

DRAFT
MITIGATION MONITORING AND REPORTING PROGRAM

2303 Gianera Street Tentative Subdivision Project

File #: PLN23-00577

CITY OF SANTA CLARA

October 2024

P R E F A C E

Section 21081 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring or Reporting Program whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the monitoring or reporting program is to ensure compliance with the mitigation measures during project implementation.

On [REDACTED], the City Council adopted the Initial Study/Mitigated Negative Declaration (IS/MND) for the 2303 Gianera Street Tentative Subdivision project. The IS/MND concluded that the implementation of the project could result in significant effects on the environment and mitigation measures were incorporated into the proposed project or are required as a condition of project approval. This Mitigation Monitoring or Reporting Program addresses those measures in terms of how and when they will be implemented.

This document does *not* discuss those subjects for which the IS/MND concluded that mitigation measures would not be required to reduce significant impacts.

MITIGATION MONITORING OR REPORTING PROGRAM 2303 GIANERA STREET TENTATIVE SUBDIVISION				
Impacts	Mitigation	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
Air Quality				
IMPACT AQ-3: Construction of the proposed project would exceed BAAQMD single-source thresholds for incremental cancer risk and PM _{2.5} concentration.	MM AQ-3.1: The project shall implement a feasible plan to reduce DPM emissions by 55 percent such that increased cancer risk and annual PM _{2.5} concentrations from construction would be reduced below TAC significance levels. The 55-percent reduction can be achieved in one of the following ways: <ol style="list-style-type: none"> 1. All construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA Tier 4 interim emission standards for PM (PM₁₀ and PM_{2.5}). 2. All construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA emission standards for Tier 3 engines and include particulate matter emissions control equivalent to CARB Level 3 verifiable diesel emission control devices that altogether achieve a 55 percent reduction in particulate matter exhaust in comparison to uncontrolled equipment; alternatively (or in combination). 3. A combination of some of the following measures to achieve a reduction in construction diesel particulate matter emissions by 55 percent or greater: <ul style="list-style-type: none"> - Implementation of No. 1 above to use Tier 4 interim engines or alternatively fueled equipment, 	During construction	Project applicant and contractor	Director of Community Development or Director's Designee

	<ul style="list-style-type: none"> - Installation of electric power lines during early construction phases to avoid use of diesel generators and compressors, - Use of electrically-powered equipment, - Forklifts and aerial lifts used for exterior and interior building construction shall be electric or propane/natural gas powered, - Change in construction build-out plans to lengthen phases, and - Implementation of different building techniques that result in less diesel equipment usage. 			
Biology				
Impact BIO-1: Construction activities associated with the proposed project could result in the loss of fertile eggs, nesting raptors or other migratory birds, or nest abandonment, which would constitute a significant impact under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code Sections 3503, 3503.5, and 3800.	MM BIO-1.1: The project applicant shall schedule demolition and construction activities to avoid the nesting season, if feasible. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st (inclusive). If demolition and construction cannot be scheduled between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st inclusive). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the	If demolition and construction activities cannot be scheduled between September 1 st and January 31 st (inclusive), a qualified ornithologist shall complete pre-construction surveys no more than 14 days prior to the initiation of demolition or	Project applicant and qualified ornithologist	Director of Community Development or the Director's Designee

	<p>construction areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist shall determine the extent of a construction free buffer zone to be established around the nest, to ensure that raptor or migratory bird nests shall not be disturbed during project construction.</p> <p>Prior to any tree removal, or approval of any grading or demolition permits (whichever occurs first), the ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Community Development Director or Director's designee.</p>	<p>construction activities during the early part of the breeding season and no more than 30 days prior to the initiation of these activities during the late part of the breeding season as described in MM BIO-1.1. If an active nest is found, a construction free buffer zone shall be established as needed per MM BIO-1.1. Prior to any tree removal, or approval of any grading or demolition permits (whichever occurs first), a qualified ornithologist shall submit a</p>		
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		report per MM BIO-1.1.		
Cultural Resources				
IMPACT CUL-1: Construction of the proposed project could result in impacts to as yet unidentified buried archaeological resources.	MM CUL-1.1: A qualified archaeologist shall provide sensitivity training to construction crew prior to the initial ground-breaking activities. MM CUL-1.2: In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall stop, the Community Development Director shall be notified, and a qualified archeologist shall be retained by the project applicant. The archaeologist shall examine the find and make appropriate recommendations prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery during monitoring would be submitted to the Community Development Director.	Prior to commencement of any ground-disturbing activity on-site for MM CUL-1.1. During construction if resources are encountered for MM CUL-1.2.	Project applicant and a registered professional archaeologist	Director of Community Development or Director's Designee
Impact CUL-2: Construction activities on-site could result in the exposure or	MM CUL-2.1: In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped by the project applicant/contractor. The Santa Clara County Coroner shall be	In the event that human remains are discovered during	Project applicant and contractor	Santa Clara County Coroner and

