

DRAFT
MITIGATION MONITORING AND REPORTING PROGRAM

Gateway Crossings

CITY OF SANTA CLARA

July 2019

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 July 9, 2019, the City Council certified the Environmental Impact Report (EIR) for the Gateway Crossings project. The Final EIR 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 EIR concluded that mitigation measures would not be required to reduce significant impacts.

MITIGATION MONITORING OR REPORTING PROGRAM GATEWAY CROSSINGS (FINAL PROJECT)				
Impacts	Mitigation	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
Air Quality				
Impact AIR-1: The project would result in significant construction air pollutant emissions without the implementation of BAAQMD's standard construction BMPs.	MM AIR-1.1: During any construction period ground disturbance, the applicant shall ensure that the project contractor implements the following BAAQMD BMPs: • All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. • All haul trucks transporting soil, sand, or other loose material off-site shall be covered. • All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. • All vehicle speeds on unpaved roads shall be limited to 15 miles per hour. • All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. • Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes. Clear signage shall be provided for construction workers at all access points. • All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. • Post a publicly visible sign with the telephone number and person to contact at the construction firm regarding dust	During all phases of construction period	Project applicant and contractors	Director of Community Development

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	complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. MM AIR-1.2: The project shall develop a plan demonstrating that the off-road equipment used on-site to construct the project would achieve a fleet-wide average 92 percent reduction in PM₁₀ exhaust emissions or more. The plan shall include, but is not limited to, one or more of the following: • All mobile diesel-powered off-road equipment larger than 25 horsepower and operating on the site for more than two days continuously shall meet, at a minimum, USEPA particulate matter emissions standards for Tier 4 engines or equivalent and include the use of equipment that includes CARB-certified Level 3 Diesel Particulate Filters. • Use of alternatively-fueled equipment (i.e., non-diesel), such as electric, biodiesel, or liquefied petroleum gas for example, would meet this requirement. Other measures may be the use of added exhaust devices, or a combination of measures, provided that these measures are approved by the City and demonstrated to reduce community risk impacts to less than significant.			
Impact AIR-2: The operation of the project would result in significant operational ROG emissions.	MM AIR-2.1: The project shall develop and implement a Transportation Demand Management (TDM) plan that would reduce vehicle trips by 20 percent, half of which (a 10 percent reduction) shall be achieved with TDM measures.	Develop the TDM plan prior to issuance of occupancy permits; implement the TDM plan during project operations	Project applicant	Director of Community Development

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	MM AIR-2.2: The project shall use low volatile organic compound or VOC (i.e., ROG) coating, that are below current BAAQMD requirements (i.e., Regulation 8, Rule 3: Architectural Coatings), for at least 50 percent of all residential and nonresidential interior and exterior paints. This includes all architectural coatings applied during both construction and reapplications throughout the project's operational lifetime. At least 50 percent of coatings applied must meet a "super-compliant" VOC standard of less than 10 grams of VOC per liter of paint. For reapplication of coatings during the project's operational lifetime, the Declaration of Covenants, Conditions, and Restrictions shall contain a stipulation for low VOC coatings to be used.	During all phases of construction	Project applicant and contractors	Director of Community Development
Biology				
Impact BIO-1: Project construction could impact nesting birds on or adjacent to the site, if present.	MM BIO-1.1: Construction shall be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors, in the San Francisco Bay Area extends from February 1 through August 31. If it is not possible to schedule construction and tree removal between September and January, then 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 grading, tree removal, or other demolition or construction activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats within and immediately adjacent to	During construction, if feasible. If construction activities are initiated between February and April, conduct the pre-construction survey no more than 14 days prior to construction activities. If construction activities are initiated between	Project applicant Project applicant	Director of Community Development Director of Community Development

