

MITIGATIONS	MONITORING AND REPORTING PROGRAM					
	Documentation of Compliance [Applicant/Proponent Responsibility]			Documentation of Compliance [Lead Agency Responsibility]		
Adopted Mitigation Measures	Responsibility for Implementation [Who]	Method of Compliance Or Mitigation Action [What]	Timing of Compliance [When] G=Grading Permit P= Preconstruction D= Development B=Building Permit/Plan Check C=Certificate of Occupancy O=Ongoing	Monitoring Reporting Responsibility [Who will review]	Actions/ Reports [What will be reviewed]	Monitoring Timing or Schedule [How often]
Air Quality						
<p>MM AQ-1.1: BAAQMD Basic Construction Mitigation Measures Recommended for All Proposed Projects (Table 8-1)</p> <ul style="list-style-type: none"> 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 mph. 	The project applicant	Dust control and best management practices during construction, as well as best available control technology for diesel equipment near sensitive receptors. All measures shall be printed on all construction documents, contracts, and project plans.	G The measures shall be implemented during demolition, grading, and construction activities.	Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement (PBCE) & Santa Clara Director of Planning and Inspection	The lead agency or responsible agency shall review whether the measures are printed on all construction documents, contracts, and project plans before issuing a grading permit for	The appropriate construction documents shall be reviewed prior to issuance of grading permits. At any time during construction activities, reps of PBCE or the Santa Clara

<ul style="list-style-type: none"> • 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. • Replant vegetation in disturbed areas as quickly as possible. • Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 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. • All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. • Post a publicly visible sign with the telephone number and 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 phone number shall also be visible to ensure compliance with applicable regulations. 					work within their jurisdiction.	Director of Planning and Inspection may visit the site to confirm these measures are being implemented.
<p>MM AQ-1.2: BAAQMD Additional Construction Mitigation Measures Recommended for Projects with Construction Emissions Above the Threshold (Table 8-2)</p> <ul style="list-style-type: none"> • All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe. • All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph. • Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity. • Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established. 						

<ul style="list-style-type: none"> • The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time. • All trucks and equipment, including their tires, shall be washed off prior to leaving the site. • Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel. • Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent. • Minimizing the idling time of diesel powered construction equipment to two minutes. • The project shall develop a plan demonstrating that off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent NO_x reduction and 45 percent PM reduction compared to the most recent ARB fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such become available. • Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., Regulation 8, Rule 3: Architectural Coatings). • Require that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of NO_x and PM. • Requiring all contractors use equipment that meets CARB's most recent certification standard for off-road heavy duty diesel engines. <p>MM AQ-1.3: The project will also implement the measures included in the 2007 Valley Fair FEIR that were not incorporated as part of the 2011 update to the BAAQMD-recommended construction mitigation measures.</p>					
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<ul style="list-style-type: none"> All paved access roads, parking areas, and staging areas at construction sites shall be swept daily. The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g. compressors). <p>MM AQ-1.4: Project-specific construction equipment emissions control measures:</p> <ul style="list-style-type: none"> All diesel-powered off-road equipment larger than 50 horsepower and operating at the site for more than two days continuously shall meet U.S. EPA particulate matter emissions standards for Tier 2 engines or equivalent; and All portable diesel-powered equipment (i.e., concrete saws, forklifts, and generators) shall meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent. 					
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Biological Resources

