

Ohlone College District-Newark Center Project Mitigation Monitoring and Reporting Program

December 2004

The California Environmental Quality Act (CEQA) and CEQA Guidelines require Lead Agencies to adopt a program for monitoring the mitigation measures required to avoid significant environmental impacts of a project. The monitoring program ensures that mitigation measures imposed by the City are completed at the appropriate time in the development process.

The mitigation measures identified in the Environmental Impact Report for the Newark Center Project are listed below along with the party responsible for implementation; the party responsible for monitoring implementation of the mitigation measure; the milestones for implementation and monitoring; and a sign off that the mitigation measure has been implemented

Topic/Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Monitoring Schedule	Verification
<p>Aesthetics/Mitigation Measure 4.1-1. Outdoor lighting shall be designed to maximize public safety and security while minimizing visual intrusion and glare both on campus and off-campus. Outdoor light fixtures shall include shrouds and other shielding as appropriate. Lighting along pedestrian pathways shall be low-level lights. To the extent practicable, area lighting and security lighting shall be controlled by the use of timed switches and/or motion detector activation to reduce energy consumption.</p>	<p>Project Design Team (architect, landscape architect and civil engineer)</p>	<p>District staff</p>	<p>Shown on final Construction Documents</p>	

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<p>Air Quality/ Mitigation Measure 4.2-1. Consistent with guidance from the BAAQMD for large sites, the following measures shall be required of construction contracts and specifications for the Project:</p> <ul style="list-style-type: none"> a) Mitigation Measure 4.2-1: Consistent with guidance from the BAAQMD for large sites, the following measures shall be required of construction contracts and specifications for Water all active construction areas at least twice daily and more often during windy periods; active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers or dust palliatives; b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard; c) Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites; d) Sweep daily (preferably with water sweepers) all paved access roads, parking areas, and staging areas at construction sites; water sweepers shall vacuum up excess water to avoid impacts to water quality; 	Project Design Team	District staff	Shown on final Construction Documents	

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<ul style="list-style-type: none"> e) Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets; f) Apply non-toxic soil stabilizers to inactive construction areas; g) Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.); h) Limit traffic speeds on unpaved roads to 15 mph; i) Install sandbags or other erosion control measures to prevent silt runoff to public roadways; j) Replant vegetation in disturbed areas as quickly as possible. k) Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site; and l) Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph. 				

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<p>Biological Resources/Mitigation Measure 4.3-1: Removed wetlands shall be replaced at a minimum ratio of 1:1 (one acre or portion of acre replaced for each acre or portion of acre impacted), which could occur on the Project site. A wetland mitigation replacement plan shall be developed and shall include, at minimum, a discussion of 1) the existing wetland's plant species composition and hydrology and the proposed plant species composition and hydrology of the mitigation wetland; 2) the performance standards by which success will be evaluated, 3) monitoring procedures, 4) contingency plan, 5) annual report, 6) and rationale for expected success. The mitigation plan shall be approved by the appropriate agencies prior to approval of the grading plan. A performance bond, letter of credit, or other financial instrument shall be established to guarantee any remedial work that might need to occur if the prior effort fails. The mitigation wetland should be monitored for 5 years after installation. Appropriate federal and/or state permits shall be obtained for fill of the wetlands prior to such activity.</p>	Project Consulting Biologist	District staff	Prior to start of project grading	
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<p>Biological Resources/Mitigation Measure 4.3-2: Surveys shall be conducted for the special-status plant species. These surveys should begin during September 2004 and continue in the months of March and April 2005 to determine whether the potentially occurring special-status species grow on the Project site.</p> <p>a) If the Contra Costa goldfields, dwarf downingia, alkali milk-vetch, prostrate navarretia, hairless popcorn flower, and/or Congdon's tarplant occurs on the Project site, then mitigation would consist of transplanting the populations (or seed from the populations) to the area proposed for wetland creation. Special-status plant populations would be temporarily avoided by establishing exclusion zones around the plant populations. Exclusion zones will be at least 50 feet in diameter. Once the plants set seed, typically in May or June, the seed shall be collected. Following seed collection, the exclusion zones may be removed and ground disturbing activities within the exclusion zone may occur.</p>	Project Consulting Biologist	District staff	Prior to start of project grading	

