MITIGATION MONITORING AND REPORTING PROGRAM

Downtown West Mixed-Use Plan
File Nos. GP19-009, PDC19-039, and PD19-029
April 2021

CITY OF
SAN JOSE
CAPITAL OF SILICON VALLEY

Preface

California Environmental Quality Act (CEQA) Section 21081.6 requires a lead agency to adopt a mitigation monitoring and reporting program (MMRP) 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. In instances in which the mitigation, monitoring, compliance, or other responsibility is assigned to the Director of the Planning, Building, and Code Enforcement or the Director's designee, the designee is understood to be other staff member(s) of the Planning, Building and Code Enforcement Department.

The Environmental Impact Report (EIR) prepared for the Downtown West Mixed-Use Plan 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 MMRP addresses those measures in terms of how and when they will be implemented.

This document does not discuss those subjects for which the EIR concluded that the impacts from implementation of the project would be less than significant.

I, N/A AGENT, the applicant, on the behalf of Google LLC, hereby agree to fully implement the mitigation measures described below which have been developed in conjunction with the preparation of an EIR for the proposed project. I understand that these mitigation measures or substantially similar measures will be adopted as conditions of approval with the development permit request for the proposed project to avoid or significantly reduce potential environmental impacts to a less than significant level.

Project Applicant's Signature _____

Date 4/19/2021

The following abbreviations are used in this document:

°F = degrees Fahrenheit
AB = Assembly Bill
ASHRAE = American Society of Heating, Refrigerating, and Air-Conditioning Engineers
BAAQMD = Bay Area Air Quality Management District
CARB = California Air Resources Board
CCR = California Code of Regulations
CC&Rs = Covenants, Conditions, and Restrictions
CDFW = California Department of Fish and Wildlife
CEQA = California Environmental Quality Act
CFR = Code of Federal Regulations
CNEL = community noise equivalent level
dBA = A-weighted decibel
DNL = day-night average noise level
DSAP = Diridon Station Area Plan
DTSC = Department of Toxic Substance Control
ESD = Environmental Services Department
FEMA = Federal Emergency Management Agency
GHG = greenhouse gas
HHRA = human health risk assessment
HVAC = heating, ventilation, and air conditioning
LEED ND = Leadership in Energy and Environmental Design for Neighborhood Development
LEI = Lead Environmental Inspector
LUC = land use covenant
mph = miles per hour
MW = megawatt
NMFS = National Marine Fisheries Service
OSHA = Occupational Safety and Health Administration
PBCE =City of San José Department of Planning, Building, and Code Enforcement
PPV = peak particle velocity
PRMMP = Paleontological Resources Monitoring and Mitigation Plan
SOV = single-occupancy vehicle
SVP = Society of Vertebrate Paleontology
TACs = toxic air contaminants
TDM = transportation demand management
TRU = transportation refrigeration unit
USACE= U.S. Army Corps of Engineers
USFWS = U.S. Fish and Wildlife Service
VOCs = volatile organic compounds

The term “phase” as used in this document refers to any grouping of open space, horizontal, or vertical improvements submitted to the City for conformance review, except that in regards to Mitigation Measure GR-2, the phases identified are those defined in the Final Environmental Impact Report (EIR).

