

MITIGATION MONITORING AND REPORTING PROGRAM

972 Elm Street Villas Project
File No. PDC20-017, PD20-010 & PT20-031
August 2021



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
AIR QUALITY					
Impact: The proposed project would expose sensitive receptors to construction dust and equipment exhaust emissions of DPM and PM2.5 that exceed BAAQMD thresholds for cancer (threshold is 10.0 per million) and non-cancer health risks (threshold is 0.30 ug/m³).					
MM AQ-1: Prior to the issuance of any demolition, grading or building permits, the project applicant shall submit project plans containing the requirements listed below to the City of San Jose Director of Planning, Building and Code Enforcement or Director’s designee. During construction, the project contractor shall implement the following measures to reduce emissions of fugitive dust and engine exhaust DPM. These measures shall be included in the project plans, prior to issuance of a demolition permit, grading, or building permit: <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 three (3) times per day and at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe All vehicle speeds on unpaved roads shall be limited to five (5) mph 	Include measures on demolition and grading permit plan sets. Implement emission reduction measures and	Prior to issuance of any demolition, grading or building permits. Measures conducted during construction,	Director of Planning, Building and Code Enforcement or the Director’s designee	Review measures reducing emissions of fugitive dust and exhaust particulate matter	Prior to issuance of any demolition, grading or building permits.
MM AQ-2: Prior to the issuance of any demolition permit or grading permit, whichever is received first, the project developer shall prepare, and the project applicant shall implement a demolition and construction emissions avoidance and reduction plan demonstrating an 87 percent	Prepare and implement, a demolition and construction emissions avoidance and reduction	Prior to issuance of any demolition permit	Director of Planning, Building and Code Enforcement or the Director’s designee	Review and approve the construction emissions	Prior to issuance of any demolition or grading permit and

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<p>reduction in DPM emissions that corresponds with an infant/child cancer risk at the Maximally Exposed Individual (MEI) of less than 10 cases per million, and a reduction of PM2.5 emissions of at least 85.7 percent.</p> <p>The plan shall be prepared prior to the issuance of any demolition permit and shall be reviewed and approved by the City of San Jose Director of Planning or Director's designee. The plan shall be accompanied by a letter signed by a qualified air quality specialist, verifying the equipment included in the plan meets the standards set forth in this mitigation measure. The plan shall include the following measures:</p> <ul style="list-style-type: none"> • All mobile diesel-powered off-road equipment operating on-site for more than two days and larger than 50 horsepower shall, at a minimum, meet U.S. Environmental Protection Agency (EPA) particulate matter emissions standards for Tier 4 engines. Prior to the issuance of any demolition permits, the project applicant shall submit specifications of the equipment to be used during construction and confirmation this requirement is met; • Use alternatively fueled equipment or equipment with zero emissions (i.e., aerial lifts, forklifts, and air compressors, etc., shall be either electrified or fueled by liquefied natural gas/propane); • Provide line power to the site during the early phases of construction to minimize the use of 	<p>plan demonstrating an 87 percent reduction in DPM emissions that corresponds with an infant/child cancer risk at the MEI of less than 10 cases per million, and a reduction of PM2.5 emissions of at least 85.7 percent</p>			<p>avoidance and reduction plan</p>	<p>implemented during construction activities</p>

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<p>diesel-powered stationary equipment, such as generators; and</p> <ul style="list-style-type: none"> Other demonstrable measures identified by the developer that reduce emissions and avoid or minimize exposures to the affected sensitive receptors. 					
Impact: Any increase in PM2.5 emissions would result in an increase in the cumulative health risk.					
<p>MM AQ-3: The demolition and construction emissions avoidance and reduction plan shall include the following measures to reduce emissions of fugitive and exhaust particulate matter:</p> <ol 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 three (3) times per day or at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe; All vehicle speeds on unpaved roads shall be limited to 5 mph; All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph and visible dust extends beyond site boundaries; Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction adjacent to sensitive receptors. Wind breaks should have at maximum 50 percent air porosity; 	<p>Submit report with measures to Director prior to issuance of demolition, grading or building permits.</p> <p>Implement measures during construction to reduce emissions of fugitive and exhaust particulate matter</p>	<p>During Construction</p>	<p>Director of Planning, Building and Code Enforcement or the Director’s designee</p>	<p>Review and approve measures to reduce emissions of fugitive and exhaust particular matter</p>	<p>Director of Planning shall review and approve the emissions reduction measures prior to issuance of demolition, grading, or building permits.</p>