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<p>b) A mitigation plan shall be developed for plants that will be transplanted or seeded to a different location. This mitigation plan shall include a discussion of 1) the existing habitat characteristics including plant species composition and hydrology, 2) the habitat characteristics of the mitigation area including plant species composition and hydrology; 3) the performance standards by which success will be evaluated, 4) monitoring procedures, 5) contingency plan, 6) annual report, 7) and rational for expected success. The mitigation plan shall be approved by the appropriate agencies prior to implementation of a grading plan. A performance bond, letter of credit, or other financial instrument shall be established to pay for any remedial work that might need to occur, if the prior effort fails. The mitigation area shall be monitored for 5 years after installation.</p>				

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<p>Biological Resources/Mitigation Measure 4.3-3: The Project applicant shall enter into informal consultation with the U.S. Fish and Wildlife Service and California Department of Fish and Game to assess the suitability of the habitats onsite for these species. If the agencies determine that the site does not have suitable habitat for these species, no additional surveys or mitigation will be required. If the agencies determine that the site provides suitable habitat, then surveys will be conducted to determine the presence of these species on the site. Surveys shall be conducted of the pond in the northeast corner of the site and of the ditches on and off of the Project site for the vernal pool tadpole shrimp and the California tiger salamander.</p>	Project Consulting Biologist	District staff	Prior to start of project grading	

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<p>Surveys for the vernal pool tadpole shrimp shall consist of dry season and wet season surveys as described in the <i>Interim Survey Guidelines to Permittees for Recovery Permits under Section 10(a)1(A) of the Endangered Species Act for Listed Vernal Pool Branchipods</i> (USFWS 1996). Dry season surveys shall be initiated prior to fall rains (October 2004). Wet season surveys should begin as soon as the pond fills in the late fall or winter of 2004 and extend through March 2005. The surveys for the California tiger salamander larvae should begin in February and extend into April. Aquatic surveys for California tiger salamanders should be conducted according to the joint USFWS and CDFG protocol dated October 2003. The following additional measures shall also be implemented:</p>				

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<p>a) If the vernal pool tadpole shrimp occur on the Project site, a mitigation plan shall be developed for translocating them to the site of the wetland restoration in the southwest portion of the property off of the portion of the property that would be used for the proposed Project or to another suitable mitigation site. This mitigation plan shall include, at minimum, a discussion of 1) the existing habitat characteristics including plant and animal species composition and hydrology, 2) the habitat characteristics of the mitigation area including plant and animal species composition and hydrology; 3) the performance standards by which success will be evaluated, 4) monitoring procedures, 5) contingency plan, 6) annual report, 7) and rational for expected success. The vernal pool tadpole shrimp mitigation plan shall be approved by the appropriate agencies prior to approval of the grading plan.</p>				

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<p>A performance bond, letter of credit, or other financial instrument shall be established to pay for any remedial work that might need to occur, if the prior effort fails. The mitigation area shall be monitored for 5 years after installation. Coordination with the regulatory agencies would need to occur to develop the mitigation because the vernal pool tadpole shrimp is listed as endangered by the federal government.</p>				

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<p>b) If California tiger salamander larvae are found onsite during the surveys, impacts to this species shall be mitigated through the preservation of suitable upland at a 1:1 ratio (preserved:impacted) and preservation or creation of breeding habitat at a 2:1 ratio (preserved or created:impacted) at an offsite mitigation area. Mitigation for this species must include both terrestrial and aquatic habitat. A breeding pond, suitable for California tiger salamanders shall be created on the mitigation site. The area of the breeding pond will be at least two times as large as the breeding pond removed on the Project site (2:1 mitigation ratio).</p>				

