

# MITIGATION MONITORING AND REPORTING PROGRAM

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**1055 Commercial Court Project**  
**File Nos. SP24-008**  
**April 2024**

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# PREFACE

Section 21081.6 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring and 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 and reporting program is to ensure compliance with the mitigation measures during project implementation.

The Initial Study/Mitigated Negative Declaration prepared for the 1055 Commercial Court Project 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 and Reporting Program addresses those measures in terms of how and when they will be implemented.

The mitigation measures enumerated in this document would reduce the level of impact of potential environmental effects of the proposed action. In all cases, these mitigation measures would reduce the impact of effects determined to be significant prior to mitigation to less-than-significant levels.

This document does *not* discuss those subjects for which the Initial Study/Mitigated Negative Declaration concluded that the impacts from implementation of the project would be less than significant.

I, Bianca Liu, the applicant, on the behalf of Prologis, hereby agree to fully implement the mitigation measures described below which have been developed in conjunction with the preparation of a Focused Initial Study/Mitigated Negative Declaration for my proposed project. I understand that these mitigation measures or substantially similar measures will be adopted as conditions of approval with my development permit request to avoid or significantly reduce potential environmental impacts to a less than significant level.

Project Applicant's Signature



Date 4/10/24

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [Project Applicant/Proponent Responsibility]		Documentation of Compliance [Lead Agency Responsibility]		
	Method of Compliance Or Mitigation Action	Timing of Compliance	Oversight Responsibility	Actions/Reports	Monitoring Timing or Schedule
<b>Air Quality</b>					
<b>Impact HRA-1: Construction activities associated with the proposed Project could expose sensitive receptors northwest of the Project site to a maximum estimated Cancer Risk of 36.81 (in a million) due to toxic air contaminants (TAC) emissions that could exceed the BAAQMD threshold for annual cancer risk of 10 per million by 26.81 per million.</b>					
<p>MM-HRA-1: Prior to issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the project applicant shall prepare and submit a written construction operations plan that includes specifications of the equipment to be used during construction to the Director of Planning, Building and Code Enforcement or the Director’s Designee. The plan shall be accompanied by a letter signed by a qualified air quality specialist, that verifies the project would achieve a fleet-wide average of a 73 percent reduction or more in diesel particulate matter (DPM) exhaust emissions during construction. Specifically, the Project would achieve this by:</p> <ul style="list-style-type: none"> <li>• For all construction equipment larger than 25 horsepower operating on the site for more than two days continuously or 20 total hours, shall, at a minimum meet U.S. EPA Tier 4 Final emission standards.</li> <li>• If Tier 4 Final equipment is not available, 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</li> </ul>	<p>Prepare and submit a written construction operations plan that includes specifications of the equipment to be used during construction to the Director of Planning, Building and Code Enforcement or the Director’s Designee. The plan shall be accompanied by a letter signed by a qualified air quality specialist, that verifies the project would achieve a fleet-wide average of a 73 percent reduction or more in diesel</p>	<p>Prior to issuance of any demolition, grading, and/or building permits (whichever occurs earliest)</p>	<p>Director of Planning, Building and Code Enforcement or Director’s Designee</p>	<p>Receive, review, and approve the written construction operations plan and letter identified in MMHRA-1</p>	<p>Prior to issuance of any demolition, grading, and/or building permits (whichever occurs earliest)</p>

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<p>include particulate matter (PM) emissions control equivalent to CARB Level 3 verifiable diesel emission control devices that altogether achieve an 85 percent reduction in PM exhaust and 40 percent reduction in NOX in comparison to uncontrolled equipment.</p> <p>The construction operations plan prepared by the contractor and reviewed by the air quality specialist shall include the, but not be limited to the following:</p> <ul style="list-style-type: none"> <li>• List of activities and estimated timing.</li> <li>• Equipment that would be used for each activity.</li> <li>• Manufacturer’s specifications for each equipment that provides the emissions level; or the manufacturer’s specifications for devices that would be added to each piece of equipment to ensure the emissions level meet the thresholds in the mitigation measure.</li> </ul> <p>The project applicant shall include this requirement in applicable bid documents and require compliance as a condition of contract. A copy of each equipment unit’s certified tier specification and CARB or BAAQMD operating permit (if applicable) shall be available upon request at the time of mobilization of each applicable unit of equipment. The City shall require periodic reporting and provision of written documentation by contractors to ensure</p>	<p>particulate matter (DPM) exhaust emissions during construction.</p> <p>Include the construction operation plan in applicable bid documents and require compliance as a condition of contract</p>	<p>Prior to issuance of any demolition, grading, and/or building permits (whichever occurs earliest)</p>	<p>Director of Planning, Building and Code Enforcement or Director’s Designee</p>	<p>Receive, review, and approve</p>	<p>Prior to issuance of contract</p>