<p>MM BIO-1.1: The following measures are included in the project to reduce construction-related impacts to any trees intended for preservation during project construction:</p> <ul style="list-style-type: none"> Damage to any tree during construction shall be reported to the City’s Supervising Environmental Planner, and the contractor or owner shall treat the tree for damage in the manner specified by the City Arborist; No construction equipment, vehicles or materials shall be stored, parked, or left standing within the tree dripline; and Drains shall be installed according to city specifications so as to avoid harm to trees due to excess watering; and Wires, signs and other similar items shall not be attached to trees; and Cutting and filling around the base of trees shall be done only after consultation with the City Arborist and then only to the extent authorized by the City Arborist; and No paint thinner, paint, plaster or other liquid or solid excess or waste construction materials or wastewater shall be dumped on the ground or into any grate between the dripline and the base of the tree or uphill from any tree where certain 	<p>The project applicant</p>	<p>All measures shall be printed on all construction documents, contracts, and project plans.</p>	<p>G</p> <p>The measures shall be implemented during demolition, grading, and construction activities.</p>	<p>Supervising Environmental Planner of PBCE & Santa Clara Director of Planning and Inspection</p>	<p>The lead agency or responsible agency shall review whether the measures are printed on all construction documents, contracts, and project plans before issuing a grading permit for work within their jurisdiction.</p> <p>The appropriate construction documents shall be reviewed prior to issuance of grading permits. At any time during construction activities, reps of PBCE or the Santa Clara Director of Planning and Inspection may visit the site to confirm these measures are</p>
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<p>substances might reach the roots through a leaching process; and</p> <ul style="list-style-type: none"> • Barricades shall be constructed around the trunks of trees as specified by a qualified arborist so as to prevent injury to trees making them susceptible to disease causing organisms; and • Wherever cuts are made in the ground near the roots of trees, appropriate measures as determined by the project consulting arborist, shall be taken to prevent exposed soil from drying out and causing damage to tree roots. (SJMC 13.32.130) 						being implemented.
<p>MM BIO-2.1: A qualified ornithologist shall conduct protocol-level, pre-construction surveys for nesting raptors and birds on-site not more than 30 days prior to the onset of ground disturbance or tree removal, if disturbance is to occur during the breeding season (Feb. 1 to Aug. 31). All large trees within 250 feet of the limits of grading shall be inspected as construction occurs on the project site.</p> <p>MM BIO-2.2: If a nesting bird or raptor is detected, an appropriate construction buffer shall be established during the nesting season. Actual size of buffer will be determined by the ornithologist and will depend on species, topography, and type of construction activity that would occur in the vicinity of the nest but would be a minimum of 250 feet.</p> <p>MM BIO-2.3: A report summarizing results of the pre-construction survey and subsequent efforts to protect nesting raptors or birds (if found to be present) shall be submitted to both the City of San José Supervising Environmental Planner and the City of Santa Clara Principal Planner or Development Review Officer for activities occurring in that City.</p>	The project applicant	Construction activities shall avoid nesting season. If not possible, a report summarizing results of the pre-construction survey shall be provided prior to ground disturbance, demolition, or tree removal, if between February 1 to August 31.	P, G The measures shall be implemented prior to tree removal and/or grading activities.	Supervising Environmental Planner of PBCE & Santa Clara Director of Planning and Inspection	The lead agency or responsible agency shall review the results of the survey before issuing a grading or tree removal permit for work within their jurisdiction.	Prior to issuance of a grading or tree removal permit. Site visits to confirm appropriate buffers may be conducted any time during construction activities, at the discretion of the San José Director of PBCE or Santa Clara Director of Planning and Inspection.

Cultural Resources

<p>MM CUL-1.1: In the event any significant cultural materials are encountered, all construction within a radius of 50 feet of the find shall be halted, the San José Director of Planning, Building and Code Enforcement and/or Santa Clara Director of Planning and Inspection shall be notified (depending on the location of the find), and a professional archaeologist shall examine the find and make appropriate recommendations regarding the significance of the find and the appropriate mitigation. Recommendations could include collection, recordation, and analysis of any significant cultural materials.</p> <p>MM CUL-1.2: If human remains are discovered, the Santa Clara County Coroner will be notified. The Coroner would determine whether or not the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he would notify the Native American Heritage Commission, would attempt to identify “most likely” descendants of the deceased.</p> <p>MM CUL-1.3: If the San José Director of Planning, Building and Code Enforcement and/or Santa Clara Director of Planning and Inspection find that the archaeological find is not a significant resource, work would resume only after the submittal of a preliminary archaeological report and after provisions for reburial and ongoing monitoring are accepted.</p> <p>MM CUL-1.4: A final report will be prepared by the project archaeologist when a find is determined to be a significant archaeological resource, and/or when Native American remains are found on the site. The final report will include background information on the completed work, a description and list of identified resources, the disposition and curation of these resources, and testing, and other recovered information, and conclusions. The report shall be submitted to the San José Senior Environmental Planner and/or the Santa Clara Principal Planner or Development Review Officer, as appropriate.</p>	<p>The project applicant</p>	<p>All measures shall be printed on all construction documents, contracts, and project plans.</p>	<p>G</p> <p>These measures shall be implemented during construction in the event that cultural materials are encountered.</p>	<p>Supervising Environmental Planner of PBCE</p> <p>&</p> <p>Santa Clara Director of Planning and Inspection</p>	<p>The lead agency or responsible agency shall review whether the measures are printed on all construction documents, contracts, and project plans before issuing a grading permit for work within their jurisdiction.</p>	<p>The appropriate construction documents shall be reviewed prior to issuance of grading permits.</p>
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Hazards and Hazardous Materials