destruction of as yet undiscovered human remains.	notified by the project applicant, and the Coroner shall make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner shall notify the Native American Heritage Commission (NAHC) immediately. Once NAHC identifies the most likely descendants, the descendants shall make recommendations regarding proper burial, which shall be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.	excavation and/or grading of the site		Native American Heritage Commission (NAHC)
Geology and Soils				
Impact GEO-1: Buildings constructed on-site could experience settlement in the event of strong ground shaking as a result of an earthquake.	MM GEO-1.1: Consistent with General Plan Policy 5.10.5-P6, the project shall be built using standard engineering and seismic safety design techniques. Building design and construction at the site shall be completed in conformance with the recommendations of the February 2023 geotechnical investigation prepared by Silicon Valley Soil Engineering for the project. The report shall be reviewed and approved by the City of Santa Clara's Building Division as part of the building permit review and issuance process to confirm the findings of the report and consistency of the project plans with the recommendations. The building shall meet the requirements of applicable Building and Fire Codes, including the latest California Building Code, as adopted or updated by the City. The project shall be designed to withstand potential geologic hazards identified on the site, including shrink swell capacity of soils, and the project shall be designed to reduce the risk to life or property to the extent feasible and in compliance with the Building Code.	As part of the building permit review and issuance process, the site-specific geotechnical investigation shall be approved. During construction, standard engineering and seismic safety design techniques, recommendation	Project applicant and contractors	City of Santa Clara's Building Division

		s from the geotechnical investigation, and compliance to existing code requirements and regulations shall be implemented.		
Noise and Vibration				
Impact NOI-1.1: Construction noise levels would potentially exceed the exterior threshold of 80 dBA L_{eq} at residential land uses to the east and west.	MM NOI-1.1: A qualified acoustical consultant shall prepare a construction noise control plan to be submitted to the City for review and approval prior to issuance of a demolition and/or grading permit, including, but not limited to, the following available controls: <ul style="list-style-type: none"> Ensure that excavating, grading and filling activities, and other construction activities (including the loading and unloading of materials and truck movements) within 300 feet of residentially zoned property, are limited to the hours of 7:00 a.m. to 6:00 p.m. on weekdays and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays. No construction is permitted on Sundays or holidays. Construct a solid plywood fence along the eastern and western property lines, where feasible, to shield the adjoining residential receptors from construction work. A temporary eight-foot-tall noise barrier would be tall enough to block direct line-of-sight with ground-level receptors. 	Prior to issuance of a demolition and/or grading permit, prepare and submit a construction noise control plan to the City. During construction, implement the construction noise control plan.	Project applicant and a qualified acoustical consultant Project applicant and contractor	Director of Community Development or Director's Designee

	<ul style="list-style-type: none"> • Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment. • Unnecessary idling of internal combustion engines shall be strictly prohibited. • Locate stationary noise-generating equipment, such as air compressors or portable power generators, as far as possible from sensitive receptors as feasible. If they must be located near receptors, adequate muffling (with enclosures where feasible and appropriate) shall be used to reduce noise levels at the adjacent sensitive receptors. Any enclosure openings or venting shall face away from sensitive receptors. • Construction staging areas shall be established at locations that would create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction. • Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors. • Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site. • The contractor shall prepare a detailed construction schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance. 			
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	<ul style="list-style-type: none"> Designate a “disturbance coordinator” who would be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule. 			
Impact NOI-1.2: The operation of mechanical equipment would potentially exceed the City’s nighttime threshold at residential receptors to the east and west of the project.	MM NOI-1.2: The applicant shall have a qualified acoustical consultant prepare a detailed acoustical study during final design to evaluate the potential noise generated by mechanical equipment and demonstrate the necessary noise control to meet the City’s 50 dBA nighttime noise threshold at the receiving property lines. Noise control features, such as selection of quiet units, sound attenuators, enclosures, and barriers shall be identified and evaluated to demonstrate that mechanical equipment noise shall not exceed 50 dBA at the receiving property lines. The noise control features identified by the study shall be incorporated into the project prior to issuance of a building permit.	Prior to issuance of a building permit.	Project applicant and qualified acoustical consultant	Director of Community Development or Director’s Designee
Impact NOI-2: Construction vibration levels would exceed the 0.03 in/sec PPV threshold at the residences east and west of the site.	MM NOI 2.1: The project applicant or the applicant’s contractor shall implement the following measures during construction to reduce construction vibration generated by the project: <ul style="list-style-type: none"> Avoid using vibratory rollers and clam shovel drops within 25 feet of the adjacent buildings to the east and west. Select demolition methods that do not involve large impact tools such as hoe-rams within 25 feet of the adjoining residences to the east and west. Portable 	During construction	Project applicant or contractors	Director of Community Development or Director’s Designee