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<p>One or two ponds may be created. Upland habitat shall be replaced at a ratio of 1:1 for all areas impacted within 650 meters of the on-site breeding pond. The mitigation site must be in the Warm Springs or Newark area, must have suitable breeding as well as upland habitat as determined by a qualified biologist, and must be within 650 meters of a known breeding site with no barriers to movement between the known breeding site and the mitigation site.</p>				

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<p>A mitigation plan shall be developed for California tiger salamanders. This mitigation plan shall include a discussion of 1) the existing habitat characteristics including plant and animal species composition and hydrology, 2) the habitat characteristics of the mitigation area including plant and animal species composition and hydrology; 3) the performance standards by which success will be evaluated, 4) monitoring procedures, 5) contingency plan, 6) annual report, 7) and rational for expected success. The mitigation plan shall be approved by the appropriate agencies prior to implementation of a grading plan. A performance bond, letter of credit, or other financial instrument shall be established to pay for any remedial work that might need to occur, if the prior effort fails. The mitigation area shall be monitored for 5 years after installation.</p>				

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<p>Coordination with the regulatory agencies would need to occur to develop the mitigation plan because the California tiger salamander is proposed for listing by the federal and state governments.</p>				
<p>c) Protection measures shall be developed to minimize mortality of California tiger salamander adults and larvae prior to and during construction, as well as during Project operation. The following steps shall be implemented:</p> <ol style="list-style-type: none"> 1) If appropriate and feasible, adult salamanders shall be removed from the expansion area and re-located to suitable habitat elsewhere on-site or to an off-site mitigation area. 2) A salamander-proof barrier (e.g., fence or curb) shall be erected around the perimeter of the site to prevent salamanders from moving onto the site during ground-disturbing activities. The barrier will also help direct the salamanders to areas where breeding ponds are located. 				

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<p>3) A biological monitor approved by CDFG shall conduct an employee training session for all operators and managers involved in ground clearing and construction prior to the initiation of ground-disturbing activities. The purpose of the training shall be to inform the workers of measures being implemented to avoid, minimize, and mitigate impacts to tiger salamanders.</p> <p>4) The biological monitor shall be present during initial ground-disturbing activities to move or salvage and possibly relocate any adult salamanders unearthed during earth-moving activities. The biological monitor shall make periodic checks of the site to document compliance with the protection measures. Monitoring visits shall continue through the first rainy season after the initial ground disturbance.</p>				

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<p>Biological Resources/Mitigation Measure 4.3-4a: The Project applicant shall conduct protocol-level surveys for burrowing owls on the proposed development site. The survey will include both winter and breeding season surveys as stipulated in the <i>Burrowing Owl Survey Protocol and Mitigation Guidelines</i> (California Burrowing Owl Consortium 1993). If burrowing owls are found on the site, then mitigation will be implemented according as described in the CDFG's <i>Staff Report on Burrowing Owl Mitigation</i> (October 1995). This entails establishing 6.5 acres of suitable habitat for each pair of burrowing owls displaced from the Project site. These 6.5 acres should be adjacent to an area already used by burrowing owls. The replacement mitigation site shall be preserved in perpetuity for use as burrowing owl and wildlife habitat. An endowment for management and monitoring of the site will also be established.</p>	Project Consulting Biologist	District staff	Prior to start of project grading	

Topic/Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Monitoring Schedule	Verification
<p>Biological Resources/Mitigation Measure 4.3-4b: Preconstruction surveys shall be conducted for the western burrowing owl prior to Project construction, including clearing and grubbing. These surveys shall conform to the survey protocol established by the California Burrowing Owl Consortium (Burrowing Owl Survey Protocol and Survey Guidelines, April 1993). Preconstruction surveys should be conducted no more than 30 days prior to the initiation of construction activities and at 30-day intervals if construction activities have not been initiated in an area. The following measures shall also apply:</p>	Project Consulting Biologist	District staff	Prior to start of project grading	