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	the construction area for nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with CDFW, shall determine the extent of a construction-free buffer zone to be established around the nest to ensure that nests of bird species protected by the MBTA or Fish and Game code shall not be disturbed during project construction. A final report of nesting birds, including any protection measures, shall be submitted to the Director of Community Development prior to the start of grading or tree removal.	May and August, conduct preconstruction surveys no more than 30 days prior to construction activities. Prior to start of grading or tree removal	Project applicant	Director of Community Development
Cultural Resources				
Impact CUL-1: Unknown buried archaeological resources could be impacted during project construction.	MM CUL-1.1: Archaeological monitoring by a qualified prehistoric archaeologist shall be completed during soil remediation and presence/absence exploration with a backhoe shall be completed where safe, undisturbed, and possible prior to construction activities. If any potentially CRHR eligible resources are identified, they should be briefly documented, photographed, mapped, and tarped before the area is backfilled. If resources are identified, a research design and treatment plan shall be completed and implemented by the archaeologist and shall include hand excavating the feature(s) or deposits prior to building construction. MM CUL-1.2: As part of the safety meeting on the first day of construction/ground disturbing activities, the Archaeological Monitor shall brief construction workers on the role and responsibility of the Archaeological Monitor and procedures to follow in the event cultural resources are discovered. The prime construction contractor and any other subcontractors shall be informed of the legal and/or regulatory implications of knowingly destroying cultural resources or removing artifacts, human remains, and other cultural materials from the study area. The	During soil remediation Prior to start of construction activities	Project applicant Project applicant	Director of Community Development Director of Community Development

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	archaeological monitor has the authority to stop or redirect construction/remediation work to other locations to explore for potential features. MM CUL-1.3: 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. The Santa Clara County Coroner shall be notified and 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 will make recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.	At the time a discovery is made	Project applicant	Director of Community Development
Greenhouse Gas Emissions				
Impact GHG-2: The project would result in significant GHG emissions.	See mitigation measure MM AIR-2.1			
Hazards and Hazardous Materials				
Impact HAZ-1: Construction workers, future occupants, and the surrounding environment could be exposed to contaminated soils and subject to soil vapor intrusion.	MM HAZ-1.1: The project shall develop and implement a Site Management Plan (SMP) that outlines the measures required to mitigate potential risks (including soil vapor intrusion) to construction workers, future occupants, and the environment from potential exposure to hazardous substances that may be encountered during soil intrusive or construction activities on-site. As part of the SMP, the requirements of a worker health and safety plan shall be outlined to address potential hazards to construction workers and off-site receptors that may result from construction	Develop the SMP prior to the start of construction activities and submit the SMP to the City and RWQCB for approval prior to the start of	Project applicant and contractors	Director of Community Development, Regional Water Quality Control Board, and Santa Clara Valley Water District

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	activities. Each contractor shall be required to develop their own site-specific health and safety plan to protect their workers. The SMP prepared as stipulated above was submitted and approved by RWQCB in May 2016. This approved SMP was submitted to the City and a copy is included in Appendix E of this EIR.	construction activities. Implement the SMP during construction activities		
Noise and Vibration				
Impact NOI-1: Future residents would be exposed to exterior noises from aircraft above the City's exterior land use compatibility goal of 55 dBA CNEL. Impact NOI-2: Existing land uses in the project vicinity would be exposed to an increase in ambient noise levels due to project construction activities.	MM NOI-1.1: Potential residents and buyers shall be provided with a real estate disclosure statement and buyer deed notices which would offer comprehensive information about the noise environment of the project site. In addition to adhering to the City Code for construction hours, the project proposes to implement the following standard construction noise control measures: MM NOI-2-1: Develop a construction noise control plan, including, but not limited to, the following available controls: - Construct temporary noise barriers, where feasible, to screen stationary noise-generating equipment. Temporary noise barrier fences would provide a five dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receiver and if the barrier is constructed in a manner that eliminates any cracks or gaps. - Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.	At the time of sale/lease of the residential units Develop a construction noise control plan prior to issuance of grading permits. Implement the construction noise control plan during construction activities.	Project applicant Project applicant and contractors	Director of Community Development Director of Community Development

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	• Unnecessary idling of internal combustion engines shall be strictly prohibited (i.e., no more than two minutes in duration) • 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. • Utilize “quiet” air compressors and other stationary noise sources where technology exists. • 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 commercial (and proposed residential) receptors. • Control noise from construction workers’ radios to a point where they are not audible at land uses 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 land uses so that construction activities can be scheduled to minimize noise disturbance. • 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			

