

MITIGATION MONITORING AND REPORTING PLAN

PROJECT NAME: Proposed Single-Family Dwelling with Second Unit

ADDRESS: 900 Rosita Road, Pacifica, California 94044 (APN 023-190-090)

APPROVAL DATE: June 12, 2012 EIR or Negative Declaration: Mitigated Negative Declaration

5. CULTURAL RESOURCES

Impacts b and c: The project could cause a substantial adverse change in the significance of an archeological or paleontological resource pursuant to Section 15064.5.

1) A Native American monitor and an archaeological monitor shall be present at the project site during ground disturbing activities related to construction. If any archaeological or paleontological deposits are encountered, all soil disturbing work should be halted at the location of any discovery until a qualified archaeologist or paleontologist evaluates the significance of the find(s) and prepares a recommendation for further action.

Monitoring Phase:	Pre-Construction, Construction
Implementation Party:	Applicant
Enforcement Agency:	Planning and Building - Site inspections as determined by the Planning and Building staff.
Monitoring Agency:	Planning and Building

Initials and dates of activities completed.

MITIGATION MONITORING AND REPORTING PROGRAM

INTRODUCTION

AB 3180, (Public Resources Code section 21081.6) requires public agencies to adopt a "reporting or monitoring program" whenever: a) a Negative Declaration which incorporates mitigation measures is adopted for a project; and b) after certifying an EIR, CEQA findings are adopted which concludes that otherwise significant impacts will be substantially lessened or avoided through the adoption of mitigation measures.

The following procedures shall be followed to ensure compliance with AB 3180. Please note that these procedures are intended to cover all project categories (private or public) and all stages of a project when monitoring or reporting may be required. A typical mitigation or monitoring program will consist of the referenced Checklist, the General Provisions, and appropriate portions of the section titled "Types Of Projects And Mitigation And Their Monitoring/Reporting Procedures", as contained below. The monitoring or reporting program shall be attached to the Mitigated Negative Declaration or EIR findings and made a part of that document.

The CEQA Guidelines require mitigation of "significant impacts", except where findings of overriding significance are made. Unless this threshold of "significant impact" is reached, it is advisable to address project issues as conditions of project approval outside the CEQA process.

Mitigation measures must be written in very clear language, and must specify what, who, when, where, why and if possible the way.

GENERAL PROVISIONS

1. Checklist: All mitigation measures for a Negative Declaration or EIR shall be incorporated into the preceding checklist attached as EXHIBIT "A" for the purpose of monitoring or reporting their implementation.
2. Disagreement over the interpretation of a mitigation condition: Where staff and the applicant cannot agree on the exact meaning of a mitigation condition, the matter shall be referred to the Planning Director. The applicant shall have the right to appeal the Planning Director's interpretation to the Planning Commission.
3. Reporting: All reports submitted by the developer and consultant shall be under the penalty of perjury.
4. Records: All records pertaining to a Mitigated Negative Declaration shall be kept in the project file at the offices of the Planning and Economic Development Department.
5. Fees: For private projects, the applicant shall bear the cost of monitoring and/or reporting. Fees charged for staff time at the City established rate. Where necessary, the applicant will be required to deposit a lump sum with the Planning and Economic Development Department. Monitoring costs will be debited against said deposit.
6. Penalties: If an applicant fails to properly implement mitigation measures, the Planning Director or the appropriate City department may issue a stop-work order, or deny subsequent approvals necessary to complete and occupy the project. In some cases, the City may require performance bonds or letters of credit to ensure that mitigation conditions are properly implemented. The amount of such bonds or letters of credit shall be determined by the

Planning Director. Failure to implement mitigation measures or to furnish required mitigation reports may be cause for suspension or revocation of a permit or the basis for legal action by the City to enforce compliance with the mitigation measure or reporting requirement.

TYPES OF PROJECTS AND MITIGATION AND THEIR MONITORING/REPORTING PROCEDURES:

Private Projects

- A. Conditions affecting permanent construction. These conditions affect the permanent design and location of a structure. Examples include limiting building height, requiring a setback, or providing a landscape buffer.
- The department applying the condition signs off on the mitigation condition(s) before the building permit is issued, verifying that the plans conform to the condition(s).
 - The building inspector ensures that construction conforms to approved plans.
 - Affected department signs off on the mitigation conditions(s) before final inspection/occupancy, verifying that the project conforms to the mitigation conditions(s).
- B. Conditions during construction. These conditions affect the way construction is carried out. Examples will be hours of operation, erosion control plans, preservation of archaeological sites, and preservation and protection of marshes.
- Responsibility for monitoring and reporting shall be placed on the applicant. The City department, which imposed the condition, will investigate complaints and review reports that are submitted. City inspectors should be informed about mitigation conditions so they can report obvious violations.
 - Reporting by applicant shall be under penalty of perjury.
- C. Operational Conditions: These require permanent monitoring/reporting on a regular basis. Examples will include: hours of operation, maximum occupancy, toxic handling and disposal, and limits on nuisances like noise and odors.
- The burden would be placed on the applicant to provide reports to the city as required. The content and frequency of the reports would be specified as part of the conditions. Specialized inspectors may be required.
 - Reporting shall be under penalty of perjury.
 - The city may enter into agreement with another agency to monitor compliance (e.g. Fish and Game for creek conditions; County Health for toxics).
 - Code enforcement officer, planning staff, appropriate City staff will investigate complaints, and also ensure that reports are submitted as required to the Planning and Economic Development Department.