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<p>a) If burrowing owls are found on-site, they shall be avoided to the extent practicable. A clearly defined area (i.e., orange construction fencing) shall be established around each burrowing owl burrow to be avoided. No disturbance should occur within 50 meters (approx. 160 ft.) of occupied burrows during the nonbreeding season of September 1 through January 31 or within 75 meters (approx. 250 ft.) during the breeding season of February 1 through August 31.</p> <p>b) If the burrowing owls occur and construction will begin before February or after the end of August, and the burrows cannot be avoided, passive relocation techniques may be used to relocate owls from the site. These techniques include excavating all potential burrows after excluding owls from the burrow for the required length of time. Passive relocation shall be done according to the current protocol established by the California Department of Fish and Game. Artificial burrows should be provided on the mitigation site for each occupied burrow destroyed on the Project site at a ratio of 2:1.</p>				

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<p>c) If the western burrowing owl occurs on the Project site and construction will begin during the breeding season (February through August), then a buffer of a radius of 75 meters (250 feet) will be established around any burrows containing owls.</p> <p>d) Removal of burrowing owls on the Project site shall conform to the requirements of CDFG's Staff Report on Burrowing Owl Mitigation (October 1995). This entails establishing 6.5 acres of suitable habitat for each pair of burrowing owls displaced from the Project site. These 6.5 acres should be adjacent to an area already used by burrowing owls. The replacement mitigation site shall be preserved in perpetuity for use as burrowing owl and wildlife habitat. An endowment for management and monitoring of the site will also be established.</p>				

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<p>Biological Resources/Mitigation Measure 4.3-5: Prior to initiation of construction activities, ground disturbing activities, tree removal, or tree pruning, a survey for nesting raptors and other birds shall be conducted on the site if the activities will occur during the breeding season for birds in this area (February-August). A qualified biologist shall conduct nest surveys to locate any active nests on or immediately adjacent to the property. Preconstruction surveys should be conducted at 30-day intervals unless construction activities have been initiated in an area. Preconstruction surveys shall be conducted between February 1 and August 31.</p>	Project Consulting Biologist	District staff	Prior to start of project grading	

Topic/Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Monitoring Schedule	Verification
<p>If an active nest is found during the preconstruction survey, then the following protective measures shall be implemented: 1) Establishment of clearly-delineated (i.e., orange construction fencing) avoidance areas around each nest site that is a minimum of 100 meters (330 feet) from the nest or dripline of the nest tree for raptors or 30 meters (100 feet) from the nest for other birds; 2) monitoring by a qualified biologist of active nest sites within an exclusion zone on a weekly basis throughout the nesting season to identify any signs of disturbance; and 3) if the qualified biologist identifies signs of disturbance, relocation of construction activities pursuant to the biologist's recommendation until signs of disturbance are eliminated. Protection measures shall remain in effect until the young have left the nest and are foraging independently or the nest is no longer active. A report shall be prepared at the end of each construction season detailing the results of the preconstruction surveys. The report shall be submitted to the City and CDFG by November 30 of each year.</p>				

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<p>Cultural Resources/Mitigation Measure 4.4-1: Prior to construction on the site that will disturb any soil:</p> <ul style="list-style-type: none"> a) A program of mechanical subsurface testing shall be done by a qualified archeologist within a 300-foot wide band of the existing ACFCWCD Channel to search for buried archaeological deposits. Testing should be comprehensive enough to aid in the determination of the aerial extent of any such deposit as well as its depth below the surface. b) Any archaeological deposit found in this manner should then be mapped by qualified surveyors after the preparation of an updated archaeological site survey form to supplement the existing site record for Ala-599. Accurate mapping should assist the Project sponsor to redesign road placement, undergrounded utilities, or landscaping so that impacts to the resource are reduced to a less-than-significant level. 	Project Consulting Archeologist	District staff	Prior to start of project grading	

