

MITIGATION MONITORING AND REPORTING PROGRAM

**Westgate West Costco Project
File No. CP21-022
September 2024**



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 Environmental Impact Report prepared for the Westgate West Costco 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 Environmental Impact Report concluded that the impacts from implementation of the project would be less than significant.

I, Michael Okuma, the applicant, on the behalf of Costco Wholesale, hereby agree to fully implement the mitigation measures described below which have been developed in conjunction with the preparation of an Environmental Impact Report 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

09/12/24

MITIGATIONS		MONITORING AND REPORTING PROGRAM			
		Documentation of Compliance [Project Applicant/Proponent Responsibility]	Oversight Responsibility	Actions/Reports	Monitoring Timing or Schedule
Air Quality					
Impact AQ-1: Construction activities associated with the proposed Project could expose sensitive receptors near the Project site to a maximum estimated cancer risk of 30.4 (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 20.4 per million.					
<p>MM-AQ-1: Prior to the issuance of any demolition, grading, or building permits (whichever occurs first), the project applicant shall submit verification, with equipment verified by a qualified air quality specialist, that verifies the project would achieve a fleet-wide average of a 80 percent reduction or more in diesel particulate matter (DPM) exhaust emissions during construction. Specifically, the Project would achieve this by using:</p> <ul style="list-style-type: none"> All construction equipment larger than 50 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA Tier 4 emission standards for particulate matter (PM₁₀ and PM_{2.5}), if feasible, otherwise: If use of Tier 4 equipment is not available or feasible, alternatively use equipment that meets 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 80 percent reduction in particulate matter exhaust in comparison to uncontrolled equipment; alternatively (or in combination). <p>The verification documentation shall be reviewed and approved by the Director of Planning, Building and Code Enforcement or the Director's designee prior to the</p>	<p>Construction equipment greater than 50 horsepower shall meet Tier 4, or, if Tier 4 is not available, Tier 3 emission standards.</p>	<p>Prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest)..</p>	<p>Director of Planning, Building and Code Enforcement or the Director's designee</p>	<p>Approve verification documentation requiring such construction equipment.</p>	<p>Prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest).</p>

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<p>issuance of any demolition, grading, or building permits (whichever occurs earliest).</p>						
Biological Resources						
Impact BIO-1: Construction activities on the Project site could potentially result in disturbance of the American peregrine falcon, nesting raptors, or other migratory birds.						
<p>MM-BIO-1: Avoidance: Prior to the issuance of any demolition, grading, tree removal or building permits (whichever occurs first), 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).</p>	<p>Schedule demolition and construction activities outside of February 1st through August 31st, if feasible.</p>	<p>Prior to issuance of any grading, tree demolition, or building permits (whichever occurs first).</p>	<p>Director of Planning, Building and Code Enforcement or the Director's designee.</p>	<p>Confirm that demolition and construction activities are scheduled outside of the nesting season, if feasible.</p>	<p>Prior to the issuance of any demolition, grading, tree removal or building permits (whichever occurs first).</p>	
<p>Nesting Bird Surveys: If the start of construction activities is scheduled to occur between February 1st and August 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 construction. This survey shall be completed no more than 14 days prior to the start of demolition and construction activities. During this survey the ornithologist shall inspect all trees and other possible nesting habitats within 250 feet of the construction areas for nests.</p>	<p>If construction is scheduled February 1st through August 31st (inclusive): Complete a pre-construction survey for nesting birds. Ornithologist shall inspect all trees and other possible nesting</p>	<p>No more than 14 days prior to the initiation of construction activities.</p>	<p>Director of Planning, Building and Code Enforcement or the Director's designee.</p>	<p>Confirm a pre-construction survey is completed by a qualified ornithologist.</p>	<p>If construction is scheduled February 1st through August 31st (inclusive): pre-construction survey for nesting birds must occur no more than 14</p>	

