay Area Air Quality Management District (BAAQMD) to identify TAC sources and determine the need for and requirements of a Health Risk Assessment for proposed developments. As determined by the Health Risk Assessment prepared for the project based on BAAQMD cancer risk thresholds, the following requirement shall be implemented:</p> <p>During construction activities, all off-road equipment with engines greater than 50 horsepower shall meet either United States Environmental Protection Agency (EPA) or California Air Resources Board (ARB) Tier 4 Final off-road emission standards. The construction contractor shall maintain records concerning its efforts to comply with this requirement, including equipment lists. Off-road equipment descriptions and information may include but are not limited to equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, and engine serial number.</p>	Identify TAC sources and determine the need for a health risk assessment	During project design and development review	Planning and Building Services		

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<p>MM 3.14-3: The City shall continue to cooperate And coordinate with transit agencies and work with the community to promote and advocate for improved transit services and increased transit capacity to meet anticipated General Plan implementation and cumulative impacts for transit service, and seek grant funding opportunities to supplement available transit service.</p>	Cooperate and coordinate with transit agencies; work with the community	On-going	City Manager's Office/Planning and Building Services		
<p>V. Cultural Resources and Tribal Cultural Resources</p> <p><i>The following 3 mitigation measures shall be included as condition of approval for the project and shall be implemented in accordance with General Plan MM 3.5-1, MM 3.5-2a and MM 3.5-2b:</i></p>					
<p>MM 3.5-1: Future projects shall implement the City’s Historic Structures Code to minimize impacts on historical resources by requiring thorough scrutiny for compliance with applicable legal requirements, including but not limited to compliance with the General Plan’s historic resource protection policies, and compliance with State and federal historic resource protection laws, before any resource may be demolished and ensuring that alteration conforms to the Secretary of the Interior’s Standards for the Treatment of Historic Properties.</p>	Investigate historical resources before demolition and ensure that alteration conforms to the Secretary of the Interior’s Standards for the Treatment of Historic Properties, and complies with General Plan policies and state and federal historic resource protection laws.	Prior to approval of application for demolition or alteration	Planning and Building Services		
<p>MM 3.5-2a: The City shall require that impacts on unique archaeological resources be mitigated to a less than significant level through methods identified in Public Resources Section 21083.2, including planning construction to avoid archaeological sites, deeding archaeological sites into permanent conservation easements, capping or covering archaeological sites with a layer of soil before building on the sites, or planning parks, greenspace, or other open space to incorporate archaeological sites.</p>	Comply with mitigation requirements regarding consultation and subsequent actions if archaeological resources are encountered.	Prior to grading activities and ongoing during construction	Planning and Building Services		

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<p>MM 3.5-2b: The City shall require new development within the City to evaluate the potential for impacts on human remains. The City shall require that the treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and federal laws, including notification of the County Coroner and, in the event of the Coroner’s determination that the human remains are Native American remains, notification of the Native American Heritage Commission (NAHC).</p>	<p>Comply with mitigation requirements regarding consultation and subsequent actions if human remains are encountered</p>	<p>Prior to grading activities and ongoing during construction</p>	<p>Planning and Building Services</p>		
<p>FEIR MM 3.5-2a: An Archaeologist who meets the Secretary of the Interior’s Professional Qualification Standards for archaeology should conduct a pedestrian survey following removal of asphalt and building demolition at the site, and prior to trenching and grading. This may be followed by regular periodic or “spot-check” archaeological monitoring as determined by the Archaeologist. In the event a potentially significant cultural resource is encountered during subsurface earthwork activities, all construction activities within a 100-foot radius of the find shall cease and workers should avoid altering the materials until an archaeologist who meets the Secretary of Interior’s Professional Qualification Standards for archaeology has evaluated the find. The project applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. The qualified archaeologist shall make recommendations to the Lead Agency on the measures that shall be implemented to protect the discovered resources, including but not limited to excavation and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines. Potentially significant cultural resources include, but are not limited to, stone, bone, glass, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites. Any previously undiscovered resources found during construction within the project site shall be</p>	<p>Archaeologist who meets the Secretary of the Interior’s Professional Qualification Standards for archaeology should conduct a pedestrian survey, followed by regular periodic or “spot-check” archaeological monitoring as determined by the Archaeologist. Comply with mitigation requirements regarding consultation and subsequent actions if archaeological resources are encountered.</p>	<p>Following removal of asphalt and building demolition at the site, and prior to trenching and grading</p>	<p>Planning and Building Services</p>		