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<p>c) If complete avoidance of the cultural resource cannot be achieved, the Project sponsor a resource protection plan conforming to CEQA Section 15064.5 shall be prepared by a qualified archeologist and approved by the Lead Agency.</p> <p>d) If work on the Project lying outside the 300-foot wide band uncovers cultural resources, the provision of subsection "c" shall apply.</p> <p>e) If human remains are encountered, the County Coroner shall be contacted immediately and procedures followed as specified in CEQA Guidelines Section 15064.5 (e).</p>				

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<p>Geology/Mitigation Measure 4.5-1: Potential ground shaking hazards to people, structures and property can be reduced but not eliminated through implementation of the following measures:</p> <ul style="list-style-type: none"> a) Structures shall be designed in accordance with all building design requirements established in the most recent California Building Code (CBC) and Division of State Architect requirements. b) Design and construction of foundations and paved areas shall conform to all relevant seismic regulations and recommendations made by certified soils, geotechnical and structural engineers for each proposed building on campus. c) New utilities shall be designed to withstand the expected ground motion of an earthquake in the vicinity of the Project site. 	Project Design Team	District staff	Shown on final Construction Documents	

Topic/Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Monitoring Schedule	Verification
<p>Geology/Mitigation Measure 4.5-2: Building-specific settlement analyses shall be performed by a geotechnical engineer during the design phase for each individual building at the Project site to determine the anticipated building settlement. Design of an appropriate foundation will be determined based on the acceptability of the estimated settlements. The potential for soil settlement shall also be analyzed in the design of parking lots, driveways, underground utilities and other appropriate on-site facilities.</p>	<p>Project Consulting Geotechnical Engineer</p>	<p>District staff</p>	<p>Prior to finalization of Construction Documents for each project element (buildings, parking lots, etc.)</p>	
<p>Geology/Mitigation Measure 4.5-3: Site-specific field explorations shall be performed by a geotechnical engineer within each building footprint at the Project site during the design phase to identify detailed liquefaction potential and associated ground surface settlement. Recommendations of the exploration shall be incorporated into final foundation and building design.</p>	<p>Project Consulting Geotechnical Engineer</p>	<p>District staff</p>	<p>Prior to finalization of Construction Documents for each project building</p>	

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<p>Geology/Mitigation Measure 4.5-4: All building floor slabs shall be underlain by 12 to 18 inches of non-expansive fill and should extend at least five feet beyond the building footprints. During the final geotechnical investigation for individual buildings, the recommended thickness of the non-expansive fill layer will be identified. If the expansive soil is within three feet of the ground surface, shallow footings shall extend 36 inches below the lowest adjacent grade.</p>	Project Design Team	District staff	Shown on final Construction Documents	
<p>Hazardous Materials/Mitigation Measure 4.6-1. Prior to site grading and excavation, a human health risk assessment shall be completed to identify the potential health risks associated with the pesticides present on site. A regulatory agency shall be contacted to provide oversight of the human health risk assessment and recommended mitigation measures to ensure that they are appropriate for the development of the site for community college use.</p>	Project Consulting Hazardous Materials Specialist	District staff	Prior to site grading and/or excavation	

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<p>Hazardous Materials/Mitigation Measure. 4.6-2. The District shall prepare a Hazardous Materials Management Plan for the Newark Center. The Plan shall include, but not be limited to, the following elements relative to hazardous materials: storage; safety precautions for handling; disposal; and staff and student training. The Hazardous Materials Management Plan shall be submitted to the City of Newark Fire Department for review and approval prior to site occupancy.</p>	District staff	District staff	Prior to occupancy of first complete building	

