

NOTICE OF VIRTUAL PUBLIC HEARING

**NOTICE IS HEREBY GIVEN
that the
EAST COUNTY BOARD OF ZONING ADJUSTMENTS
Will hold a Virtual Meeting on**

PLN2021-00124, SOLTAGE/LORI BILELLA, CONDITIONAL USE PERMIT–

Application for a Conditional Use Permit to install the “Alameda Grant Line Solar 1” project, a proposed 2.87MW Solar Photovoltaic facility on a 23.07-acre site located at the NW corner of Grant Line Road and Great Valley Parkway in the unincorporated Mountain House area. (APN 099B-7650-007-01). An environmental impact report (EIR) has been prepared pursuant to CEQA, the action requested includes certification of the EIR and approval of a Mitigation and Monitoring Report. **Staff Planner: Albert Lopez, Action Item**

If you challenge the proposed application, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Director at or prior to the public hearing which will be entered into the record.

The East County Board of Zoning Adjustments hearing will be held at **1:30 p.m. on Thursday, September 8, 2022.**

FOR TELECONFERENCE MEETINGS, MEMBERS OF THE PUBLIC MAY OBSERVE AND PARTICIPATE IN MEETINGS BY FOLLOWING THE INSTRUCTIONS IN THE TELECONFERENCING GUIDELINES POSTED ON-LINE WITH THE AGENDA AT:

<http://acgov.org/cda/planning/documents/TeleconferencingGuidelinesforPublicHearings.pdf>

**AT THE NOTICED DATE AND TIME LISTED ABOVE THE ZOOM WEBINAR IS ACCESSIBLE AT THIS WEB ADDRESS: <https://us02web.zoom.us/j/92158285462>
BY PHONE ONLY: (669) 900-9128 or (253) 215-8782 WEBINAR ID# 92158285462**

For questions regarding the hearing or the project, or if you would like a copy of the staff report, please contact Albert Lopez by telephone at (510) 670-5400 or by e-mail at albert.lopez@acgov.org

**ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT**



STAFF REPORT

TO EAST COUNTY BOARD OF ZONING ADJUSTMENTS
HEARING DATE September 8th, 2022

GENERAL INFORMATION

APPLICATION NUMBER & TYPE ALAMEDA GRANT LINE SOLAR 1 PROJECT, PLN2021-00124
OWNER & APPLICANT Soltage, LLC.
PROPOSAL NEW SOLAR FACILITY
ADDRESS & SIZE OF PARCEL Intersection of West Grant Line Road and Great Valley Parkway in unincorporated Alameda County; approximately 23 acres (APN 99B-7650-7-1)
ZONING DISTRICT A - Agriculture
GENERAL PLAN DESIGNATION Large Parcel Agriculture (LPA); East County Area Plan, adopted in 1994 and amended in November 2000 and May 2002
ENVIRONMENTAL REVIEW The Project is subject to the California Environmental Quality Act (CEQA, 1970, as amended) and is the subject of an Environmental Impact Report (EIR). The Draft EIR was made available for public comment between March 6 and June 19, 2022 Four comment letters were received.

Full record can be found at this link:

<http://www.acgov.org/cda/planning/landuseprojects/currentprojects.htm>

STAFF RECOMMENDATION

The East County Board of Zoning Adjustment should receive a staff presentation, take public comment on the Project (Alameda Grant Line Solar 1 Project) and the EIR, review the draft Resolution to certify the EIR and approve the Project, and lastly adopt the attached resolution approving the project. Approval of the Project would be subject to conditions of approval contained in the draft resolution.

SITE AND CONTEXT DESCRIPTION

The project site is located in eastern Alameda County, at the San Joaquin County boundary, west of the City of Tracy. Regional access to Alameda County is provided via Interstate-80 (I-80), I-880, I-680, I-580 and I-205. Direct access to the project site is provided via the I-205 interchange at Mountain House Parkway.

The project site is located in a rural agricultural area at the intersection of West Grant Line Road and Great Valley Parkway, adjacent to the unincorporated San Joaquin County community of Mountain House. The project site is bounded by orchard land to the north, vacant agricultural land and rural homesites to the south, and single-family housing to the east across Great Valley Parkway. The Delta

Mendota Canal is located west of the project site. Local vehicular access to the project site is provided via Mountain House Parkway and West Grant Line Road.

PROJECT DESCRIPTION

Soltage, LLC is proposing to construct, install, operate, and maintain an approximately 2-megawatt (MW) alternating current (AC) solar photovoltaic (PV) facility known as the Alameda Grant Line Solar 1 (project). The project is located on a 23.07-acre site, half of which would be covered with photovoltaic solar panels in rows approximately 650' feet in length in a north/south axis. The panels will be installed using the NextTracker system, with a maximum height of 9' in the most open position. Minor fencing (3,200 linear feet) would secure the perimeter of the site and an ample setback (100+ feet) from adjacent roadways serves to reduce visual impacts (i.e. how the project is viewed from public roadways - see attached photosims).

The proposed project was awarded a 15-year Power Purchase Agreement (PPA) with Pacific Gas and Electric (PG&E) under their Electrical Renewable Market Adjusting Tariff (REMAT) program, which is a program specifically designed for small utility-scale local renewable energy projects (<5MW) that benefit the local communities around it by delivering renewable energy via the distribution grid. The project would have a PPA with PG&E and is anticipated to commence delivery in early 2023.

The power generated by the proposed project would be transmitted through PG&E's distribution system at 12 kilovolts (kV) via the Herdlyn 1102 substation, located approximately 4.5 miles north of the project site, on Byron Highway near Clifton Court Forebay. The proposed project would interconnect to the local PG&E distribution grid immediately adjacent to the site, thereby providing clean, renewable energy to the electrical grid. The project would involve the construction of three new on-site utility poles along West Grant Line Road, which PG&E would connect its distribution grid to via an overhead distribution line extension from the existing 12kV pole on the south side of West Grant Line Road.

REFERRAL RESPONSES Referral responses from partner County agencies (September 2021) did not yield comments or concerns outside of ordinary permitting requirements. Acknowledgement of the project was received by County Fire, Building, Grading, Sheriff, Environmental Health as well as a letter from tribal leadership expressing no request for consultation or additional information.

STAFF ANALYSIS

As discussed above, the proposed project complies with both the zoning ordinance and East County Area Plan (ECAP). The intent of Agricultural zoning is for "agricultural and other nonurban uses, to conserve and protect existing agricultural uses, and to provide space for and encourage such uses in places where more intensive development is not desirable or necessary for the general welfare." Like other land use types related to renewable energy (e.g., solar/battery) the use is relatively new to Alameda County and is not mentioned in the Zoning Ordinance as either a use permitted by right or a use conditionally permitted. The lack of ordinances regulating renewables has been a topic of discussion for many years in the East County community, and has recently been addressed at the Board of Supervisors level through approval of a non-binding Statement of Policy focusing on renewables, specifically solar and battery storage. The policies were approved by the Board in principle to provide direction to staff and applicants, while the work on developing ordinances is underway. Staff considers the Statement of Policy as an important document to consult in the land use analysis which follows below.