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recorded on appropriate Department of Parks and Recreation (DPR) 523 forms and will be submitted to the City of Richmond, the Northwest Information Center (NWIC), and the California Office of Historic Preservation (OHP), as required.					
<p>FEIR MM 3.5-2b: In the event of an accidental discovery or recognition of any human remains, Public Resource Code Section 5097.98 must be followed. In this instance, once project-related earthmoving begins and if there is accidental discovery or recognition of any human remains, the following steps shall be taken:</p> <ol style="list-style-type: none"> 1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the Contra Costa County Coroner is contacted to determine whether the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the NAHC within 24 hours, and the NAHC shall identify the person or persons it believes to be the “most likely descendant” of the deceased Native American. The most likely descendant may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resource Code Section 5097.98, or 2. Where the following conditions occur, the landowner or his/her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the most likely descendant or on the project area in a location not subject to further subsurface disturbance: <ul style="list-style-type: none"> • The NAHC is unable to identify a most likely descendant, or the most likely descendant failed to make a 	Comply with mitigation requirements regarding consultation and subsequent actions if human remains are encountered	During grading activities and ongoing during construction	County Coroner, Planning and Building Services		

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recommendation within 48 hours after being notified by the commission; <ul style="list-style-type: none"> The descendant identified fails to make a recommendation; or The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the NAHC fails to provide measures acceptable to the landowner. 					
VII. Greenhouse Gases					
MM 3.6-1a: All construction projects shall incorporate the most recent Best Management Practices for Greenhouse Gas Emissions as indicated by the BAAQMD.	Incorporate the most recent BMP	On-going during grading and construction	Planning and Building Services		
MM 3.6-1b: All new development and all retrofits of single-family developments, multi-family developments of over 10 units, and all commercial/industrial remodels of over 10,000 square feet shall be required to exceed Title 24 standards by 20 percent by 2020 and 30 percent by 2030. This mitigation measure enhances General Plan Action EC3.C.	New development and all retrofits shall be required to exceed Title 24 standards by 20 percent by 2020 and 30 percent by 2030	During project design and development review	Planning and Building Services		
MM 3.6-1c: Require all new City-owned and operated facilities and 50 percent of all new development to generate at least 10 percent of their energy use from renewable sources. Enhances General Plan Action EC3.B.	Require facilities to generate at least 10 percent of energy use from renewable sources	During project design and development review	Planning and Building Services		
MM 3.6-1d: All new commercial and multi-family developments installing boilers shall be required to install energy efficient boilers such that they achieve a minimum 4.5 percent reduction in energy usage. The same reductions shall be required of all remodeled multi-family developments of over 10 units and all commercial/industrial remodels of over 10,000 square feet.	Developments installing boilers shall be required to install energy efficient boilers	During project design and development review	Planning and Building Services		
MM 3.6-1e: Develop improved waste reduction and expanded recycling programs such that a 75 percent diversion rate is achieved by 2020 and an 85 percent diversion rate is achieved	Develop improved waste reduction and expanded recycling programs	Within two years of the adoption of the General Plan	City Manager’s Office		

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by 2030 for all non-construction waste streams. Potential measures could include: providing recycling containers in parks and public spaces; establishing computer reuse and recycling programs; enhancing recycling and green waste services for all residents; and providing locations for household hazardous wastes to be recycled. Enhances General Plan Actions EC3.D.					
MM 3.6-1f: Develop a program that requires all construction and demolition activities to evaluate energy use and waste and to reduce or mitigate construction-related impacts by 75 percent. Enhances General Plan Actions EC3.E.	Require construction and demolition activities to evaluate energy use and waste	Within two years of adoption of the General Plan	City Manager’s Office		
MM 3.6-1i: Implement Citywide car and bicycle sharing programs. Collaborate with service providers to identify potential sites for locating carshares.	Implement Citywide car and bicycle sharing programs	On-going	Planning and Building Services		
MM 3.6-1j: Require new local serving mixed-use in residential areas to provide needed services and amenities close to where people live and work. Require new development and redevelopment projects to provide community amenities and uses that serve priority community needs. Enhances General Plan Policy EC4.1 and General Plan Actions EC4.A, EC4.B, and EC4.D.	Include new local-serving mixed-use as part of development in residential areas	During project design and development review	Planning and Building Services		
MM 3.6-1k: Require mixed-use development along transit-oriented corridors that attracts people and facilitates activity throughout the day. Prohibit isolated or gated communities in order to improve physical connectivity throughout the City, and remove barriers in existing gated areas. Maintain streets to ensure that neighborhoods and streets are safe and well used. Enhances General Plan Policy EC4.2 and Actions EC2.C, EC2.E, EC2.G, EC4.A, EC4.B, EC4.C and EC4.E	Include mixed-use as part of development along transit-oriented corridors	During project design and development review	Planning and Building Services		