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
3.1 Air Quality					
Mitigation Measure AQ-2a: Construction Emissions Minimization Plan To ensure that the project features assumed in the analysis of air pollutant emissions are implemented, and to further reduce criteria pollutant emissions from construction activities, the project applicant shall implement the following measures prior to the issuance of any demolition, grading, or building permits for each phase of the project: 1. *Engine Requirements*. a. As part of the project design, all off-road construction equipment with engines greater than 25 horsepower must adhere to Tier 4 Final off-road emissions standards, if commercially available (refer to Item #2, *Engine Requirement Waivers*, below, for the definition of "commercially available"). This adherence shall be verified through submittal of an equipment inventory and Certification Statement to the City's Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee. The Certification Statement must state that each contractor agrees to compliance and acknowledges that a significant violation of this requirement shall constitute a material breach of the contractor's agreement and/or the general contract with the project applicant. b. The project applicant shall use alternative fuels as commercially available, such as renewable diesel, biodiesel, natural gas, propane, and electric equipment. The applicant must demonstrate to the satisfaction of the Director of Planning, Building and Code Enforcement, or the Director's designee, that any alternative fuels used in any construction equipment, such as biodiesel, renewable diesel, natural gas, or other biofuels, reduce ROG, NO_X, and PM emissions compared to traditional diesel fuel c. The project applicant shall use electricity to power off-road equipment, specifically for all concrete/industrial saws, sweepers/scrubbers, aerial lifts, welders, air compressors, fixed cranes, forklifts, and cement and mortar mixers, along with 90 percent of pressure washers and 70 percent of pumps, in all but isolated cases where diesel powered equipment is used as an interim measure prior to the availability of grid power at more remote areas of the site. Portable equipment shall be powered by grid electricity or alternative fuels (i.e. not diesel) instead of by diesel generators.	Submit an inventory of equipment required for each permit (i.e. list of demolition equipment for demolition permit) to the City's Director of PBCE or the Director's designee, including a certification statement from each contractor that they agree to comply fully with the Construction Emissions Minimization Plan required in Item 5 and acknowledging that a significant violation of this requirement as determined by the Director of PBCE shall constitute a material breach of contract.	Pre-construction – prior to the issuance of any demolition, grading or building permits	Director of PBCE or the Director's designee	Review and approve equipment inventory and certification statements	Pre-construction – prior to the issuance of any demolition, grading, or building permits

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
2. *Engine Requirement Waivers*. If engines that comply with Tier 4 Final off-road emission standards are not commercially available for specific off-road equipment necessary during construction, the project applicant shall provide the next cleanest piece of off-road equipment, as provided by the step-down schedule identified in Table M-AQ-2a. The project applicant shall provide to the City's Director of PBCE, or the Director's designee, for review and approval documentation showing that engines that comply with Tier 4 Final off-road emission standards are not commercially available for the specific off-road equipment necessary during construction. For purposes of this mitigation measure, "commercially available" shall take into consideration the following factors: (i) potential significant delays to critical-path timing of construction and (ii) the geographic proximity to the project site of Tier 4 Final equipment. The project applicant shall maintain records of its efforts to comply with this requirement.	Submit a Construction Emissions Minimization Plan containing the information required by Mitigation Measure AQ-2a for review and approval by the Director of PBCE or Director's designee as required by Item 5 of Mitigation Measure AQ-2a.	Pre-construction – prior to the issuance of the first demolition, grading or building permits (whichever commences first) for each phase of the project	Director of PBCE or the Director's designee	Review and approve Construction Emissions Minimization Plan	Pre-construction – prior to the issuance of the first demolition, grading or building permits (whichever commences first) for each phase of the project
	Submit a report to the Director of PBCE or Director's designee on an annual basis each December 30 during construction documenting compliance with the Emissions Plan, as required by Mitigation Measure AQ-2a, Item 6.	Annually each December 30 during construction activities	Director of PBCE or the Director's designee	Receive and review annual reports	After December 30 each year during construction

TABLE M-AQ-2A
OFF-ROAD EQUIPMENT COMPLIANCE STEP-DOWN SCHEDULE

Compliance Alternative	Engine Emissions Standard	Emissions Control
1	Tier 4 Interim	N/A
2	Tier 3	CARB Level 3 VDECS
3	Tier 2	CARB Level 3 VDCES

NOTES: CARB = California Air Resources Board; N/A = not applicable; VDECS = Verified Diesel Emissions Control Strategies

How to use the table: If engines that comply with Tier 4 Final off-road emission standards are not commercially available, the project applicant shall meet Compliance Alternative 1. If off-road equipment meeting Compliance Alternative 1 is not commercially available, the project applicant shall meet Compliance Alternative 2. If off-road equipment meeting Compliance Alternative 2 is not commercially available, the project applicant shall meet Compliance Alternative 3.