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<p>compliance and shall conduct regular inspections to the maximum extent feasible to ensure compliance. The construction contractor(s) shall maintain equipment maintenance records for the construction portion of the project. All construction equipment must be tuned and maintained in compliance with the manufacturer’s recommended maintenance schedule and specifications. Upon request for inspection, construction contractor(s) shall make available all maintenance records for equipment used on site within one business day (either hardcopy or electronic versions). The Construction Operations Plan documentation shall be reviewed and approved by the Director of Planning, Building and Code Enforcement or the Director’s designee prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest).</p>	<p>Maintain copies of each equipment unit’s certified tier specification and CARB or BAAQMD operating permit (if applicable) and make available all equipment maintenance records for equipment used onsite within one business day.</p>	<p>During construction</p>	<p>Director of Planning, Building and Code Enforcement or Director’s Designee</p>	<p>Receive, review, and approve</p>	<p>During construction</p>
<b>Biological Resources</b>					
<b>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.</b>					
<p><b>MM-BIO-1:</b> Tree removal and construction shall be scheduled to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st, inclusive.</p>	<p>Avoid construction during nesting season</p> <p>Or</p> <p>A qualified ornithologist shall complete a written</p>	<p>Prior to any tree removal, or approval of any grading or demolition permits; during Construction</p>	<p>Director of Planning, Building and Code Enforcement or Director’s Designee</p>	<p>Review report indicating the results of the survey and any designated construction-free buffer zones</p>	<p>Prior to any tree removal, or approval of any grading or demolition permits.</p>

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<p>If tree removals and construction cannot be scheduled outside of nesting season, a qualified ornithologist shall complete a written pre-construction survey to identify active raptor nests that may be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of demolition/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), unless a shorter preconstruction survey is determined to be appropriate based on the presence of a species with a shorter nesting period, such as Yellow Warblers. During this survey, the qualified ornithologist shall inspect all trees and other possible nesting habitats in and immediately adjacent to the construction areas for nests. If an active nest is found in an area that will be disturbed by construction, the qualified ornithologist shall designate a construction-free buffer zone (typically 250 feet) to be established around the nest, in consultation with California Department of Fish and Wildlife (CDFW). The buffer would ensure that raptor or migratory bird nests will not be disturbed during project construction.</p> <p>Prior to any tree removal, or approval of any grading or demolition permits, the project applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of</p>	<p>pre-construction survey and submit a report indicating the results of the survey and any construction-free buffer zones</p>				

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Planning, Building and Code Enforcement or Director’s designee.					
<b>Hazard and Hazardous Material</b>					
<b>Impact HAZ-1: The project site is on a list of known hazardous materials sites. Construction activities on the project site could result in exposure to residual contaminants known to be present in the subsurface media of the project, posing a risk to construction workers and the environment.</b>					
<b>MM-HAZ-1:</b> Prior to the issuance of any grading permits, the project applicant shall provide the City with a copy of the Regional Water Quality Control Board’s (RWQCB) approval of the project’s Media Management Plan (MMP). Proof shall consist of a letter or email from the RWQCB case worker and must be submitted to the Director of Planning, Building and Code Enforcement or Director’s Designee, and the Environmental Compliance Officer in the City of San José’s Environmental Services Department.	Provide a copy of the RWQCB’s approval of the MMP.	Prior to issuance of any grading permits.	Director of Planning, Building and Code Enforcement or Director’s Designee and the Environmental Compliance Officer of the City of San José Environmental Services Department.	Receive the documentation showing approval of MMP from RWQCB.	Prior to issuance of any grading permits.

Source: 1055 Commercial Court Initial Study/Mitigated Negative Declaration. (April 10, 2024).