CONFORMANCE WITH GENERAL PLAN:

The East County Area Plan (ECAP) designates the Project site as Large Parcel Agriculture (LPA). Subject to the provisions, policies, and programs of the ECAP, the LPA designation permits one single-family residence per parcel, agricultural uses, agricultural processing facilities, public and quasi-public uses, quarries, landfills and related facilities, wind farms and related facilities, utility corridors, and similar uses compatible with agriculture. The project is located within an Agriculture (A) zone district. With approval of a conditional use permit pursuant to ACMC Section 17.06.040, the proposed project would not conflict with the subject property's land use designation or zoning district. According to the California Department of Conservation (DOC), there is no Prime Farmland, Unique Farmland, or Farmland of Statewide Importance on or adjacent to the site.

The ECAP policy 285 promotes the provision of adequate gas and electric service and facilities to serve existing and future needs while minimizing noise, electromagnetic, and visual impacts on existing and future residents. The proposed project would contribute to providing ECAPs stated goals of providing public facilities, community facilities, and all structures and development necessary to the provision of public services and utilities. Specifically, the proposed project would increase the supply of power to the PG&E grid with a 2-megawatt solar facility. The County would consider this power "replacement" and not growth inducing.

CONFORMANCE WITH THE ZONING ORDINANCE:

The project site is zoned Agriculture which allows for public utility uses as a conditionally permitted use (CUP), subject to approval by the East County Board of Zoning Adjustments (EBZA). Additionally, as described in Chapter 3, *Project Description*, of the Draft EIR, the Alameda County Planning Commission made findings pursuant to §17.54.060 in 2008 that a solar electric facility would not be contrary to the specific intent clauses or performance standards established for the A District and could be permitted under a conditional use permit. The County has reiterated these findings for similar solar projects approved in 2011 and 2012, and most recently in 2020.

Pursuant to the Alameda County Zoning Ordinance (17.54.130), approval of conditional uses must make four findings: (a) required by public need, (b) will be properly related to other land uses and transportation and service facilities in the County, (c) if permitted, will under all the circumstances and conditions of the particular case, materially affect adversely the health or safety of persons residing or working in the vicinity, or be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood; and (d) will be contrary to the specific intent clauses or performance standards established for the district, in which it is to be located.

The proposed project makes all listed findings as necessary for a conditional use as listed in the zoning ordinance. There is a public need for the proposed project; the population of Alameda County will likely naturally increase through the term of the proposed project, necessitating the need for increased capacity at the electrical grid. Additionally, the proposed project would increase power for the County obtained through renewable resources. Detailed findings are contained below.

DRAFT SOLAR POLICIES

In June of 2022 the County's Board of Supervisors approved a non-binding Statement of Policy specific to solar and battery storage, which will be adopted as ordinances at a later date, however, the draft policies were adopted "in principle" to provide direction on how to review these types of projects. The solar policies contained a 1000 acre cap on solar projects, which this project is well below. Furthermore, the Statement of Policy considered utility scaled solar installations to be electrical transmission

equipment, and due to its small size, would allow a project like this to be Photovoltaic alone, as is proposed. In addition, this project site also follows the policy language that discourages projects to be built on Williamson Act lands, or on parcels determined to be important farmlands.

CONFORMANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

The Project is subject to the California Environmental Quality Act (CEQA, 1970, as amended). The impacts associated with the project would be localized at the project site and would not combine with other projects to cause cumulatively considerable environmental impacts. Given the limited impacts anticipated with project implementation, the project would not result in a considerable contribution to cumulative impacts.

As discussed in the EIR, implementation of the project would result in less-than-significant environmental impacts with implementation of applicable mitigation measures. These measures can be found in Table 1-1, *Summary of Impacts and Mitigation Measures*, of the Final EIR. With the implementation of these measures, the project would not cause substantial adverse effects on human beings, either directly or indirectly. Therefore, the project would comply with all applicable CEQA regulations, as the impacts would be less than significant. The project would not have significant and unavoidable impacts. Impacts related to Air Quality, Biology, Cultural, Geology, and Tribal Cultural Resources would be reduced to less than significant with mitigation.

The Draft EIR was made available for public comment between March 6 and June 19, 2022. Four comment letters were received. Comment letters were received from the Central Valley Regional Water Quality Control Board, Friends of Livermore, Friends of Open Space and Vineyards, and Donna Cabanne. Commenters raised questions about biological resources, agricultural resources, and land use, among other topics. The comments did not raise substantial issues with the information, analysis, or conclusions in the Draft EIR requiring significant revisions.

This packet contains a full hardcopy of the Draft EIR and Final EIR, the following link contains these documents and all the related attachments and appendices.

<http://www.acgov.org/cda/planning/landuseprojects/currentprojects.htm>

TENTATIVE FINDINGS IN SUPPORT OF THE CONDITIONAL USE PERMIT

- Finding 1: The use is required by the public need.*
The use is required by the public need in that energy demand will increase with projected population increase in the County inside the Urban Growth Boundary. The project will increase the County's supply of energy through renewable resources and supports the County's goal of developing renewable energy in rural Alameda County.
- Finding 2: The use will be properly related to other land uses, transportation, and service facilities in the area.*
No changes to allowed land uses, transportation, and service facilities are proposed. As the project is bounded on two sides by public roadways, and on a third side by a water canal, the impacts on other uses is minimal. Adjacent uses will be unaffected by the project, and transportation and services in the area will not be impacted in any significant or measurable way.
- Finding 3: The use, if permitted, under all the circumstances and conditions of the particular case will not materially affect adversely the health or safety of persons residing or working in*

the vicinity or be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

The proposed project, as conditioned herein, will conform to all general plan and ECAP plan policies related to the siting of utility facilities. The Draft EIR found that the project would not cause substantial adverse effects on human beings, either directly or indirectly.

Finding 4: The use will not be contrary to the character or performance standards established for the District in which it is to be located.

The use will not be contrary to the specific intent clauses or performance standards established for the District in which it is to be considered in that the proposed project is located in the A (Agriculture) zoning district, which has as its stated intent: "to promote implementation of General Plan land use policies for agriculture and other nonurban uses; to conserve and protect existing agricultural uses; and to provide space for and encourage such uses in places where more intensive development is not desirable or necessary for the general welfare." The small footprint of the project supports the A zone, and the proposed project would be consistent with the district intent in that solar projects have been approved in the Large Parcel Agriculture designations with approval of a CUP. The use is appropriately located in a non-urban area and will serve the public need for increased energy for the foreseeable future.

CONCLUSION

- Consider the staff report and accept public testimony on the proposed Project, and in the absence of new substantive information to the contrary;
- Approve the attached Draft Resolution, which contains language certifying the Environmental Impact Report for this project, and
- Approve the proposed project subject to the Conditions of Approval, which are attached to the Draft Resolution.