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	habitats within 250 feet of the construction areas for nests.				days prior to the start of demolition and construction activities.
Buffer Zones: If an active nest is found within 250 feet of the work areas to be disturbed by construction, the qualified ornithologist, in consultation with the California Department of Fish and Wildlife, shall determine the extent of a construction free buffer zone to be established around the nest, (typically 250 feet for raptors and 100 feet for other birds), to ensure that raptor or migratory bird nests shall not be disturbed during project construction. The no-disturbance buffer shall remain in place until the ornithologist determines the nest is no longer active or the nesting season ends. If construction ceases for two days or more then resumes again during the nesting season, an additional survey shall be necessary to avoid impacts to active bird nests that may be present.	If active nests are identified within 250 feet of work areas, a construction free buffer zone shall be established around the nest to ensure that raptor or migratory bird nests are not disturbed during project construction.	Until the ornithologist determines the nest is no longer active or the nesting season ends.	Director of Planning, Building and Code Enforcement or the Director's designee.	Confirm that a construction free buffer zone is maintained until the ornithologist determines the nest is no longer active or the nesting season ends.	Throughout the duration of construction activities.
Reporting: If the start of construction activities is scheduled to occur between February 1st and August 31st (inclusive) and pre-construction survey are required, prior to any tree removal and construction activities or issuance of any demolition, grading or building permits (whichever occurs first), the qualified ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement or the Director's designee.	Submit a report indicating the results of the survey and any designated buffer zones.	Prior to any tree removal, or approval of any grading or demolition permits (whichever occurs first), if the start of construction activities is scheduled to occur between February	Director of Planning, Building and Code Enforcement or their designee.	Approve report and designated buffer zones.	Prior to any tree removal and construction activities or issuance of any demolition, grading or building permits (whichever occurs first), if the start of

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		1st and August 31st and pre-construction survey are required.			construction activities is scheduled to occur between February 1st and August 31st and pre-construction survey are required.
Hazards and Hazardous Materials					
Impact HAZ-1: Documented concentrations of volatile organic compounds (VOCs) in soil vapor in excess of preliminary San Francisco Bay Regional Water Quality Control Board screening levels could impact future Project occupants.					
<p>MM-HAZ-1: Prior to the issuance of any grading or demolition permits, the project Applicant shall either provide DTSC's No Further Action Letter or, if required by DTSC, prepare a Site Management Plan and Health and Safety Plan or equivalent document to guide activities during demolition, excavation, and initial construction to ensure that potentially contaminated soils are identified, characterized, removed, and disposed of properly.</p> <p>A copy of either the DTSC's No Further Action letter or the approved Site Management Plan and Health and Safety Plan, if required by DTSC, shall be provided to the Director of Planning, Building, and Code Enforcement or Director's designee and the Environmental Compliance Officer in the City of San José Environmental Services Department prior to the issuance of any grading or demolition permits.</p>	<p>Obtain regulatory oversight from DTSC. Submit a No Further Action Letters from DTSC or a Site Management Plan (SMP) or equivalent document prepared, as deemed necessary by DTSC.</p>	<p>Prior to issuance of any demolition/grading permit (whichever comes first).</p>	<p>Director of Planning, Building, and Code Enforcement or their designee and the Environmental Compliance Officer in the City of San José Environmental Services Department.</p>	<p>Review No Further Action Letter, SMP, or equivalent document prepared, to the extent required by the DTSC, as evidence of regulatory oversight.</p>	<p>Prior to issuance of any demolition/grading permit (whichever comes first).</p>

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<p>Noise and Vibration</p> <p>Impact NOI-1: Project construction would exceed the City's General Plan Policy EC-1.7 construction noise standards and would temporarily result in substantial noise-generating activities for more than 12 months within 500 feet of residential uses (to the north) and 200 feet of commercial (to the east/south).</p>						
<p>MM-NOI-1: Prior to the issuance of any grading or demolition permits, a qualified acoustical consultant shall prepare a Construction Noise Logistics Plan. The Construction Noise Logistics Plan shall include, at a minimum, the following requirements:</p> <ul style="list-style-type: none"> • Hours of construction as well as the noise and vibration minimization measures • Prohibit pile driving. • Prohibit unnecessary idling of internal combustion engines. Post signs at gates and other places where vehicles may congregate reminding operators of the State's Airborne Toxic Control Measure (ATCM) limiting idling to no more than 5 minutes. • Utilize "quiet" air compressors and other stationary noise sources where technology exists. • Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the Project site. • Construction contracts specify that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other State required noise attenuation devices. • Property owners and occupants located within 500 feet of the Project boundary shall be sent a notice, at least 15 days prior to commencement of construction activities, 		<p>Submit Construction Noise Logistics Plan that complies with listed requirements and comply with all listed requirements</p>	<p>Prior to issuance of any grading or demolition permits and at all times during construction.</p>	<p>Director of Planning, Building and Code Enforcement or the Director's designee</p>	<p>Approve Construction Noises Logistics Plan.</p>	<p>Prior to issuance of any grading or demolition permits and at all times during construction.</p>