	<p>jackhammers, saws, or grinders shall be used to minimize impacts to the ground.</p> <ul style="list-style-type: none"> • Avoid dropping heavy equipment and use alternative methods for breaking up existing pavement, such as a pavement grinder, instead of dropping heavy objects, within 25 feet of the adjacent buildings to the east and west. • Smaller equipment (less than 18,000 pounds) shall be used near the property lines adjacent to buildings to minimize vibration levels. For example, a smaller vibratory roller similar to a Caterpillar model CP433E vibratory compactor could be used when compacting materials within 25 feet of the adjacent buildings. • Hoe rams, large bulldozers, drill rigs, loaded trucks, and other similar equipment shall not be used within 25 feet of adjacent buildings to the east and west. 			
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In addition to mitigation measures listed above, there are also other conditions of approval the project shall implement, including the following:

<p align="center">CONDITIONS OF APPROVAL</p> <p align="center">2303 GIANERA STREET TENTATIVE SUBDIVISION</p>	
<p align="center">Construction Period Emissions Best Management Practices</p>	
<p>The contractor shall implement the following best management practices during construction:</p> <ol style="list-style-type: none"> 1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. 2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered. 3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. 4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph). 5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. 6. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph. 7. All trucks and equipment, including their tires, shall be washed off prior to leaving the site. 8. Publicly visible signs shall be posted with the telephone number and name of the person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's General Air Pollution Complaints number shall also be visible to ensure compliance with applicable regulations. 	
<p align="center">Construction Water Quality Best Management Practices</p>	
<ul style="list-style-type: none"> • Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains. • Earthmoving or other dust-producing activities shall be suspended during period of high winds. • All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary. • Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered. • All trucks hauling soil, sand, and other loose materials shall be covered. • All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers). • Establish and maintain effective perimeter controls. • All construction entrances and exits shall be stabilized to sufficiently control erosion and sediment discharges. 	

<p align="center">CONDITIONS OF APPROVAL</p> <p align="center">2303 GIANERA STREET TENTATIVE SUBDIVISION</p>	
<ul style="list-style-type: none"> • Vegetation in disturbed areas shall be replanted as quickly as possible. 	
<p align="center">55 Gallon Drums Removal Practices</p>	
<ul style="list-style-type: none"> • All 55-gallon drums on-site shall be properly removed and disposed of by the applicant at the appropriate facility. Removal activities shall be completed under the direction of the Santa Clara Fire Department. 	
<p align="center">ACMs and LBP</p>	
<ul style="list-style-type: none"> • In conformance with state and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of on-site building(s) to determine the presence of ACSMs and/or LBP. • During demolition activities, all building materials containing LBP shall be removed in accordance with Cal/OSHA Lead in Title 8, California Code of Regulations (CCR), Section 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing LBP or coatings shall be disposed of at landfills that meet acceptance criteria for the type of lead being disposed. • All potentially friable ACMs shall be removed in accordance with NESHAP guidelines prior to demolition or renovation activities that may disturb ACMs. All demolition activities shall be undertaken in accordance with Cal/OSHA standards contained in Title 8, CCR, Section 1529, to protect workers from asbestos exposure. • A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above. • Materials containing more than one-percent asbestos shall also be removed in accordance with BAAQMD requirements and notifications. 	
<p align="center">Interior Noise Building Design Measures</p>	
<ul style="list-style-type: none"> • The project applicant shall prepare final design plans that incorporate building design and acoustical treatments to ensure compliance with State Building Codes and City noise standards. A project-specific acoustical analysis shall be prepared by a qualified acoustical consultant to ensure that the design incorporates controls (i.e., forced-air mechanical ventilation systems) to reduce interior noise levels to 45 dBA CNEL or lower within the residential units. The project applicant shall conform with any special building construction techniques requested by the City's Building Department, which may include sound-rated windows and doors, sound-rated wall constructions, and acoustical caulking. 	

Source: City of Santa Clara. *2303 Gianera Street Tentative Subdivision Initial Study/Mitigated Negative Declaration*. October 2024.