ATTACHMENTS

1. Plan Set
2. Draft Resolution
3. Draft and Final Environmental Impact Report (Findings and MMRP)
4. Comments and Response to Comments

PREPARED BY: PlaceWorks
REVIEWED BY: Albert Lopez

PLANNING CONSULTANT
PLANNING DIRECTOR

RESOLUTION NO. XX

RESOLUTION CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT AND APPROVING CONDITIONAL USE PERMIT PLN2021-00124, ALAMEDA GRANT LINE SOLAR 1 PROJECT, ADOPTED AT THE EAST COUNTY BOARD OF ZONING ADJUSTMENTS ON SEPTEMBER 8, 2022

Introduced by Board Member: xxx.

Seconded by Board Member: xxx.

WHEREAS the Alameda County Planning Department did receive application PLN2021-00124, Alameda Grant Line Solar 1 Project, submitted by the applicant, Soltage, LLC. The proposed project would construct, install, operate, and maintain an approximately 2-megawatt (MW) alternating current (AC) solar photovoltaic (PV) facility known as the Alameda Grant Line Solar 1 (project). The project is located on a 23.07-acre site at West Grant Line Road and Great Valley Parkway in eastern unincorporated Alameda County bearing Assessor's parcel Number 99B-7650-7-1; and

WHEREAS, the *East County Area Plan* (Area Plan) classifies the subject property as Large Parcel Agricultural, and the zoning district is Agriculture (A), where a solar facility can be approved with a conditional use permit (CUP); and

WHEREAS, the proposed project has been reviewed for compliance with the California Environmental Quality Act and the County of Alameda, acting as the Lead Agency as defined in Public Resources Code (PRC) §21067, has prepared an Environmental Impact Report (EIR) to ascertain whether the proposed project may have a significant effect on the environment; and

WHEREAS, the EIR disclosed that all potential environmental impacts from the project would be mitigated to less than significant; and

WHEREAS, a Public Review Draft EIR was prepared pursuant to CEQA Statute and Guidelines and was filed with the State OPR Clearinghouse on May 6, 2022; and

WHEREAS, the County provided notice to interested parties of the opportunity to review and comment on the Draft during the public review period which lasted for 45 days from May 6, 2022 to June 19, 2022; and

WHEREAS this Board did hold a duly noticed public hearing on said proposed project at the hour of 1:30 p.m. on September 8th, 2022; and

WHEREAS, the Board finds that the project is consistent with the site zoning, and promotes the East County *Area Plan* goals, and serves the needs of the community; and,

WHEREAS, in compliance with Section 15091 of the CEQA Guidelines, the Planning Department prepared Written Findings of Significant Effects, attached herein as Exhibit A, to provide a brief explanation of the rationale for each finding, supported by substantial evidence in the record, that changes or alterations have been required in or incorporated into the Project, including identified mitigation measures which would avoid or substantially lessen significant effects; and

WHEREAS, further in compliance with Section 15091(d) of the CEQA Guidelines, the Planning Department has prepared a Mitigation Monitoring and Reporting Program (MMRP) for the project, attached herein as Exhibit B, which is required to be implemented by the Permittee and by the County as

a condition of approval of the Project and that are fully enforceable through permit conditions, agreements, or other measures; and

WHEREAS, the final EIR has been completed in compliance with CEQA, the final EIR was presented to the decision-making body of the lead agency, and that the decision-making body reviewed and considered the information contained in the final EIR prior to approving the project; and the final EIR reflects the lead agency's independent judgment and analysis.

WHEREAS, the Commission also finds that as proposed and conditioned, that the required findings can be made to grant approval of the proposed project, as follows:

Conditional Use Permit Findings and Decision Pursuant to 17.54.130

1. *The use is required by the public need.*

The use is required by the public need in that energy demand will increase with projected population increase in the County inside the Urban Growth Boundary. The project will increase the County's supply of energy through renewable resources and supports the County's goal of developing renewable energy in rural Alameda County. Energy generated at the site is sold to the public and incorporated into the PG&E distribution grid.

2. *The use will be properly related to other land uses, transportation, and service facilities in the area.*

No changes to allowed land uses, transportation, and service facilities are proposed. As the project is bounded on two sides by public roadways, and on a third side by a water canal, the impacts on other uses is minimal. Adjacent uses will be unaffected by the project, and transportation and services in the area will not be impacted in any significant or measurable way.

3. *The use, if permitted, under all the circumstances and conditions of the particular case will not materially affect adversely the health or safety of persons residing or working in the vicinity or be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.*

The proposed project, as conditioned herein, will conform to all land use codes, standards and policies related to the siting of utility facilities. The Draft EIR found that the project would not cause substantial adverse effects on human beings, either directly or indirectly.

4. *The use will not be contrary to the character or performance standards established for the District in which it is to be located.*

The use will not be contrary to the specific intent clauses or performance standards established for the District in which it is to be considered in that the proposed project is located in the A (Agriculture) zoning district, which has as its stated intent: "to promote implementation of General Plan land use policies for agriculture and other nonurban uses; to conserve and protect existing agricultural uses; and to provide space for and encourage such uses in places where more intensive development is not desirable or necessary for the general welfare." The small footprint of the project supports the A zone, and the proposed project would be consistent with the district intent. Through the CUP process and action by the County to approve the project, along with

conditions of approval, will ensure the use is appropriately located in a non-urban area and will serve the public need for increased energy for the foreseeable future.

NOW THEREFORE

BE IT RESOLVED that this Board of Zoning Adjustments does hereby certify the EIR and approve PLN2021-00124 subject to the conditions of approval (below), and as set forth in Exhibit “B”, the approved plans on file in the Planning Department.

AUTHORIZATION AND CONDITIONS OF APPROVAL

1. Approval of this permit authorizes the construction and operation of a maximum 2-megawatt solar energy facility (SEF) subject to the project MMRP attached to this Resolution as Exhibit B, and plans on file with the Planning Department dated July 15, 2022, consisting of solar energy collection array structures. The project shall be constructed substantially in compliance with the approved plan set drawings.
2. Prior to operation, Applicant shall prepare a Decommissioning and Restoration Plan for approval by the Planning Director to decommission and restore the project site, in accordance with the following.
 - a. The Plan shall require that, upon facility decommissioning, all associated infrastructure, inclusive of concrete pads and equipment shall be removed and the soil and ground surface restored to its original condition prior to project construction.
 - b. The Decommissioning and Restoration Plan shall include a detailed engineer estimate of the cost of decommissioning and restoration in current year dollars, to be revised by the Applicant and accepted by the Planning Director at no less than two year intervals during the life of the project.
 - c. During the project life and until final project site restoration and decommissioning is completed, permittee or successor shall be required to maintain a bond, escrow account, irrevocable letter of credit or other financial surety (financial assurance) in the full amount of the value of the estimate of decommissioning and restoration to safeguard the decommission and restoration process from penalty; the bond, escrow account, irrevocable letter of credit or other financial surety shall be payable solely to the County of Alameda for the explicit purpose of site decommissioning and restoration in the event of abandonment of the site or failure to fully restore the site at the termination of operations.
 - d. County shall release the financial assurance only when the requirements of the decommissioning and restoration plan have been fully completed and achieved.
3. Public Agency Approval. Applicant shall conform and maintain compliance with the requirements of the following agencies:
 - Alameda County Public Works Agency, Land Development and Grading
 - Alameda County Public Works Agency, Building Inspection Department
 - Zone 7 Flood Control and Water Conservation District
 - Alameda County Fire Department
 - California State Public Utilities Commission
 - California Energy Commission
 - California Department of Fish and Wildlife

4. Grading. No grading activity may occur on the site until a grading plan and an erosion and sedimentation control plan have been reviewed and a grading permit issued in accordance with the County Grading Ordinance.