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MM 3.6-1m: All new street lighting and all remodeled or replaced street lighting shall consist of high-efficiency lamps that reduce energy consumption by a minimum of 16 percent.	Use high-efficiency lamps for street lighting	On-going	Engineering Services Department/ Planning and Building Services/City Manager’s Office		
MM 3.6-1n: All new traffic lights and all replaced traffic lights shall consist of LED lights. This high-efficiency lighting would reduce emissions from traffic lights by 90 percent.	Use LED technology for new traffic light	On-going	Engineering Services Department/ Planning and Building Services/City Manager’s Office		
MM 3.6-1o: Require new development to incorporate water-saving measures demonstrating a minimum reduction of 20 percent in water use over a similar project completed within the previous five years. This measure enhances General Plan Action EC3.F. This measure would be enhanced by General Plan Action EC3.G.	Incorporate water-saving measures in new development	During project design and development review	Engineering Services Department/ Planning and Building Services		
MM 3.6-1p: The City of Richmond shall adopt a Climate Action Plan within 18 months of the adoption of the General Plan Energy and Climate Change Element. The Climate Action Plan shall include the following pursuant to CEQA Guidelines Section 15183.5(b): a.) The quantification of greenhouse gas emissions, both existing (2005) and projected for 2020 and General Plan horizon year (2030). These inventories and projections shall be used in the forthcoming Climate Action Plan. b.) The Climate Action Plan shall define reduction targets that are California State Assembly Bill (AB) 32 compliant and continue reducing emissions past 2020 in order to address cumulatively considerable impacts of greenhouse gas emissions. At a minimum, the Climate Action Plan shall set a target to reduce emissions to 1990 levels by 2020, which is anticipated to be a reduction of 15 percent from 2005 levels.	The City of Richmond shall prepare a Climate Action Plan	Within 18 months of the adoption of the General Plan Energy and Climate Change Element	City Manager’s Office/Planning and Building Services		

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<p>c.) The 2020 and 2030 Business As Usual (BAU) Inventories provide emissions by land use types and emission sectors based upon the anticipated changes and growth in land use within the General Plan Land Use and Urban Design Element, which fulfills the criteria of CEQA Guidelines 15183.5(b)(C). As such, the inventories shall provide quantities and context of the emissions that need to be reduced in order to achieve the reduction target. Reduction measures in the Climate Action Plan shall focus on reducing the emissions from the sectors and land use types identified in the 2020 and 2030 BAU inventories.</p> <p>d.) The Climate Action Plan shall specify reduction measures or groups of reduction measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the AB 32 compliant reduction target. To implement the goals and policies in the General Plan Energy and Climate Change Element, the Climate Action Plan shall include adaptation strategies that focus on potential local impacts of climate change, such as sea level rise, increased risk of flooding, diminished water supplies, and public health. Broader sustainability measures may include the preservation of local water quality, air quality, open space, and biodiversity. In addition, the following reduction strategies shall be incorporated into the Climate Action Plan:</p> <ul style="list-style-type: none"> i.) Require all new or renovated municipal buildings to seek California Green 2010 Tier 1 building standards or higher and require new development building design to be, at a minimum, compliant with California Green 2010 building standards. ii.) Require all municipal fleet purchases to be fuel efficient vehicles for their intended use, based on the fuel type, design, size, and cost efficiency. 					

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<p>iii.) Require new development projects to implement a construction plan that demonstrates how activities will reduce waste through recycling and/or salvaging of nonhazardous construction and demolition debris at a minimum of 50%.</p> <p>e.) In order to establish a mechanism to monitor the Climate Action Plan’s progress towards achieving the reduction targets and to require amendment if the Climate Action Plan is not achieving the reduction targets, the Climate Action Plan shall include an implementation chapter describing how the reduction measures are to be implemented, emissions monitored, and the Climate Action Plan updated. Emissions inventories shall be conducted at minimum intervals of five years in order to evaluate the progress of the Climate Action Plan. The Climate Action Plan shall be updated together with future General Plan Updates or as necessary to implement new statewide reduction thresholds.</p> <p>f.) The Climate Action Plan, including all updates, is a project subject to public review and comment under the California Environmental Quality Act.</p>					
<p>MM 3.6-1q: The City will continue to work proactively with BAAQMD, ARB, and EPA to help these agencies enforce GHG prevention and control mandates within the City, and will work with the community to identify and advocate for GHG measures that are within the jurisdiction of these agencies and can and should be implemented to further reduce GHG from the City.</p>	<p>Work proactively with other agencies to help enforce GHG prevention and control mandates within the City; work with community</p>	<p>On-going</p>	<p>City Manager’s Office/Planning and Building Services</p>		
<p>VIII. Hazards and Hazardous Materials</p>					
<p>MM 3.14-6: The City will continue to support coordination among its departments and other agencies in planning for emergency access and response routes, and will periodically review and as appropriate update its emergency access and response route planning.</p>	<p>Continue to implement effective planning and procedures</p>	<p>On-going</p>	<p>City Manager’s Office/Planning and Building Services</p>		