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<p>e. 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;</p> <p>f. 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; and</p> <p>g. Avoid tracking visible soil material on to public roadways by employing the following measures if necessary: (1) Site accesses to a distance of 100 feet from public paved roads shall be treated with a 6 to 12-inch compacted layer of wood chips, mulch, or gravel and (2) washing truck tires and construction equipment of prior to leaving the site.</p> <p>The applicant shall include these measures on all construction documents and the project contractor shall implement all measures during construction.</p>					
BIOLOGICAL RESOURCES					
Impact: Tree removal or construction activities could result in the loss or abandonment of nesting birds					
<p>MM BIO-1: Initial site disturbance activities, including vegetation removal, shall not occur during the general avian nesting season (February 1 through August 31, inclusive). If construction activities cannot be scheduled to avoid nesting season, the project applicant shall retain a qualified</p>	<p>Schedule construction activities to avoid nesting season (February 1 through August 31, inclusive).</p>	<p>Prior to any grading, demolition, or building permits and during</p>	<p>Director of Planning, Building and Code Enforcement or the Director’s designee</p>	<p>Review nesting Birds Survey Report and other accompanying documentation</p>	<p>Prior to issuance of any grading, demolition or building permits.</p>

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<p>biologist to conduct a preconstruction nesting bird survey to determine the presence/absence, location, and status of nests on or adjacent to the project site. The extent of the survey buffer area surrounding the site shall be established by the qualified biologist to avoid direct and indirect impacts to nesting birds. To avoid the destruction of active nests and protect the reproductive success of birds protected by the Migratory Bird Treaty Act and California Fish and Game Code, nesting bird surveys shall be performed not more than 14 days prior to vegetation clearance and structure demolition during the early part of the breeding season (February 1st through April 31st 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). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests.</p> <p>Following commencement of construction activities, no additional nesting bird surveys would be required. If an active nest is found sufficiently close to work areas to be disturbed by construction, the 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, to ensure that raptor or migratory bird nests shall not be disturbed during project construction.</p>	<p>If construction activities cannot be scheduled to avoid nesting season, a qualified biologist shall conduct a preconstruction nesting bird survey to determine the presence/absence, location, and status of nests.</p> <p>Submit a report indicating the results of the survey and any designated buffer zones</p>	<p>construction activities</p>			

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<p>Prior to any tree removal, or approval of any grading permits (whichever occurs first), the ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the City’s Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee.</p>					
NOISE					
Impact: Construction of the proposed project would occur within 500 feet of residential land uses and construction would occur for a total of 12 months. Pursuant to General Plan Policy EC-1.7, this is considered a significant construction noise impact.					
<p>MM N-1: Should project construction last for a period longer than 12 months, the following mitigation is required:</p> <p>Prior to the issuance of any grading or demolition permits, the project applicant shall submit and implement a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting and notification of construction schedules, equipment to be used, and designation of a noise disturbance coordinator. The noise disturbance coordinator shall respond to neighborhood complaints and shall be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses. The noise logistic plan shall be submitted to the Director of Planning, Building and Code Enforcement or Director’s designee prior to the issuance of any grading or demolition permits.</p>	<p>Prepare and implement a Noise Logistics Plan. Submit a copy of the plan to the Director of Planning, Building and Code Enforcement or the Director’s designee for approval.</p>	<p>Prior to issuance of any grading, demolition or building permits</p>	<p>Director of Planning, Building and Code Enforcement or the Director’s designee</p>	<p>Review and approve construction noise logistics plan</p>	<p>Prior to issuance of any grading, demolition or building permits</p>

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<p>As a part of the noise logistic plan and project, construction activities for the proposed project shall include, but is not limited to, the following best management practices:</p> <ul style="list-style-type: none"> • In accordance with Policy EC-1.7 of the City’s General Plan, utilize the best available noise suppression devices and techniques during construction activities. • Limit construction hours to between 7:00 a.m. and 7:00 p.m., Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence. • Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses. • Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment. • Prohibit unnecessary idling of internal combustion engines. • Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses. 					

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<ul style="list-style-type: none"> • 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. • Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of “noisy” construction activities to complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. • Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule. • Limit construction to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific “construction noise mitigation plan” and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses. 					

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Impact: If vibratory rollers are to be used during construction activities within 30 feet of an existing structure, a significant impact would occur as it would exceed the 0.20 PPV City vibration standard.					
MM N-2: Vibratory rollers create vibration levels that meet the City vibration standard of 0.20 PPV as long as a distance of 30 feet is maintained between the activity and existing residential structures. Therefore, vibratory rollers shall not be used during construction activities within 30 feet of any existing on-site or off-site residential structures. The developer shall provide written confirmation of whether or not vibratory rollers will be used, and if used then the distance from the location of use to the existing residential structures, shall be provided to the Director of Planning, Building, and Code Enforcement or Director’s designee prior to issuance of a grading or building permit.	Written confirmation of whether or not vibratory rollers will be used shall be provided to the Director of Planning, Building, and Code Enforcement or Director’s designee	Prior to grading activities	Director of Planning, Building or Code Enforcement or the Director’s designee	Ensure through written confirmation from the developer that if vibratory rollers are to be used during construction that it is not used within 30 feet of an existing structure.	Director of Planning shall confirm location of use of vibratory rollers or that it would not be used, prior to issuance of a grading permit

Source: 972 Elm Street Villas Project Initial Study/Mitigated Negative Declaration, August 2021