

Initial Study
MITIGATION MONITORING AND REPORTING PROGRAM

**Evans Lane Transitional Housing
Project**

CITY OF SAN JOSÉ
March 2016



PREFACE

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 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 Initial Study concluded that the impacts from implementation of the project would be less than significant.



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]
Biological Resources						
<p><u>Mitigation Measures BIO 1-1:</u> 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.</p> <p><u>Mitigation Measures BIO 1-2:</u> 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 will 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 1 through April 30) and no more than 30 days prior to the initiation of these activities during the latter part of the breeding season (May 1 through August 31). During this survey, the ornithologist will inspect</p>	Project Applicant and contractors	Avoidance of construction activities during nesting seasons. If not possible, pre-construction surveys shall be conducted by a qualified ornithologist and construction-free buffer zones shall be designated around discovered nest. Submit a report	Prior to issuance of demolition or grading permits.	Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement (PBCE)	A report indicating the results of the survey (or any other environmental investigation reports, if applicable) and any designated buffer zones.	The measure shall be implemented prior to and during construction and demolition activities.

<p>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 shall, in consultation with CDFW, designate a construction-free buffer zone (typically 250 feet for raptors and 100 feet for other birds) around the nest, which shall be maintained until after the breeding season has ended and/or a qualified biologist or ornithologist has determined that the young birds have fledged. The biologist/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 prior to the issuance of any grading or building permit.</p>		<p>indicating the results of the survey and any designated buffer zones to the Environmental Senior Planner at the Department of Planning, Building and Code Enforcement (PBCE).</p>				
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<p>Cultural Resources</p>						
<p><u>Mitigation Measures CUL 1-1:</u> A qualified archaeologist will be on-site to monitor the initial excavation of the project site. After monitoring the initial excavation, the archaeologist will make recommendations for further monitoring if it is determined that the site has cultural resources. If the archaeologist determines that no resources are likely to be found on site, no additional monitoring will be required.</p> <p>If no resources are discovered, the archaeologist shall submit a report to the Supervising Planner of the Environmental Review Team verifying that the required monitoring occurred and that no further mitigation is necessary.</p> <p><u>Mitigation Measures CUL 1-2:</u> 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 Planning, Building and Code Enforcement 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. The archaeologist shall submit reports, to the satisfaction of the Supervising Planner of the Environmental Review Team, describing the testing program and subsequent results.</p>	<p>Project Applicant and contractors</p>	<p>If any potentially California Register eligible resources are identified, they should be briefly documented, photographed, mapped, and tarped before the area is backfilled. If any archaeological resources are identified, a research design and treatment plan shall be completed by a qualified archaeologist before the archaeologist returns to that location to hand excavate the</p>	<p>Prior to issuance of grading permits.</p>	<p>Environmental Principal Planner</p>	<p>Documentation of qualified archaeological/paleontological monitor. Final report summarizing the discovery of cultural materials shall be submitted to the City's Environmental Principal Planner prior to issuance of building permits.</p>	<p>The measure shall be implemented prior to and during construction activity.</p>

<p>These reports shall identify any program mitigation to be completed in order to mitigate archaeological impacts (including resource recovery and/or avoidance, testing and analysis, removal, reburial, and curation of archaeological resources at a recognized storage facility). A final report shall verify completion of the mitigation program to the satisfaction of the Supervising Planner of the Environmental Review Team.</p> <p><u>Mitigation Measures CUL 1-3:</u> 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 will 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>		feature(s) or deposits.				
Hazards and Hazardous Materials						
<p><u>Mitigation Measures HAZ 1-1:</u> Prior to issuance of development permits, a Phase I Environmental Site Assessment (ESA) shall be completed by a qualified consultant to confirm the findings of the Environmental Database Resources report. The report must be reviewed and approved by the Director of Planning, Building and Code Enforcement and the Environmental Service Department's Environmental Compliance Officer prior to approval of the development permit.</p> <p><u>Mitigation Measures HAZ 1-2:</u> If required by the City, upon completion of the Phase I ESA, shallow soil samples shall be taken to determine if contaminants from previous agricultural operations (organochlorine pesticides and/or pesticide based metals including lead and arsenic) are located on-site in concentrations above established construction worker and residential thresholds. The soil sampling plan must be reviewed and approved by the Director of Planning, Building and Code Enforcement and the</p>	Project Applicant and contractors	Testing and, if necessary, clean up to avoid exposure of construction workers and future site residents to contaminated soils.	Prior to issuance of development permits.	Director of the Department of Planning, Building and Code Enforcement (PBCE) Environmental Service Department's Environmental Compliance Officer	Phase I Environmental Site Assessment Soil Sampling Plan Soil Management Plan	The measure shall be implemented prior to construction.

<p>Environmental Service Department’s Environmental Compliance Officer prior to initiation of work.</p> <p><i>Mitigation Measures HAZ 1-3:</i> If the Phase I ESA identifies environmental concerns other than agricultural chemicals, shallow soil samples shall be taken to determine if non-agricultural contaminants are located on-site in concentrations above established construction worker and residential thresholds. The soil sampling plan must be reviewed and approved by the Director of Planning, Building and Code Enforcement and the Environmental Service Department’s Environmental Compliance Officer prior to initiation of work.</p> <p><i>Mitigation Measures HAZ 1-4:</i> If contaminated soils are found in concentrations above regulatory thresholds for worker safety and/or residential thresholds, it shall be reported to the appropriate regulatory agency for oversight and a Site Management Plan (SMP) will be prepared and implemented (as outlined below) and any contaminated soils found in concentrations above established thresholds shall be removed and disposed of according to California Hazardous Waste Regulations. The contaminated soil removed from the site shall be hauled off-site and disposed of at a licensed hazardous materials disposal site.</p> <p>A SMP will be prepared to establish management practices for handling impacted soil material that may be encountered during site development and soil-disturbing activities. Components of the SMP will include: a detailed discussion of the site background; preparation of a Health and Safety Plan by an industrial hygienist; notification procedures if previously undiscovered significantly impacted soil or free fuel product is encountered during construction; on-site soil reuse guidelines based on the California Regional Water Quality Control Board, San Francisco Bay Region’s reuse policy; sampling and laboratory analyses of excess soil requiring disposal at an appropriate off-site waste disposal facility; soil stockpiling protocols; and protocols to manage groundwater that may be encountered during trenching and/or subsurface excavation activities. Prior to issuance of grading permits, a copy of the SMP must be approved by the Santa Clara County Department of Environmental Health, the</p>						
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City's Director of Planning, Building and Code Enforcement, and copied to the Environmental Service Department's Environmental Compliance Officer.						
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Source: *Evans Lane Transitional Housing Project Initial Study*. March 2016.