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
3. *Additional Exhaust Emissions Control Measures*. The Emissions Plan (described in greater detail under Item #5, *Construction Emissions Minimization Plan*, below) shall include the applicable measures for controlling criteria air pollutants and toxic air contaminants during construction of the proposed project. Control measures shall include but are not limited to the following: a. Idling times on all diesel-fueled commercial vehicles weighing more than 10,000 pounds shall be minimized either by shutting equipment off when not in use or by reducing the maximum idling time to two minutes, exceeding the five-minute limit required by the California airborne toxics control measure (California Code of Regulations Title 13, Section 2485s). Clear signage to this effect shall be provided for construction workers at all access points. b. Idling times on all diesel-fueled off-road vehicles exceeding 25 horsepower shall be minimized either by shutting equipment off when not in use or by reducing the maximum idling time to two minutes. Fleet operators must develop a written policy as required by California Code of Regulations Title 23, Section 2449 (“California Air Resources Board Off-Road Diesel Regulations”). c. Portable equipment shall be powered by grid electricity if available, instead of diesel generators. If grid electricity is not available, batteries or fuel cell systems or other non-diesel fuels shall be used for backup power. d. The project applicant shall use super-compliant volatile organic compound (VOC) architectural coatings during construction for all interior and exterior spaces and shall include this requirement on plans submitted for review by the City’s building official. “Super-compliant” coatings are those that meet a limit of 10 grams VOC per liter (http://www.aqmd.gov/home/regulations/compliance/architectural-coatings/super-compliant-coatings). e. All equipment to be used on the construction site shall comply with the requirements of California Code of Regulations Title 13, Section 2449 (“California Air Resources Board Off-Road Diesel Regulations”). This regulation imposes idling limits; requires that all off-road equipment be reported to California Air Resources Board and labeled; restricts adding older vehicles to fleets starting January 1, 2014; and requires fleets to reduce their emissions by retiring, replacing, or repowering older engines,					

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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

or installing Verified Diesel Emissions Control Strategies. Upon request by the City (and Bay Area Air

Quality Management District(BAAQMD) if specifically requested), the project applicant and/or its contractor shall provide written documentation that fleet requirements have been met.

f. Truck routes shall be established to avoid both on-site and off-site sensitive receptors. A truck route program, along with truck calming, parking, and delivery restrictions, shall be implemented. This program must demonstrate how the project applicant will locate the truck routes as far from on-site receptors as possible and how truck activity (travel, idling, and deliveries) will be minimized. The Construction Emissions Minimization Plan must include the location of construction truck routes and must demonstrate that routes have been established as far as possible from the locations of all on-site and off-site sensitive receptors.

g. The project applicant shall encourage walking, bicycling, and transit use by construction employees by offering incentives such as on-site bike parking, transit subsidies, and additional shuttles. The project shall target a project-lifetime performance standard of diverting at least 50 percent of construction employee trips from single-occupant vehicles. This may include the use of carpools and vanpools for construction workers.

4. *Dust Control Measures*.

The project applicant shall implement the following dust control requirements during construction of the project, consistent with the San José Downtown Strategy:

a. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent (verified by lab samples or moisture probe).

b. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 miles per hour (mph).

c. All trucks and equipment, including tires, shall be washed off before they leave the project site.

d. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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

e. 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.

f. All vehicle speeds on unpaved roads shall be limited to 15 mph.

g. 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.

h. A publicly visible sign shall be posted, listing the telephone number and person to contact at the lead agency (the City) regarding dust complaints. This person shall respond and take corrective action within 48 hours. The sign shall also include the telephone number of the on-site construction manager. BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

i. 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.

j. 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.

k. 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.

l. Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than 1 percent.

5. *Construction Emissions Minimization Plan*.

Before starting each phase of on-site ground disturbance, demolition, or construction activities, the project applicant shall submit a Construction Emissions Minimization Plan (Emissions Plan) to the Director of PBCE, or the Director's designee, for review and approval. The Emissions Plan shall state, in reasonable detail, how the project applicant and/or its contractor shall meet the requirements of Section 1, Engine Requirements; Section 3, Additional Exhaust Emissions Control Measures; and Section 4, Dust Control Measures.

a. The Emissions Plan shall include estimates of the construction timeline, with a description of each piece of off-road equipment required. The description shall include but not be limited to equipment type, equipment

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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

manufacturer, engine model year, engine certification (tier rating), horsepower, and expected fuel usage and hours of operation.