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	for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.			
Impact NOI-3: On-site mechanical equipment (including the backup generator) would exceed on and off-site noise limits identified in the City Code.	MM NOI-3.1: Mechanical equipment shall be selected and designed to meet the City's noise level requirements. A qualified acoustical consultant shall be retained to review mechanical noise as these systems are selected to determine specific noise reduction measures necessary to reduce noise to comply with the City's noise level requirements. Noise reduction measures could include, but are not limited to, selection of equipment that emits low noise levels, installation of muffles or sound attenuators, and/or installation of noise barriers such as enclosures and parapet walls to block the line-of-sight between the noise source and the nearest receptors. Alternate measures may include locating equipment in less noise-sensitive areas, where feasible.	During the final design phase	Project applicant	Director of Community Development
Transportation/Traffic				
Impact TRAN-1: The project would have a significant impact under existing plus project conditions at the following two intersections: 1. Coleman Avenue/Brokaw Road (City of Santa Clara) (City of Santa Clara) and 6. De La Cruz Boulevard/Central Expressway (City of Santa Clara/CMP).	MM TRAN-1.1: 1. Coleman Avenue/Brokaw Road (City of Santa Clara) – This intersection is under the jurisdiction of the City of Santa Clara. The improvement includes changing the signal for Brokaw Road (the east and west legs of this intersection) from protected left-turn phasing to split phase, adding a shared through/left turn lane to the east and west approaches within the existing right-of-way, changing the existing shared through/right-turn lanes to right-turn only lanes on the east and west approaches, changing the eastbound right-turn coding from “include” to “overlap” indicating that eastbound right turns would be able to turn right on red, prohibiting U-turns on northbound Coleman Avenue, and adding a third southbound through lane on Coleman Avenue, and restriping to provide exclusive southbound through and right turn lanes.	Prior to issuance of occupancy permits	Project applicant	Director of Community Development

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	MM TRAN-1.2: 6. De La Cruz Boulevard/Central Expressway (City of Santa Clara/CMP) – This intersection is located in the City of Santa Clara and under the jurisdiction of Santa Clara County. The Comprehensive County Expressway Planning Study identifies the conversion of the single HOV lane in each direction to mixed-flow lanes on Central Expressway as a Tier 1A project. The approved City Place development also identifies adding a second southbound right-turn lane and a third northbound left-turn lane as a mitigation measure. The project shall make a fair-share contribution towards the HOV lane conversion and additional lane geometry improvements identified as mitigation for the City Place project.			
Impact TRAN-2: The project would result in a significant impact to mixed-flow lanes on 21 directional freeway segments during at least one peak hour.	MM TRAN-2.1: The project shall pay a fair-share contribution towards the VTA's Valley Transportation Plan (VTP) 2040 express lane program along US 101.	Prior to Issuance of occupancy permits	Project applicant and contractors	Director of Community Development
Impact TRAN-3: The project would have a significant impact under background plus project conditions at the following five intersections: 1. Coleman Avenue/Brokaw Road (City of Santa Clara); 6. De La Cruz	The project proposes to implement MM TRAN-1.1 and -1.2 and the following mitigation measures: MM TRAN-3.1: 7. Lafayette Street/Central Expressway (City of Santa Clara/CMP) – This intersection is located in the City of Santa Clara and under the jurisdiction of Santa Clara County. The Comprehensive County Expressway Planning Study identifies the conversion of the single HOV lane in each direction to mixed-flow lanes on Central Expressway as a Tier 1A project. The project shall make a fair-share contribution towards this improvement.	Prior to issuance of occupancy permits	Project applicant	Director of Community Development