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XII. Noise					
<p>FEIR MM 3.10-1: Future projects shall incorporate project-specific mitigation measures to reduce the impact of construction noise.</p> <p>a.) As part of its discretionary approval and environmental review process for future projects, the City will require a noise and vibration construction activity minimization and mitigation plan for any multi-story development project located within a residential neighborhood, or located adjacent to a residence, school, or hospital or other sensitive receptor. The plan must address high-noise or vibration construction activities such as pile driving, and must address outdoor construction activities occurring outside normal weekday business hours. The plan must also address construction-related noise and vibration from current and concurrently with project-related construction activities to address potential cumulative noise and vibration impacts. Excessive noise and vibration impacts from such construction-related activities (defined as noise and vibration impacts that would not occur from similar construction-related activities) shall be avoided or minimized to the extent feasible, and high-noise or vibration construction activities shall not occur during evenings or weekends adjacent to occupied residential units.</p> <p>b.) The City will compile and periodically update Best Management Practices ("BMPs") for minimizing and mitigating noise and vibration impacts from construction activities, for use as appropriate in noise and vibration plans required under MM 3.10-2(a) above.</p> <p>c.) The City will consider and may adopt appropriate modifications to the Noise Ordinance to establish criteria for construction-related noise and vibration impacts during daytime weekday hours, and will consider and</p>	Comply with project-specific mitigation measures to reduce construction noise	During project design and development review	Planning and Building Services		

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<p>include feasible conditions in building, demolition, and grading permits to avoid or minimize excessive noise and vibration from construction activities.</p> <p>d.) This mitigation measure does not eliminate or supersede any other applicable legal requirement, including but not limited to the Noise Ordinance included in the Municipal Code.</p> <p>This plan shall outline the project’s required compliance with General Plan Action SN4.E which requires preparation of construction traffic plans that mitigate noise, traffic, and dust during construction. This plan shall also outline the project’s required compliance with Article 15.04.605.060 of the Municipal Code which limits general construction activities to weekdays from 7:00 a.m. to 6:00 p.m., and limits pile driving and similar loud equipment activity to weekdays from 8:00 a.m. to 5:00 p.m.</p> <p>Implementation of this mitigation measure would ensure that project-related construction noise impacts would be reduced to the extent technically and economically feasible and would be less than significant.</p>					
<p>XIII. Population and Housing</p>					
<p>MM 3.2-2: Based on available U.S. Census or Association of Bay Area Governments (ABAG) data, the City shall track the number of new jobs to determine whether new development exceeds the amount of development assumed in the General Plan EIR (22,488 jobs). City staff shall provide a report on the number of new jobs to the City Council annually and if the number of jobs approaches or exceeds 80 percent of the number assumed in the General Plan EIR (9,950 jobs), the City shall prepare an update to the General Plan and General Plan EIR to assess the environmental effects of additional projected growth.</p>	<p>Track the number of new jobs to determine if new development exceeds the amount of development assumed in the EIR</p>	<p>Annually</p>	<p>Planning and Building Services</p>		

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XVI. Transportation					
MM 3.14-1: Future projects shall incorporate project-specific mitigation measures to reduce traffic impacts.	Comply with project-specific mitigation measures to reduce traffic impacts	During project design and development review	Planning and Building Services		
MM 3.14-3: The City shall continue to cooperate and coordinate with transit agencies and work with the community to promote and advocate for improved transit services and increased transit capacity to meet anticipated General Plan implementation and cumulative impacts for transit service, and seek grant funding opportunities to supplement available transit service.	Cooperate and coordinate with transit agencies; work with the community	On-going	City Manager's Office/Planning and Building Services		
MM 3.14-6: The City will continue to support coordination among its departments and other agencies in planning for emergency access and response routes, and will periodically review and as appropriate update its emergency access and response route planning.	Continue to implement effective planning and procedures	On-going	City Manager's Office/Planning and Building Services		
XVIII. Wildfire					
MM 3.14-6: The City will continue to support coordination among its departments and other agencies in planning for emergency access and response routes, and will periodically review and as appropriate update its emergency access and response route planning.	Continue to implement effective planning and procedures	On-going	City Manager's Office/Planning and Building Services		
XX. Mandatory Findings of Significance					
Implement MM 3.2-1; MM 3.14-1; MM 3.14-3; MM 3.14-6; MM 3.15-1; MM 3.15-2a; MM 3.15-2b; MM 3.15-2c; MM 3.15-2d					