<p>MM HAZ-1.1: Soil investigation for vertical and lateral definition to assist in the characterization of soil shall be conducted by a qualified environmental professional to assess the potential presence and extent of agricultural pesticides in the site's shallow soils. The soil investigation shall conform to state and local guidelines and regulations.</p> <p>MM HAZ-1.2: If elevated pesticide concentrations are identified, common and potentially applicable remedial measures may include: 1) excavation and off-site disposal of the impacted soil 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. If pesticide concentrations warrant remedial measures, then the work shall be overseen by an appropriate regulatory agency, such as the Department of Toxic Substances Control or the Santa Clara County Department of Environmental Health.</p>	<p>The project applicant</p>	<p>The results of the soil investigation and any remedial recommendations (if appropriate) shall be summarized in a technical report submitted to the Lead Agency.</p>	<p>G</p> <p>The measures shall be implemented prior to excavation and/or grading activities</p>	<p>Supervising Environmental Planner of PBCE</p> <p>&</p> <p>Santa Clara Director of Planning and Inspection</p>	<p>The lead agency or responsible agency shall review the results of the investigation before issuing a grading or tree removal permit for work within their jurisdiction.</p>	<p>Prior to excavation and/or grading activities.</p>
<p>MM HAZ-2.1: 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 buildings to determine the presence of asbestos-containing materials and/or lead-based paint.</p> <p>MM HAZ-2.2: During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code Regulations 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings would be disposed of at landfills that meet acceptance criteria for the waste being disposed.</p> <p>MM HAZ-2.3: All potentially friable asbestos-containing materials shall be removed in accordance with local, state, and federal guidelines prior to building demolition or renovation that</p>	<p>The project applicant</p>	<p>All measures shall be printed on all construction documents, contracts, and project plans.</p>	<p>P, G</p> <p>The measures shall be implemented prior to building demolition.</p>	<p>Supervising Environmental Planner of PBCE</p> <p>&</p> <p>Santa Clara Director of Planning and Inspection</p>	<p>The lead agency or responsible agency shall review whether the measures are printed on all construction documents, contracts, and project plans before issuing a demolition permit for work within their jurisdiction.</p>	<p>The appropriate construction documents shall be reviewed prior to demolition.</p>

<p>may disturb the materials. All demolition activities will be undertaken in accordance with Cal/OSHA standards contained in Title 8 of the CCR, Section 1529, to protect workers from exposure to asbestos.</p> <p>MM HAZ-2.4: A registered asbestos abatement contractor shall be retained to remove and dispose of asbestos-containing materials identified in the asbestos survey performed for the site in accordance with the standards stated above.</p> <p>MM HAZ-2.5: Materials containing more than one (1) percent asbestos are also subject to BAAQMD regulations. Removal of materials containing more than one (1) percent asbestos shall be completed in accordance with BAAQMD requirements.</p>						
<p>MM HAZ-3.1: Soil investigation for vertical and lateral definition to assist in the characterization of soil shall be conducted by a qualified environmental professional in the vicinity of the existing Bank of America structure (location of the former gasoline service station). Sampling shall occur after building demolition but prior to grading or excavation of the site.</p> <p>MM HAZ-3.2: If elevated concentrations of petroleum hydrocarbons are identified, common and potentially applicable remedial measures may include: 1) excavation and off-site disposal of the impacted soil 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. If on-site capping measures are warranted based on the sampling results, remedial work at the site would be overseen by an appropriate regulatory agency, such as the Department of Toxic Substances Control or the Santa Clara County Department of Environmental Health.</p>	<p>The project applicant</p>	<p>The results of the soil investigation and any remedial recommendations (if appropriate) shall be summarized in a technical report submitted to the Lead Agency.</p>	<p>G</p> <p>The measures shall be implemented prior to excavation and/or grading activities</p>	<p>Supervising Environmental Planner of PBCE</p> <p>&</p> <p>Santa Clara Director of Planning and Inspection</p>	<p>The lead agency or responsible agency shall review the results of the investigation before issuing a grading or tree removal permit for work within their jurisdiction, as appropriate.</p>	<p>Prior to excavation and/or grading activities.</p>