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Boulevard/Central Expressway (City of Santa Clara/CMP); 7. Lafayette Street/Central Expressway (City of Santa Clara/CMP); 13. Coleman Avenue/I-880 (S) (City of San José/CMP); and 15. Coleman Avenue/Taylor Street (City of San José)	MM TRAN-3.2: 13. Coleman Avenue/I-880 (S) (City of San José/CMP) – This intersection is located in the City of San José and under the jurisdiction of the City of San José. This improvement includes restriping one of the left-turn lanes to a shared left- and right-turn lane, effectively creating three right-turn lanes. Three receiving lanes currently exist on the north leg of Coleman Avenue. MM TRAN-3.3: 15. Coleman Avenue/Taylor Street (City of San José) – This intersection is located in and under the jurisdiction of the City of San José. The widening of Coleman Avenue to six-lanes has been identified as a Downtown Strategy 2000 improvement by the City of San José and is an approved project that will be implemented in the near-term. The project shall make a fair-share contribution towards this improvement.			
Impact C-TRAN-1: The project would have a cumulatively considerable contribution to significant cumulative impacts at the following intersections: 1. Coleman Avenue/Brokaw Road (City of Santa Clara); 6. De La Cruz Boulevard/Central Expressway (City of Santa Clara/CMP); 7. Lafayette Street/Central Expressway (City of	The project proposes to implement MM TRAN-1.1, -1.2, and -3.1 through -3.3 and the following two mitigation measures: MM C-TRAN-1.1: 8. Scott Boulevard/Central Expressway – This intersection is located in the City of Santa Clara and under the jurisdiction of the County of Santa Clara. The Comprehensive County Expressway Planning Study identifies the conversion of HOV to mixed-flow lanes on Central Expressway as a Tier 1A project. The project shall make a fair-share contribution to this improvement. With implementation of this improvement, the intersection of Scott Boulevard/Central Expressway would operate at an unacceptable LOS F during the PM peak hour, but the average delay would be better than under cumulative conditions. MM C-TRAN-1.2: 12. Coleman Avenue/I-880 (N) – This intersection is located in the City of San José and under the jurisdiction of the City of San José. This improvement would	Prior to issuance of occupancy permits	Project applicant	Director of Community Development

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Santa Clara/CMP); 8. Scott Boulevard/Central Expressway (City of Santa Clara/CMP); 12. Coleman Avenue/I-880 (N) (City of San José/CMP); 13. Coleman Avenue/I-880 (S) (City of San José/CMP); and 15. Coleman Avenue/Taylor Street (City of San José).	include restriping one of the left-turn lanes to a shared left- and right-turn lane, effectively creating two right-turn lanes. Three receiving lanes currently exist on the north leg of Coleman Avenue. With implementation of this improvement, the intersection would operate at an acceptable LOS C during the AM peak hour.			

In addition to mitigation measures listed above, there are also other conditions of approval the project shall implement, including the following:

CONDITIONS OF APPROVAL GATEWAY CROSSINGS (FINAL PROJECT)	
Health Risks to On-site Residences	
• The final site layout shall locate operable windows and air intakes as far as possible and feasible from TAC sources. • Install air filtration at all residential units. Air filtration devices shall be rated MERV13 or higher. To ensure adequate health protection to sensitive receptors, a ventilation system shall meet the following minimal design standards: a. A MERV13 or higher rating; b. At least one air exchange(s) per hour of fresh outside filtered air; and c. At least four air exchange(s) per hour recirculation. Alternately, at the approval of the City, equivalent control technology may be used if it is shown by a qualified air quality consultant or heating, ventilation, and air conditioning (HVAC) engineer that it would reduce risk below significance thresholds. • Implement an ongoing maintenance plan for the building's HVAC air filtration system. Recognizing that emissions from air pollution sources are decreasing, the maintenance period shall last as long as significant excess cancer risk or annual PM_{2.5} exposures are predicted. Subsequent studies could be conducted by an air quality expert approved by the City to identify the ongoing need for the filtered ventilation systems as future information becomes available. • Ensure that the lease agreement and other property documents (1) require cleaning, maintenance, and monitoring of the affected units for air flow leaks; (2) include information on the ventilation system to new owners and tenants; and (3) include provisions that fees associated with owning or leasing a unit(s) in the building include funds for cleaning, maintenance, monitoring, and replacements of the filters, as needed. • Prior to building occupancy, an authorized air pollutant consultant or HVAC engineer shall verify the installation of all necessary measures to reduce TAC exposure.	
Burrowing Owl	
• Pre-construction surveys for burrowing owls shall be conducted in conformance with CDFW protocols. The initial site visit shall be conducted no more than 14 days prior to the start of any ground-disturbing activity such as clearing and grubbing, excavation, or grading, or any similar activity. If during the initial survey any ground squirrel burrows or other burrows that may be used as nesting or roosting sites by burrowing owls are detected, but no burrowing owls are observed, a second survey shall be conducted within 48 hours of the start of construction to determine whether any burrowing owls are present. If no burrowing owls are located during these surveys, no additional action would be warranted. However, if burrowing owls are located on or immediately adjacent to impact areas the following measures shall be implemented. • If burrowing owls are present during the nonbreeding season (generally 1 September to 31 January), a 160-foot buffer zone, within which no new project-related activity would be permissible, shall be maintained around the occupied burrow(s) if feasible, though a reduced buffer is acceptable during the non-breeding season as long as construction avoids direct impacts to the burrow(s) used by the owls. During the breeding season (generally 1 February to 31 August), a 250-foot buffer, within which no new project-related activity would be permissible, shall be maintained between project activities and occupied burrows. If owls are present at burrows on the site after 1 February, it will be	