GENERAL REQUIREMENTS

5. Mitigation Monitoring and Reporting. Applicant shall be responsible for reporting annually to the Planning Department regarding the implementation of all project Mitigation Measures contained in the MMRP (Exhibit B) and/or included in these conditions of approval. Planning Department staff shall be authorized to inspect the facility with regard to the Mitigation Measures upon 48 hours' notice, or at any time under emergency conditions (e.g., where safety or health concerns appear imminent).
6. Inspection Fees and Costs. The applicant or successors shall be responsible for payment of all reasonable costs associated with the necessary inspections of the conditions of approval contained in the authorization of the facility, including costs incurred by the Community Development Agency, the Alameda County Fire Department, the Building Inspection Division, the Public Works Agency or any other applicable Federal, State or County department or agency.
7. Hold Harmless. By exercise of this Conditional Use Permit, the Permittee and property owner, or their successors, shall defend, indemnify, and hold harmless the County of Alameda and its agents, officers, and employees from any claim, action, or proceeding against the County or its, agents, officers or employees to attack, set aside, void, or annul Conditional Use Permit, PLN2021-00124, certification of the Environmental Impact Report, the CEQA findings, or any combination thereof. Such indemnification shall include, but not be limited to, an award of costs and attorney's fees incurred by the County in its defense. The County shall promptly notify applicant of any such challenge.
8. Optional Review/Revocation/Revision. At any time during the term of this permit and after notice as provided for in the initial hearing, this matter may be set for rehearing by the Board of Zoning Adjustments for the purpose of making a determination whether the use of the site has ceased for a period of six months, and whether the permit should be therefore revoked, or whether conditions previously imposed should be modified or new conditions should be added to assure continued affirmative findings for this permit. Any condition modified or added shall have the same force and effect as if originally imposed.
9. Transfer of Operations. Any entity that has acquired the facilities as authorized under this permit may maintain the benefits of the existing use permit provided that a letter of notification is submitted to the Planning Department within six months after such transaction, and all conditions of approval for the subject facility are carried out by the new operator/permittee.
10. Site Restoration. Permittee or successor shall provide written notification to the Planning Department upon cessation of operations on the site. The permittee/property owner shall remove all improvements authorized under this permit from the site as prescribed in Condition No. 2 above, and the property shall be returned to its pre-application condition within three months of cessation.

MITIGATION MEASURES OF THE MITIGATION MONITORING AND REPORTING PROGRAM

11. **Mitigation Measure (MM) AQ-2 – AQ-2:** The applicant shall require their construction contractor to comply with the following BAAQMD Best Management Practices for reducing construction emissions of PM10 and PM2.5:
 - Water all active construction areas at least twice daily or as often as needed to control dust emissions. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.
 - Apply water twice daily or as often as necessary to control dust or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
 - Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
 - Sweep public streets daily (with water sweepers using reclaimed water if possible) in the vicinity of the project site, or as often as needed, to keep streets free of visible soil material.
 - Hydro-seed or apply non-toxic soil stabilizers to inactive construction areas.
 - Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (e.g., dirt, sand).
 - Limit vehicle traffic speeds on unpaved roads to 15 mph.
 - Replant vegetation in disturbed areas as quickly as possible.
 - Install sandbags or other erosion control measures to prevent silt runoff from public roadways.

12. **MM BIO-1.1 –** A qualified biologist will conduct an environmental education program for all persons employed or otherwise working on the project site before they perform any work. The program shall consist of a presentation from the biologist that includes a discussion of the biology and general behavior of special-status species on or near the site; information about the distribution and habitat needs of the species; sensitivity of the species to human activities; the status of the species pursuant to the Federal Endangered Species Act, the California Endangered Species Act, and the California Fish and Game Code including legal protection; recovery efforts; penalties for violations; and any project-specific protective measures described in this document or any subsequent documents or permits. Interpretation shall be provided for non-English speaking workers, and the same instruction shall be provided for any new workers before their performing work on the site. The biologist shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry on the site. Upon completion of the program, employees shall sign a form stating they attended the program and understand all the protection measures.

13. **MM BIO-1.2 –** A qualified biologist will be on the site daily to monitor initial grubbing/ vegetation clearing, grading, and ground disturbing activities. The biologist will have the authority to stop work that may impact special-status species.

14. **MM BIO-1.3 –** The Applicant shall include in the contract specifications a requirement to use tightly woven fiber of natural materials (e.g., coir rolls or mats) or similar material for erosion control. Plastic mono-filament netting (erosion control matting) or similar material shall be prohibited, to prevent the entrapment of wildlife.

15. **MM BIO-1.4 –** Surveys for California Tiger Salamander, California red-legged frog, San Joaquin coachwhip, California glossy snake, and Coast horned lizard shall be conducted by a qualified

biologist within 24 hours prior to the initiation of any vegetation clearing or ground disturbing activities. All suitable habitat including refuge such as burrows, under rocks, duff, debris, etc., shall be thoroughly inspected. Any listed wildlife that are encountered will be allowed to leave the work area of their own volition.