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<p>Hydrology/Mitigation Measure 4.7-2:</p> <p>a) The District shall model existing and post-Project runoff on the Project site using the criteria detailed in the most recent ACFCD drainage manual. The District shall demonstrate to ACFCD and the City of Newark that the proposed detention system and on-site storm drain network conform to all current, applicable design requirements.</p> <p>b) The Project drainage system shall be designed to maintain and protect the existing hydrologic conditions sustaining the wetland at the southern end of the Project site.</p>	<p>Project Consulting Hydrologist/ Project Design Team</p>	<p>District staff</p>	<p>Prior to site grading</p>	

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<p>Hydrology/Mitigation Measure 4.7-3:</p> <ul style="list-style-type: none"> a) Prior to commencing construction, the District shall prepare an erosion and sediment control plan for the Project and submit it to the City of Newark Public Works Department for review. b) Prior to commencing construction, the District shall prepare a storm water pollution prevention plan (SWPPP) for the Project. The SWPPP shall include water-quality control measures to reduce potential risks of surface- and groundwater contamination during the construction and post-construction phases of Project development. The SWPPP shall be developed in conjunction with staff of the City of Newark Public Works Department. c) Prior to commencing construction, the District shall prepare and submit to the RWQCB a storm water management plan (SWMP) describing the best management practices (BMPs) proposed for post-construction water quality control and treatment, including how the BMPs will designed, operated, maintained and monitored. d) Utility plans for the storm drain network shall conform to County 	Project Consulting Hydrologist/ Project Design Team	District staff	Prior to site grading	
<p>Onlone College District Mitigation Monitoring and Reporting Program Newark Center for Health Sciences & Technology</p> <ul style="list-style-type: none"> e) Prior to site occupancy, the District shall prepare an integrated pest management 				<p>Page 29 December 2004</p>

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<p>Land Use/Mitigation Measure 4.8-2: A 6-foot tall masonry wall or solid fence shall be constructed along the Project perimeter adjacent to the Silliman Recreation Center to screen unsightly conditions. The wall or fence shall be constructed at the same time as the permanent maintenance complex is constructed.</p>	Project Design Team	District staff	Prior to occupancy of maintenance building	
<p>Noise/Mitigation Measure 4.9-1: A Construction Noise Management Plan shall be prepared that shall identify measures to be taken to minimize construction noise on surrounding areas. The Noise Management Plan shall be approved by the Ohlone College Facilities Manager and Newark Community Development Director prior to commencement of grading. The Plan shall contain, at minimum, a listing of hours of construction operations, use of mufflers on construction equipment, limitation on on-site speed limits, identification of haul routes to minimize travel through residential areas and identification of noise monitors. Specific noise management measures shall be included in appropriate contractor specifications.</p>	District staff	District staff	Prior to commencement of site grading	

Topic/Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Monitoring Schedule	Verification
<p>Transportation/Mitigation Measure 4.10-2: The District shall contribute a proportional share to the City of Newark towards recommended cumulative intersection improvements at the Cedar/Mowry intersection, which shall consist of re-striping the southbound Cedar Boulevard approach to include two (2) left-turn lanes, one (1) through-lane, and one (1) shared through/right-turn lane.</p>	District Board of Trustees	District staff	As negotiated between District and City of Newark	
<p>Transportation/Mitigation Measure 4.10-4: Stop signs shall be installed along the north-south internal road intersecting with the three site driveways to promote traffic safety and internal circulation efficiently.</p>	Project Design Team	District staff	Shown on final Construction Documents	

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<p>Utilities/Mitigation 4.11-3: A water conservation plan should be developed for the irrigation of landscape features on the campus. The plan shall include the following components:</p> <ul style="list-style-type: none"> a) The majority of plants and trees shall be native and other appropriate drought-tolerant plants; b) A drip irrigation system shall be installed and programmed to account for seasonal conditions; and c) The use of recycled water to irrigate landscape areas shall be considered. 	District staff	District staff	Shown on final Construction Documents	