**CONDITIONS OF APPROVAL
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assumed to be nesting on or adjacent to the site unless evidence indicates otherwise. This protected area shall remain in effect until 31 August, or based upon monitoring evidence, until the young owls are foraging independently.

- If ground-disturbing activities would directly impact occupied burrows, the owls occupying burrows to be disturbed shall be passively relocated during the non-nesting season. Relocation shall occur by a qualified biologist using one-way doors. No burrowing owls shall be evicted from burrows during the nesting season (1 February through 31 August) unless evidence indicates that nesting is not actively occurring (e.g., because the owls have not yet begun nesting early in the season, or because young owls have already fledged late in the season).

Bird Strikes

- The project shall prepare and submit a plan to implement bird-safe design standards into project buildings and lighting design to minimize hazards to birds. These specific standards shall include the following to minimize hazards to birds:
 - Reduce large areas of transparent or reflective glass.
 - Locate water features and other bird habitat away from building exteriors to reduce reflection.
 - Reduce or eliminate the visibility of landscaped areas behind glass.
 - To the extent consistent with the normal and expected operations of the residential and commercial uses of the project, take appropriate measures to avoid use of unnecessary lighting at night, especially during bird migration season (February through May and August through November) through the installation of motion-sensor lighting, automatic light shut-off mechanisms, downward-facing exterior light fixtures, or other effective measures to the extent possible.

Interior Noise Levels

- Incorporate the following noise insulation features shall be incorporated into the proposed project to reduce interior noise levels to 45 dBA CNEL or less:
 - Provide a suitable form of forced-air mechanical ventilation, as determined by the local building official, so that windows can be kept closed to control noise.
 - A qualified acoustical specialist shall prepare a detailed analysis of interior residential noise levels resulting from all exterior sources during the design phase pursuant to requirements set forth in the State Building Code. The study will also establish appropriate criteria for noise levels inside the commercial spaces affected by environmental noise. The study will review the final site plan, building elevations, and floor plans prior to construction and recommend building treatments to reduce residential interior noise levels to 45 dBA CNEL or lower. Treatments would include, but are not limited to, STC sound-rated windows and doors, sound-rated wall and window constructions, acoustical caulking, protected ventilation openings, etc. The specific determination of what noise insulation treatments are necessary shall be conducted on a unit-by-unit basis during final design of the project. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City, along with the building plans and approved design, prior to issuance of a building permit.

CONDITIONS OF APPROVAL GATEWAY CROSSINGS (FINAL PROJECT)	
Design Hazards and Emergency Access	
• Restrict Driveway 1 to right-in and -out access only; • Restrict Driveway 2 to right turns only; • Signalize the intersection of Costco/project Driveway 3 and Brokaw Road; • Striped median left-turn lane for Driveway 4; and • Assign all tandem parking.	
Construction Traffic	
• Prepare a Construction Management Plan which would include, but is not limited to the following conditions, subject to City's approval: – Truck haul routes for construction trucks. – Signs shall be posed along roads identifying construction traffic access or flow limitations due to lane restrictions during periods of truck traffic.	

Sources:

- City of Santa Clara. *Draft Environmental Impact Report for the Gateway Crossings Project*. April 2018.
- . *Final Environmental Impact Report for the Gateway Crossings Project*. September 2018.
- . *Supplemental Text Revisions to the Gateway Crossings Project Final Environmental Impact Report*. September 26, 2018.
- . *Supplemental Text Revisions to the Gateway Crossings Project Final Environmental Impact Report*. October 30, 2018.
- . *Supplemental Text Revisions to the Gateway Crossings Project Final Environmental Impact Report*. May 14, 2019.
- . *Supplemental Text Revisions to the Gateway Crossings Project Final Environmental Impact Report*. June 2019.