Hydrology and Water Quality

<p>MM HYD-1.1: The following project-specific measures, based on RWQCB Best Management Practices, have been included in the project to reduce construction-related water quality impacts. These measures are updated versions of the mitigation measures included in the 2007 Valley Fair FEIR. All mitigation would be implemented prior to and during earthmoving and demolition activities on-site and would continue until the construction is complete.</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 periods 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 required to cover all trucks or maintain at least two feet of freeboard. • All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers). • Vegetation in disturbed areas shall be replanted as quickly as possible. • All unpaved entrances to the site shall be filled with rock to knock mud from truck tires prior to entering City streets. A tire wash system may also be employed at the request of the City. • The project applicant shall comply with the City of San José Grading Ordinance, including implementing erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction. • A Storm Water Permit will be administered by the State Water Resources Control Board (SWRCB). Prior to 	<p>The project applicant</p>	<p>All measures shall be printed on all construction documents, contracts, and project plans.</p>	<p>G</p> <p>The measures shall be implemented during demolition, grading, and construction activities.</p>	<p>Supervising Environmental Planner of PBCE</p> <p>&</p> <p>Santa Clara Director of Planning and Inspection</p>	<p>The lead agency or responsible agency shall review whether the measures are printed on all construction documents, contracts, and project plans before issuing a grading permit for work within their jurisdiction.</p>	<p>The appropriate construction documents shall be reviewed prior to issuance of grading permits. At any time during construction activities, reps of PBCE or the Santa Clara Director of Planning and Inspection may visit the site to confirm these measures are being implemented.</p>
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<p>construction grading for the proposed land uses, the project proponent will file an NOI to comply with the General Permit and prepare a SWPPP which addresses measures that would be included in the project to minimize and control construction and post-construction runoff. Measures will include, but are not limited to, the aforementioned RWQCB Best Management Practices.</p> <ul style="list-style-type: none"> • The certified SWPPP will be posted at the project site and will be updated to reflect current site conditions. • When construction is complete, a Notice of Termination (NOT) for the General Permit for Construction will be filed with the SWRCB. The NOT will document that all elements of the SWPPP have been executed, construction materials and waste have been properly disposed of, and a post-construction stormwater management plan is in place as described in the SWPPP for the site. 						
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Noise						
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<p>MM NOI-1.1: Implementation of San José General Plan Policy EC-1.7 would require a noise logistics plan which would include, but not be limited to, the following measures to reduce construction noise levels as low as practical:</p> <ul style="list-style-type: none"> • Construction hours within 500 feet of residential uses will be limited to the hours of 7:00 a.m. and 7:00 p.m. weekdays, with no construction on weekends or holidays. • Utilize ‘quiet’ models of air compressors and other stationary noise sources where technology exists. • Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment; • Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from adjacent land uses; • Locate staging areas and construction material areas as far away as possible from adjacent land uses; • Prohibit all unnecessary idling of internal combustion engines; 	<p>The project applicant</p>	<p>All measures shall be printed on all construction documents, contracts, and project plans. The construction plan shall be prepared and submitted to the Lead Agency.</p>	<p>G</p> <p>The measures shall be implemented during demolition, grading, and construction activities. The plan shall be developed prior to issuance of a grading permit.</p>	<p>Supervising Environmental Planner of PBCE & Santa Clara Director of Planning and Inspection</p>	<p>The lead agency or responsible agency shall review whether the measures are printed on all construction documents, contracts, and project plans before issuing a grading permit for work within their jurisdiction. The lead agency shall confirm the</p>	<p>The appropriate construction documents shall be reviewed prior to issuance of grading permits. At any time during construction activities, reps of PBCE or the Santa Clara Director of Planning and Inspection may visit the site to confirm these measures are</p>
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<ul style="list-style-type: none"> • If impact pile driving is proposed, multiple-pile drivers shall be considered to expedite construction. Although noise levels generated by multiple pile drivers would be higher than the noise generated by a single pile driver, the total duration of pile driving activities would be reduced. • If impact pile driving is proposed, temporary noise control blanket barriers shall shroud pile drivers or be erected in a manner to shield the adjacent land uses. Such noise control blanket barriers can be rented and quickly erected. • If impact pile driving is proposed, foundation pile holes shall be pre-drilled to minimize the number of impacts required to seat the pile. Pre-drilling foundation pile holes is a standard construction noise control technique. Notify all adjacent land uses of the construction schedule in writing. • The contractor will prepare a detailed construction plan identifying a schedule of major noise generating construction activities. This plan shall identify a noise control ‘disturbance coordinator’ and procedure for coordination with the adjacent noise sensitive facilities so that construction activities can be scheduled to minimize noise disturbance. This plan shall be made publicly available for interested community members. • The disturbance coordinator will be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the case of the noise complaint (e.g. starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. The telephone number for the disturbance coordinator at the construction site will be posted and included in the notice sent to neighbors regarding the construction schedule. 					satisfactory preparation of a construction noise logistics plan prior to issuance of a grading permit.	being implemented.
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SOURCE: City of San José. *Westfield Valley Fair Expansion: Addendum to the Final Environmental Impact Report for the Valley Fair Shopping Center Expansion Project (SCH# 2006052162)*, *the Final Program Environmental Impact Report for the Envision San José 2040 General Plan (SCH# 2009072096)*, and *the Final Program Environmental Impact Report for the City of Santa Clara 2010-2035 General Plan (SCH# 2008092005)*. January 2016.