

**MITIGATION MONITORING OR REPORTING PROGRAM**

**3035 El Camino Real Residential Project**

**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.

The Initial Study/Mitigated Negative Declaration (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 the impacts from implementation of the project would be less-than-significant.

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Impact	Mitigation	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
<b>AIR QUALITY</b>				
<b>Impact AIR-2:</b> Construction activities would generate dust and other particulate matter that could impact adjacent residences.	<b>MM AIR-2.1:</b> The project shall implement the following best management practices (BMPs), as recommended by BAAQMD to reduce construction fugitive dust impacts during all phases of construction: <ul style="list-style-type: none"> <li>• All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.</li> <li>• All haul trucks transporting soil, sand, or other loose material off-site shall be covered.</li> <li>• 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.</li> <li>• All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).</li> <li>• 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.</li> <li>• Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California Airborne Toxics Control Measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.</li> <li>• All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All</li> </ul>	During construction	Project applicant and contractors	Director of Community Development

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	<p>equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</p> <ul style="list-style-type: none"> <li>Post a publicly visible sign with the telephone number and person to contact at the construction firm regarding dust 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.</li> </ul>			
<p><b>Impact AIR-3:</b> Construction activities associated with the proposed project would expose infants near the project site to temporary TAC emissions in excess of acceptable thresholds.</p>	<p><b>MM AIR-3.1:</b> 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 of at least 47 percent reduction in DPM exhaust emissions or greater. One feasible plan to achieve this reduction would include the following:</p> <ul style="list-style-type: none"> <li>All mobile diesel-powered off-road equipment larger than 25 horsepower and operating on the site for more than two days shall meet, at a minimum, U.S. EPA particulate matter emissions standards for Tier 3 engines or equivalent.</li> <li>All diesel-powered portable equipment (i.e., forklifts, generators, and welders), larger than 25 horsepower, operating on the site for more than two days shall meet U.S. EPA particulate matter emissions standards for Tier 3 engines or equivalent and CARB-certified Level 3 Diesel Particulate Filters or equivalent.</li> <li>The construction contractor could use other measures to minimize construction period DPM emission to reduce the estimated cancer risk below the thresholds. The use of equipment that includes U.S. EPA particulate matter emissions standards for Tier 2 engines and CARB-certified Level 3 Diesel Particulate</li> </ul>	<p>Submit plans to City prior to demolition or grading permit.</p> <p>During construction</p>	<p>Project applicant and contractors</p>	<p>Director of Community Development</p>

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	Filters or alternatively fueled equipment (i.e., non-diesel) could 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.			
<b>BIOLOGICAL RESOURCES</b>				
<b>Impact BIO-4:</b> Construction activities associated with the proposed project could result in the loss of fertile eggs, nesting raptors or other migratory birds, or nest abandonment.	<b>MM BIO-4.1:</b> 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 through August.  <b>MM BIO-4.2:</b> If it is not possible to schedule demolition and construction between September and January, pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests would 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 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 would inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with CDFW, would determine the extent of a construction-free buffer zone to be established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests would not be disturbed during project construction.	Prior to issuance of demolition or grading permits	Project applicant and contractors	Director of Community Development, CDFW

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<b>CULTURAL RESOURCES</b>				
<p><b>Impact CUL-2:</b> Subsurface archaeological resources could be uncovered during demolition/construction of the proposed project.</p>	<p><b>MM CUL-2.1:</b> 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 will be stopped, the Director of Community Development will be notified, and the archaeologist will 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 Director of Community Development.</p> <p><b>MM CUL-2.2:</b> 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 will 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 will 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.</p> <p>The descendants may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner</p>	<p>During all phases of ground-disturbing activities</p>	<p>Project applicant and contractors</p>	<p>Community Development Director, NAHC (for human remains)</p>

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	or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site.			
<b>HAZARDS AND HAZARDOUS MATERIALS</b>				
<b>Impact HAZ-2:</b> The surface and sub-surface soils on-site are contaminated due to Lead Based Paint and pest control (termite) spraying around the former structure. Implementation of the project could expose construction workers and future residents to Lead and DDT contamination	<b>MM HAZ-2.1:</b> The concentrations of hazardous chemicals are likely limited to upper one or two feet of soil near the former structures. Prior to excavation of the project site, additional soil sampling will be completed prior to removal of asphalt in the area of the former structure to evaluate the distribution and magnitude of lead and total DDT concentrations.  <b>MM HAZ-2.2:</b> The additional data would be used to produce a Site Management Plan (SMP) to evaluate appropriate disposal and/or reuse options. In the event that impacted soil is identified on-site, the Director of Community Development shall be notified. Sample results shall be submitted to the Santa Clara Fire Department for review. Contaminated soil shall be handled separately from “clean” soil. Common and potentially applicable remedial measures for the impacted soil may include: 1) excavation and off-site disposal at a permitted facility; 2) the use of engineering and administrative controls, such as consolidation and capping of the soil on-site and land use covenants restricting certain activities/uses; and 3) a combination of the above. Remedial activities at the site, if warranted, would be overseen by an appropriate regulatory agency, such as the Department	Prior to issuance of grading permits.	Project Applicant	Community Development Director  Santa Clara County Department of Environmental Health  Santa Clara Fire Department

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	<p>of Toxic Substances Control (DTSC) or the Santa Clara County Department of Environmental Health (SCCDEH).</p> <p><b>MM HAZ-2.3:</b> The affected soils on-site could be excavated and transported to the appropriate facility for disposal, under the oversight of SCCDEH or DTSC.</p>			
HYDROLOGY AND WATER QUALITY				
<b>Impact HYD-1:</b> The on-site well could serve as a conduit for contaminants to be released into the shallow groundwater table	<b>MM HYD-1.1:</b> The project applicant shall obtain a permit from the Santa Clara Valley Water District to properly destroy the well prior to issuance of a grading permit.	Provide evidence of well destruction permit to City's Director of Community Development, prior to issuance of grading permits.	Project Applicant	Santa Clara Valley Water District.

**SOURCE:** City of Santa Clara, Draft Initial Study, 3035 El Camino Real Residential Project, July 2019.