16. **MM BIO-1.5** – To avoid entrapment, injury, or mortality of listed species resulting from falling into steep-sided holes or trenches, all excavated holes or trenches deeper than 12 inches shall be covered at the end of each workday with plywood or similar materials. Larger excavation that cannot easily be covered shall be ramped at the end of the workday to allow trapped animals an escape method.
17. **MM BIO-1.6** – Prior to initiating construction activities, a California Department of Fish and Wildlife (CDFW)-approved biologist shall conduct surveys for burrowing owl within 500 feet of the project site, where safely accessible. This measure incorporates avoidance and minimization guidelines from the CDFW 2012 Staff Report on Burrowing Owl Mitigation. The surveys will establish the presence or absence of western burrowing owl and/or habitat features and evaluate use by owls. Surveys shall take place near sunrise or sunset in accordance with CDFW survey guidelines. All burrows or burrowing owls shall be identified and mapped. Surveys shall take place no more than 30 days prior to construction. During the breeding season (February 1–August 31), surveys shall document whether burrowing owls are nesting in or directly adjacent to disturbance areas. During the nonbreeding season (September 1–January 31), surveys shall document whether burrowing owls are using habitat in or directly adjacent to any disturbance area. Survey results shall be valid only for the season (breeding or nonbreeding) during which the survey is conducted.
18. **MM BIO-1.7** – If burrowing owls are found during the breeding season (February 1–August 31), the project proponent shall avoid all nest sites that could be disturbed by project construction during the remainder of the breeding season or while the nest is occupied by adults or young. Avoidance shall include establishment of a no disturbance buffer zone (described below). Construction may occur during the breeding season if a qualified biologist monitors the nest and determines that the nest is inactive. During the nonbreeding season (September 1–January 31), the project proponent shall avoid the owls and the burrows they are using. Avoidance shall include the establishment of a buffer zone.
19. **MM BIO-1.8** – If occupied burrows for nonbreeding burrowing owls are not avoided, passive relocation shall be implemented. Owls shall be excluded from burrows in the immediate impact zone and within an appropriate buffer zone as recommended by the biologist in coordination with the California Department of Fish and Wildlife (CDFW) by installing one-way doors in burrow entrances. These doors shall be in place for 48 hours prior to excavation. The project area shall be monitored daily for 1 week to confirm that the owl has abandoned the burrow. Whenever possible, burrows shall be excavated using hand tools and refilled to prevent reoccupation. Plastic tubing or a similar structure shall be inserted in the tunnels during excavation to maintain an escape route for any owls inside the burrow.
20. **MM BIO-1.9a** – To mitigate for the alteration of burrowing owl habitat, approximately 11.6 acres on the southern, western, and northern edges of the site will be left in a natural state and protected under a conservation easement or deed restriction for the duration of the project. This land is contiguous with the levee and open space associated with the Mendota Canal. A mitigation and management plan (MMP) with success criteria to ensure the site is maintained as burrowing owl habitat, and to facilitate its continued use by burrowing owls, will be developed for this area and approved by the Alameda County Planning Director in coordination with California Department of Fish and Wildlife (CDFW). The MMP shall include measures to rehabilitate any habitat temporally disturbed by construction activities.

21. **MM BIO-1.9b** – No later than 6 months following the operational period of the project, the project site will be restored to as near as possible to its original condition. The MMP described in Mitigation Measure BIO-1.9a will include a post-project restoration plan to facilitate the future suitability of the site for burrowing owl.
22. **MM BIO-1.10** – The mitigation and management plan (MMP) described in Mitigation Measure BIO-1.9 for the approximately 11.6-acre conservation area shall include a prescription for managing the area as habitat for Swainson’s hawk. The MMP will include success criteria for Swainson’s hawk habitat.
23. **MM BIO-1.11** – Pre-construction surveys shall be conducted for the American badger no more than 14 days prior to the initiation of ground-disturbing activities. Surveys shall be conducted by a qualified wildlife biologist with experience and knowledge in identifying badger burrows and include walking parallel transects looking for badger burrows and sign. Any badger dens identified shall be flagged and mapped.
24. **MM BIO-1.12** – In the event active badger dens are identified, a no-work buffer of 200 feet shall be established around the den and associated occupied areas. If avoidance is not feasible, a biologist shall determine if the burrow is being used as an active maternity den through utilization of remote cameras. If young are determined to be present, the burrow shall be avoided until the young have vacated the burrow as determined by a qualified biologist. If the burrow is determined not to be an active maternity den and young are not present, in coordination with the California Department of Fish and Wildlife (CDFW), a one-way eviction door shall be installed between September 1 and January 1 to passively relocate the badger and to avoid impacts during the breeding season. If the badger digs back into the burrow, CDFW staff may allow the use of live traps to relocate badgers to suitable habitat from the area of project impact.
25. **MM BIO-1.13** – The mitigation and management plan (MMP) described in Measure BIO-1.9 for the 11.6-acre conservation area shall include prescription of an appropriate seed mix and planting plan targeted for the monarch butterfly, including milkweed and native flowering plant species known to be visited by monarch butterflies and containing a mix of flowering plant species with continual floral availability through the entire breeding season for monarch butterfly (early spring to fall). The MMP will include success criteria for monarch butterfly.
26. **MM BIO-1.14** – A qualified biologist will conduct a minimum of two pre-construction surveys conducted within 30 days during appropriate activity periods (i.e., March through September) and conditions prior to the start of ground disturbing activities to look for milkweed host plants and signs of monarch breeding activity (larvae or chrysalides). Appropriate conditions for conducting the survey include surveying when temperatures are above 60 degrees Fahrenheit (15.5 degrees Celsius) and not during wet conditions (e.g., foggy, raining, or drizzling). The survey should be conducted at least 2 hours after sunrise and 3 hours before sunset and should occur at least 1 hour after rain subsides. Preferably, the survey should be conducted during sunny days with low wind speeds (less than 8 miles per hour) but surveying during partially cloudy days or overcast conditions are permissible if the surveyors can still see their own shadow.
27. **MM BIO-1.15** - If monarch butterflies are observed within the project site, a plan to protect monarch butterflies shall be developed and implemented in consultation with the United States Fish and Wildlife Service. The plan shall include, but not be limited to, the following measures:
 - Specifications for construction timing and sequencing requirements;

- Establishment of appropriate no-disturbance buffers for milkweed and construction monitoring by a qualified biologist to ensure compliance if milkweed is identified;
- Restrictions associated with construction practices, equipment, or materials that may harm monarch butterflies (e.g., avoidance of pesticides/herbicides, best management practices to minimize the spread of invasive plant species); and
- Provisions to avoid monarch butterflies if observed away from a milkweed plant during project activity (e.g., ceasing of project activities until the animal has left the active work area on its own volition).

28. **MM CULT (b):** If any prehistoric or historic subsurface cultural resources are discovered during ground-disturbing activities, all work within 50 feet of the resources shall be halted and a qualified archaeologist shall be consulted to assess the significance of the find according to CEQA Guidelines Section 15064.5. If any find is determined to be significant, representatives from the County and the archaeologist shall meet to determine the appropriate avoidance measures or other appropriate mitigation. All significant cultural materials recovered shall be, as necessary and at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documentation according to current professional standards. In considering any suggested mitigation proposed by the consulting archaeologist to mitigate impacts to historical resources or unique archaeological resources, the County shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, proposed project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) would be instituted. Work may proceed on other parts of the subject property outside the 50-foot area while mitigation for historical resources or unique archaeological resources is being carried out.

29. **MM CULT (c):** Procedures of conduct following the discovery of human remains have been mandated by Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98 and the California Code of Regulations Section 15064.5(e) (CEQA). According to the provisions in CEQA, if human remains are encountered at the site, all work in the immediate vicinity of the discovery shall cease and necessary steps to ensure the integrity of the immediate area shall be taken. The Alameda County Coroner shall be notified immediately. The Coroner shall then determine whether the remains are Native American. If the Coroner determines the remains are Native American, the Coroner shall notify the Native American Heritage Commission (NAHC) within 24 hours, who will, in turn, notify the person the NAHC identifies as the Most Likely Descendant (MLD) of any human remains. Further actions shall be determined, in part, by the desires of the MLD. The MLD has 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within 48 hours, the owner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the MLD's recommendations, the owner or the descendent may request mediation by the NAHC

30. **MM GEO (f):** The construction contractor shall incorporate the following in all grading, demolition and construction plans:

- In the event that fossils or fossil-bearing deposits are discovered during grading, demolition, or building, excavations within 50 feet of the find shall be temporarily halted or diverted.
- The contractor shall notify the Alameda County Building Department and a County-approved qualified paleontologist to examine the discovery.
- The paleontologist shall document the discovery as needed, in accordance with Society of Vertebrate Paleontology standards (Society of Vertebrate Paleontology 1995), evaluate the

potential resource, and assess the significance of the finding under the criteria set forth in CEQA Guidelines Section 15064.5.