<p>regarding the construction schedule of the proposed Project. A sign, legible at 50 feet shall also be posted at the Project construction site. All notices and signs shall be reviewed and approved by the Director of Planning, Building and Code Enforcement or Director's designee, prior to mailing or posting and shall indicate the dates and duration of construction activities, as well as provide a contact name and a telephone number for the Noise Disturbance Coordinator where residents can inquire about the construction process and register complaints.</p> <ul style="list-style-type: none"> • Prior to issuance of any Grading or Building Permit, the Contractor shall provide evidence that at all times during construction activities, an on-site construction staff member will be designated as a Noise Disturbance Coordinator. The Noise Disturbance Coordinator is responsible for responding to complaints about construction noise. When a complaint is received, the Noise Disturbance Coordinator shall determine the cause (e.g., starting too early, bad muffler, etc.), implement reasonable measures to resolve the complaint, and document actions taken. All notices sent to residential units within 500 feet of the construction site and all signs posted at the construction site, shall include the telephone number for the Coordinator, as well as a description of the Coordinator's specified roles and responsibilities at the construction site. Additionally, a log of noise complaints and responses shall be maintained and made available to the City upon request. <p>Prior to issuance of any demolition or grading permits, the project applicant shall submit a copy of the Construction Noise Logistics Plan to the Director of Planning, Building and Code Enforcement or the Director's designee, and the project applicant shall implement the requirements of the Construction Noise Logistics Plan during project construction.</p>					
<p>Impact NOI-2: Nighttime project construction activities and 24-hour concrete pours over a 5-day period, could result in hourly average noise levels exceeding the noise standard of 58.8 dBA by 14.7 dBA at the residences located north of the Project site and 1.7 dBA at the residences located east of the Project site.</p> <p>MM NOI-2: The project includes overnight concrete pours during the extended construction hours of 7:00 p.m. to 7:00 a.m., Monday through Friday, within 300 feet of existing residential land uses. Prior to the issuance of any demolition, grading, and/or building permits (whichever</p>	<p>Comply with all listed requirements.</p>	<p>Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest) and at all</p>	<p>Director of Planning, Building and Code Enforcement or the Director's designee</p>	<p>Approve proposed construction schedule, list of equipment to be used during concrete pours, and</p>	<p>Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest)</p>

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	<p>occurs earliest), the Project Applicant shall implement the following measures:</p> <ul style="list-style-type: none"> For informational purposes, the Applicant shall provide the City's Supervising Environmental Planner with a proposed overnight construction schedule, list of equipment to be used during concrete pours, and the equipment specifications (including noise level information generated by such equipment) for equipment to be used during extended construction hours. Additionally, the Applicant shall provide an example notification template for the evening hour pours that will occur at the Project site. To the extent consistent with applicable regulations and safety considerations, operation of back-up beepers shall be avoided near sensitive receptors between 7:00 p.m. and 7:00 a.m., and/or the work sites shall be arranged in a way that avoids the need for any reverse motions of trucks or the sounding of any reverse motion alarms during nighttime work. If these measures are not feasible, equipment and trucks operating during the nighttime hours with reverse motion alarms must be outfitted with SAE J994 Class D alarms (ambient-adjusting, or "smart alarms" that automatically adjust the alarm to 5 dBA above the ambient near the operating equipment). The northern, eastern, and western Costco building walls shall be erected prior to the commencement of nighttime concrete pouring, which would provide an approximate 	<p>times during construction.</p> <p>Implement during construction.</p>		<p>the equipment specifications.</p>	<p>and at all times during construction.</p>

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<p>1.5 dBA L_{eq} reduction in nighttime construction noise levels.</p> <ul style="list-style-type: none"> Prohibit concrete trucks from accessing the Project site via Graves Avenue and/or Saratoga Avenue during all nighttime activities. Any idling trucks utilized during nighttime construction shall only queue on the southern façade of the Costco building. In addition, all concrete trucks shall only enter the Costco building from the southern building façade. <p>Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the project applicant shall submit documentation to the Director of Planning, Building and Code Enforcement or Director's designee documenting the above requirements are met.</p>				

Source: *Westgate West Costco Environmental Impact Report. (September 2024).*