- The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find.
- If the project applicant determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the proposed project based on the qualities that make the resource important. The excavation plan shall be submitted to the County for review and approval prior to implementation.

31. **MM TCR-1.1:** Implement Mitigation Measure CULT (b): If any prehistoric or historic subsurface cultural resources are discovered during ground-disturbing activities, all work within 50 feet of the resources shall be halted and a qualified archaeologist shall be consulted to assess the significance of the find according to CEQA Guidelines Section 15064.5. If any find is determined to be significant, representatives from the County and the archaeologist shall meet to determine the appropriate avoidance measures or other appropriate mitigation. All significant cultural materials recovered shall be, as necessary and at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documentation according to current professional standards. In considering any suggested mitigation proposed by the consulting archaeologist to mitigate impacts to historical resources or unique archaeological resources, the County shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, proposed project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) would be instituted. Work may proceed on other parts of the subject property outside the 50-foot area while mitigation for historical resources or unique archaeological resources is being carried out.

32. **MM TCR-1.2:** Implement Mitigation Measure CULT (c): Procedures of conduct following the discovery of human remains have been mandated by Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98 and the California Code of Regulations Section 15064.5(e) (CEQA). According to the provisions in CEQA, if human remains are encountered at the site, all work in the immediate vicinity of the discovery shall cease and necessary steps to ensure the integrity of the immediate area shall be taken. The Alameda County Coroner shall be notified immediately. The Coroner shall then determine whether the remains are Native American. If the Coroner determines the remains are Native American, the Coroner shall notify the Native American Heritage Commission (NAHC) within 24 hours, who will, in turn, notify the person the NAHC identifies as the Most Likely Descendant (MLD) of any human remains. Further actions shall be determined, in part, by the desires of the MLD. The MLD has 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within 48 hours, the owner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the MLD's recommendations, the owner or the descendent may request mediation by the NAHC.

PERMIT IMPLEMENTATION

33. Pursuant to Section 17.52.050 of the Alameda County Zoning Ordinance said Conditional Use Permit shall be implemented within a term of three (3) years of its issuance or it shall be of no force or effect.
34. If implemented, said Conditional Use Permit shall undergo a mandatory review to be conducted at the end of five years, September 8th, 2027, and shall remain revocable for cause in accordance with Section 17.54.030 of the Alameda County Zoning Ordinance.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

EXCUSED:

ABSTAINED:

EAST COUNTY BOARD OF ZONING ADJUSTMENTS

Alameda Grant Line Solar 1 Mitigation Monitoring and Reporting Program

This Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the Alameda Grant Line Solar 1 project. The purpose of the MMRP is to ensure that the mitigation measures identified in the EIR for the proposed project are implemented. The MMRP includes the following information:

- The full text of the mitigation measures;
- The party responsible for implementing the mitigation measures;
- The timing for implementation of the mitigation measure;
- The agency responsible for monitoring the implementation; and
- The monitoring action and frequency.

Alameda County must adopt this MMRP, or an equally effective program, if it approves the proposed project with the mitigation measures that were adopted or made conditions of project approval.

MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
AIR QUALITY					
<p>Mitigation Measure AQ-2: The applicant shall require their construction contractor to comply with the following BAAQMD Best Management Practices for reducing construction emissions of PM10 and PM2.5:</p> <ul style="list-style-type: none"> ▪ Water all active construction areas at least twice daily or as often as needed to control dust emissions. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible. ▪ Apply water twice daily or as often as necessary to control dust or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites. ▪ Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer). ▪ Sweep public streets daily (with water sweepers using reclaimed water if possible) in the vicinity of the project site, or as often as needed, to keep streets free of visible soil material. ▪ Hydro-seed or apply non-toxic soil stabilizers to inactive construction areas. ▪ Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (e.g., dirt, sand). ▪ Limit vehicle traffic speeds on unpaved roads to 15 mph. ▪ Replant vegetation in disturbed areas as quickly as possible. ▪ Install sandbags or other erosion control measures to prevent silt runoff from public roadways. 	Project applicant/ construction contractor	Prior to issuance of building permits authorizing grading or other construction activities and during construction	County Building Department	Review construction plans and specifications. Conduct site inspections	During scheduled construction site inspections
BIOLOGICAL RESOURCES					
<p>Mitigation Measure BIO-1.1: A qualified biologist will conduct an environmental education program for all persons employed or otherwise working on the project site before they perform any work. The program shall consist of a presentation from the biologist that includes a discussion of the biology and general behavior of special-status species on or near the site; information about the distribution and habitat needs of the species; sensitivity of the species to human activities; the status of the species pursuant to the Federal Endangered Species Act, the California Endangered Species Act, and the California Fish and Game Code including legal protection; recovery efforts; penalties for violations; and any project-specific protective measures described in this document or any subsequent documents or</p>	Project applicant/ qualified biologist	Prior to construction activities	County Planning Department	Review forms stating employees attended the program and understood all the protection measures	Once, prior to construction activities

MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
<p>permits. Interpretation shall be provided for non-English speaking workers, and the same instruction shall be provided for any new workers before their performing work on the site. The biologist shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry on the site. Upon completion of the program, employees shall sign a form stating they attended the program and understand all the protection measures.</p>					
<p>Mitigation Measure BIO-1.2: A qualified biologist will be on the site daily to monitor initial grubbing/vegetation clearing, grading, and ground disturbing activities. The biologist will have the authority to stop work that may impact special-status species.</p>	Project applicant/ qualified biologist	During construction activities	County Planning Department	Conduct site inspections	During scheduled construction site inspections
<p>Mitigation Measure BIO-1.3: The Applicant shall include in the contract specifications a requirement to use tightly woven fiber of natural materials (e.g., coir rolls or mats) or similar material for erosion control. Plastic mono-filament netting (erosion control matting) or similar material shall be prohibited, to prevent the entrapment of wildlife.</p>	Project applicant/ construction contractor	Prior to issuance of building permits authorizing grading or other construction activities and during construction	County Building Department	Review construction plans and specifications. Conduct site inspections	During scheduled construction site inspections
<p>Mitigation Measure BIO-1.4: Surveys for California Tiger Salamander, California red-legged frog, San Joaquin coachwhip, California glossy snake, and Coast horned lizard shall be conducted by a qualified biologist within 24 hours prior to the initiation of any vegetation clearing or ground disturbing activities. All suitable habitat including refuge such as burrows, under rocks, duff, debris, etc., shall be thoroughly inspected. Any listed wildlife that are encountered will be allowed to leave the work area of their own volition.</p>	Project applicant/ qualified biologist	Within 24 hours prior to the initiation of vegetation clearing or ground disturbing activities	County Planning Department	Review survey reports	Once, prior to construction activities
<p>Mitigation Measure BIO-1.5: To avoid entrapment, injury, or mortality of listed species resulting from falling into steep-sided holes or trenches, all excavated holes or trenches deeper than 12 inches shall be covered at the end of each workday with plywood or similar materials. Larger excavation that cannot easily be covered shall be ramped at the end of the workday to allow trapped animals an escape method.</p>	Project applicant/ construction contractor	During construction activities	County Planning Department	Conduct site inspections	During scheduled construction site inspections
<p>Mitigation Measure BIO-1.6: Prior to initiating construction activities, a California Department of Fish and Wildlife (CDFW)-approved biologist shall conduct surveys for burrowing owl within 500 feet of the project site, where safely accessible. This measure incorporates avoidance and minimization guidelines from the CDFW 2012 Staff Report on Burrowing Owl Mitigation. The surveys will establish the presence or absence of western burrowing owl and/or habitat features and evaluate use by</p>	Project applicant/ CDFW-approved biologist	No more than 30 days prior to construction activities	County Planning Department	Review survey reports	Once, prior to construction activities

MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
owls. Surveys shall take place near sunrise or sunset in accordance with CDFW survey guidelines. All burrows or burrowing owls shall be identified and mapped. Surveys shall take place no more than 30 days prior to construction. During the breeding season (February 1–August 31), surveys shall document whether burrowing owls are nesting in or directly adjacent to disturbance areas. During the nonbreeding season (September 1–January 31), surveys shall document whether burrowing owls are using habitat in or directly adjacent to any disturbance area. Survey results shall be valid only for the season (breeding or nonbreeding) during which the survey is conducted.					
Mitigation Measure BIO-1.7: If burrowing owls are found during the breeding season (February 1–August 31), the project proponent shall avoid all nest sites that could be disturbed by project construction during the remainder of the breeding season or while the nest is occupied by adults or young. Avoidance shall include establishment of a no disturbance buffer zone (described below). Construction may occur during the breeding season if a qualified biologist monitors the nest and determines that the nest is inactive. During the nonbreeding season (September 1–January 31), the project proponent shall avoid the owls and the burrows they are using. Avoidance shall include the establishment of a buffer zone.	Project applicant/ construction contractor, qualified biologist	During construction activities	County Planning Department	Conduct site inspections	During scheduled construction site inspections
Mitigation Measure BIO-1.8: If occupied burrows for nonbreeding burrowing owls are not avoided, passive relocation shall be implemented. Owls shall be excluded from burrows in the immediate impact zone and within an appropriate buffer zone as recommended by the biologist in coordination with the California Department of Fish and Wildlife (CDFW) by installing one-way doors in burrow entrances. These doors shall be in place for 48 hours prior to excavation. The project area shall be monitored daily for 1 week to confirm that the owl has abandoned the burrow. Whenever possible, burrows shall be excavated using hand tools and refilled to prevent reoccupation. Plastic tubing or a similar structure shall be inserted in the tunnels during excavation to maintain an escape route for any owls inside the burrow.	Project applicant/ construction contractor, CDFW-approved biologist	48 hours prior to excavation and 1 week of daily monitoring	County Planning Department	Review survey reports	As needed, if occupied burrows cannot be avoided
Mitigation Measure BIO-1.9a: To mitigate for the alteration of burrowing owl habitat, approximately 11.6 acres on the southern, western, and northern edges of the site will be protected under a conservation easement or deed restriction for the duration of the project. This land is contiguous with the levee and open space associated with the Mendota Canal. A mitigation and management plan (MMP) with success criteria to ensure the site is maintained as burrowing owl habitat, and to facilitate its continued use by burrowing owls, will be developed for this area and approved by the Alameda County Planning Director in coordination with California	Project applicant/ construction contractor	Prior to construction activities	County Planning Department, CDFW	MMP review and approval	Once, prior to construction activities

MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
Department of Fish and Wildlife (CDFW). The MMP shall include measures to rehabilitate any habitat temporarily disturbed by construction activities.					
Mitigation Measure BIO-1.9b: No later than 6 months following the operational period of the project, the project site will be restored to as near as possible to its original condition. The MMP described in Mitigation Measure BIO-1.9a will include a post-project restoration plan to facilitate the future suitability of the site for burrowing owl.	Project applicant/ construction contractor	No later than 6 months following operation	County Planning Department	Conduct site inspection	Once, during first 6 months of operation
Mitigation Measure BIO-1.10: The mitigation and management plan (MMP) described in Mitigation Measure BIO-1.9 for the approximately 11.6-acre conservation area shall include a prescription for managing the area as habitat for Swainson’s hawk. The MMP will include success criteria for Swainson’s hawk habitat.	Project applicant/ construction contractor	Prior to construction activities	County Planning Department	MMP review and approval	Once, prior to construction activities
Mitigation Measure BIO-1.11: Pre-construction surveys shall be conducted for the American badger no more than 14 days prior to the initiation of ground-disturbing activities. Surveys shall be conducted by a qualified wildlife biologist with experience and knowledge in identifying badger burrows and include walking parallel transects looking for badger burrows and signs of badgers. Any badger dens identified shall be flagged and mapped.	Project applicant/ construction contractor, qualified biologist	No more than 14 days prior to ground-disturbing activities	County Planning Department	Review survey reports	Once, prior to construction activities
Mitigation Measure BIO-1.12: In the event active badger dens are identified, a no-work buffer of 200 feet shall be established around the den and associated occupied areas. If avoidance is not feasible, a biologist shall determine if the burrow is being used as an active maternity den through utilization of remote cameras. If young are determined to be present, the burrow shall be avoided until the young have vacated the burrow as determined by a qualified biologist. If the burrow is determined not to be an active maternity den and young are not present, in coordination with the California Department of Fish and Wildlife (CDFW), a one-way eviction door shall be installed between September 1 and January 1 to passively relocate the badger and to avoid impacts during the breeding season. If the badger digs back into the burrow, CDFW staff may allow the use of live traps to relocate badgers to suitable habitat from the area of project impact.	Project applicant/ construction contractor, qualified biologist	Prior to construction activities	County Planning Department, CDFW	Review survey reports	Once, prior to construction activities and as needed, if the badger digs back into the burrow
Mitigation Measure BIO-1.13: The mitigation and management plan (MMP) described in Measure BIO-1.9 for the 11.6-acre conservation area shall include prescription of an appropriate seed mix and planting plan targeted for the monarch butterfly, including milkweed and native flowering plant species known to be visited by monarch butterflies and containing a mix of flowering plant species with	Project applicant/ construction contractor	Prior to construction activities	County Planning Department	MMP review and approval	Once, prior to construction activities

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TABLE 1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
continual floral availability through the entire breeding season for monarch butterfly (early spring to fall). The MMP will include success criteria for monarch butterfly.					
Mitigation Measure BIO-1.14: A qualified biologist will conduct a minimum of two pre-construction surveys conducted within 30 days during appropriate activity periods (i.e., March through September) and conditions prior to the start of ground disturbing activities to look for milkweed host plants and signs of monarch breeding activity (larvae or chrysalides). Appropriate conditions for conducting the survey include surveying when temperatures are above 60 degrees Fahrenheit (15.5 degrees Celsius) and not during wet conditions (e.g., foggy, raining, or drizzling). The survey should be conducted at least 2 hours after sunrise and 3 hours before sunset and should occur at least 1 hour after rain subsides. Preferably, the survey should be conducted during sunny days with low wind speeds (less than 8 miles per hour) but surveying during partially cloudy days or overcast conditions are permissible if the surveyors can still see their own shadow.	Project applicant/ construction contractor, qualified biologist	30 days prior to construction activities	County Planning Department	Review survey reports	Once, prior to construction activities
Mitigation Measure BIO-1.15: If monarch butterflies are observed within the project site, a plan to protect monarch butterflies shall be developed and implemented in consultation with the United States Fish and Wildlife Service. The plan shall include, but not be limited to, the following measures: <ul style="list-style-type: none"> ▪ Specifications for construction timing and sequencing requirements; ▪ Establishment of appropriate no-disturbance buffers for milkweed and construction monitoring by a qualified biologist to ensure compliance if milkweed is identified; ▪ Restrictions associated with construction practices, equipment, or materials that may harm monarch butterflies (e.g., avoidance of pesticides/herbicides, best management practices to minimize the spread of invasive plant species); and Provisions to avoid monarch butterflies if observed away from a milkweed plant during project activity (e.g., ceasing of project activities until the animal has left the active work area on its own volition).	Project applicant/ construction contractor, qualified biologist	Prior to and during construction activities	County Planning Department	Plan review and approval	Once, prior to construction activities
CULTURAL RESOURCES					
Mitigation Measure CULT (b): If any prehistoric or historic subsurface cultural resources are discovered during ground-disturbing activities, all work within 50 feet of the resources shall be halted and a qualified archaeologist shall be consulted to assess the significance of the find according to CEQA Guidelines Section 15064.5. If any find is determined to be significant, representatives from the County and the archaeologist shall meet to determine the appropriate avoidance measures or other	Project applicant/ construction contractor, qualified archaeologist	During construction activities	County Planning Department	Determine appropriate avoidance measures or mitigation	As needed, if resources are unearthed

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TABLE 1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
<p>appropriate mitigation. All significant cultural materials recovered shall be, as necessary and at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documentation according to current professional standards. In considering any suggested mitigation proposed by the consulting archaeologist to mitigate impacts to historical resources or unique archaeological resources, the County shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, proposed project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) would be instituted. Work may proceed on other parts of the subject property outside the 50-foot area while mitigation for historical resources or unique archaeological resources is being carried out.</p>					
<p>Mitigation Measure CULT (c): Procedures of conduct following the discovery of human remains have been mandated by Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98 and the California Code of Regulations Section 15064.5(e) (CEQA). According to the provisions in CEQA, if human remains are encountered at the site, all work in the immediate vicinity of the discovery shall cease and necessary steps to ensure the integrity of the immediate area shall be taken. The Alameda County Coroner shall be notified immediately. The Coroner shall then determine whether the remains are Native American. If the Coroner determines the remains are Native American, the Coroner shall notify the Native American Heritage Commission (NAHC) within 24 hours, who will, in turn, notify the person the NAHC identifies as the Most Likely Descendant (MLD) of any human remains. Further actions shall be determined, in part, by the desires of the MLD. The MLD has 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within 48 hours, the owner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the MLD’s recommendations, the owner or the descendent may request mediation by the NAHC.</p>	<p>Project applicant/ construction contractor</p>	<p>During construction activities</p>	<p>County Coroner</p>	<p>Verification of remains and appropriate reinterment on site</p>	<p>As needed, if remains are unearthed</p>

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Mitigation Measure	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
GEOLOGY AND SOILS					
<p>Mitigation Measure GEO (f): The construction contractor shall incorporate the following in all grading, demolition, and construction plans:</p> <ul style="list-style-type: none"> In the event that fossils or fossil-bearing deposits are discovered during grading, demolition, or building, excavations within 50 feet of the find shall be temporarily halted or diverted. The contractor shall notify the Alameda County Building Department and a County-approved qualified paleontologist to examine the discovery. The paleontologist shall document the discovery as needed, in accordance with Society of Vertebrate Paleontology standards (Society of Vertebrate Paleontology 1995), evaluate the potential resource, and assess the significance of the finding under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. <p>If the project applicant determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the proposed project based on the qualities that make the resource important. The excavation plan shall be submitted to the County for review and approval prior to implementation.</p>	Project applicant/ construction contractor, qualified paleontologist	Prior to issuance of building permits authorizing grading or other construction activities and during construction	County Building Department	Review construction plans and specifications. Excavation plan review and approval	As needed, if fossils are unearthed
TRIBAL CULTURAL RESOURCES					
<p>Mitigation Measure TCR-1.1: Implement Mitigation Measure CULT (b): If any prehistoric or historic subsurface cultural resources are discovered during ground-disturbing activities, all work within 50 feet of the resources shall be halted and a qualified archaeologist shall be consulted to assess the significance of the find according to CEQA Guidelines Section 15064.5. If any find is determined to be significant, representatives from the County and the archaeologist shall meet to determine the appropriate avoidance measures or other appropriate mitigation. All significant cultural materials recovered shall be, as necessary and at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documentation according to current professional standards. In considering any suggested mitigation proposed by the consulting archaeologist to mitigate impacts to historical resources or unique archaeological resources, the County shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, proposed project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) would be instituted. Work may proceed on other parts of the subject</p>	Project applicant/ construction contractor, qualified archaeologist	During construction activities	County Planning Department	Determine appropriate avoidance measures or mitigation	As needed, if resources are unearthed

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Mitigation Measure	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
<p>property outside the 50-foot area while mitigation for historical resources or unique archaeological resources is being carried out.</p>					
<p>Mitigation Measure TCR-1.2: Implement Mitigation Measure CULT (c): Procedures of conduct following the discovery of human remains have been mandated by Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98 and the California Code of Regulations Section 15064.5(e) (CEQA). According to the provisions in CEQA, if human remains are encountered at the site, all work in the immediate vicinity of the discovery shall cease and necessary steps to ensure the integrity of the immediate area shall be taken. The Alameda County Coroner shall be notified immediately. The Coroner shall then determine whether the remains are Native American. If the Coroner determines the remains are Native American, the Coroner shall notify the Native American Heritage Commission (NAHC) within 24 hours, who will, in turn, notify the person the NAHC identifies as the Most Likely Descendant (MLD) of any human remains. Further actions shall be determined, in part, by the desires of the MLD. The MLD has 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within 48 hours, the owner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the MLD’s recommendations, the owner or the descendent may request mediation by the NAHC.</p>	<p>Project applicant/ construction contractor</p>	<p>During construction activities</p>	<p>County Coroner</p>	<p>Verification of remains and appropriate reinterment on site</p>	<p>As needed, if remains are unearthed</p>

MITIGATION MONITORING AND REPORTING PROGRAM

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