b. For off-road equipment using alternative fuels, the description shall also specify the type of alternative fuel being used.

c. The project applicant shall ensure that all applicable requirements of the Emissions Plan have been incorporated into the contract specifications. The plan shall include a certification statement that each contractor agrees to comply fully with the plan.

d. The Emissions Plan shall be verified through an equipment inventory and Certification Statement submitted to the City's Director of PBCE or the Director's designee. The Certification Statement must state that the project applicant agrees to compliance and acknowledges that a significant violation of this requirement shall constitute a material breach of the contractor's agreement with the project applicant and/or the general contractor.

e. The project applicant and/or its contractor shall make the Emissions Plan available to the public for review on-site during working hours. The project applicant and/or its contractor shall post at the construction site a legible and visible sign summarizing the Emissions Plan. The sign shall also state that the public may ask to inspect the project's Emissions Plan at any time during working hours and shall explain how to request to inspect the Emissions Plan. The project applicant and/or its contractor shall post at least one copy of the sign in a visible location on each side of the construction site facing a public right-of-way. The sign shall include contact information for an on-site construction coordinator if any member of the public has complaints or concerns.

6. *Monitoring*.

After the start of construction activities, the project applicant and/or its contractor shall submit annual reports to the Director of PBCE, or the Director's designee, documenting compliance with the Emissions Plan. The reports shall indicate the actual location of construction during each year and must demonstrate how construction of each project component is consistent with the Emissions Plan.

This mitigation measure applies to Impact AQ-1, Impact AQ-2, Impact AQ-3, Impact C-AQ-1, Impact C-AQ-2, and Impact GR-2.

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
Mitigation Measure AQ-2b: Construction Equipment Maintenance and Tuning Prior to the issuance of any demolition, grading, or building permits for each phase, the project applicant shall implement the following measures: 1. Instruct all construction workers and equipment operators on the maintenance and tuning of construction equipment and require such workers and operators to properly maintain and tune equipment in accordance with the manufacturers' specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition before operation. Equipment check documentation shall be kept at the construction site and be available for review by the City and BAAQMD as needed. 2. Implement the construction minimization requirements of Mitigation Measure AQ-2a Item #5, *Construction Emissions Minimization Plan*. 3. Implement the monitoring requirements of Mitigation Measure AQ-2a Item #6, *Monitoring*. **This mitigation measure applies to Impact AQ-1, Impact AQ-2, Impact AQ-3, Impact C-AQ-1, Impact C-AQ-2, and Impact GR-2.**	All equipment shall be checked by a certified mechanic and documentation of the equipment check by a certified mechanic shall be kept at the construction site and be available for review by the City and BAAQMD as needed.	Prior to the issuance of the first demolition, grading or building permits (whichever commences first) for each phase of the project and throughout construction activities.	Director of PBCE or the Director's designee	Review on-site equipment maintenance and tuning documents once a year on anniversary of permit issuance.	During construction
	The requirement for construction equipment maintenance and tuning shall be incorporated into the Construction Emissions Minimization Plan prepared prior to each phase of development (Item 5 of Mitigation Measure AQ-2a).	Pre-construction – prior to the issuance of the first demolition, grading or building permit (whichever commences first) for each phase of the project	Director of PBCE or the Director's designee	Review and approve Construction Emissions Minimization Plan	Pre-construction – prior to the issuance of the first demolition, grading or building permit (whichever commences first) for each phase of the project
	Compliance with the construction equipment maintenance and tuning requirement shall be documented in the annual report required by Item 6 of Mitigation Measure AQ-2a.	Annually each December 30 during construction activities	Director of PBCE or the Director's designee	Receive and review annual reports	Annually after December 30 each year during construction

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
Mitigation Measure AQ-2c: Heavy-Duty Truck Model Year Requirement Prior to the issuance of any demolition, grading, or building permits for each phase, the project applicant shall ensure that all on-road heavy-duty trucks with a gross vehicle weight rating of 33,000 pounds or greater used at the project site during construction (such as haul trucks, water trucks, dump trucks, and vendor trucks) have engines that are model year 2014 or newer. This assurance shall be included in the construction contracts for all contractors and vendors using heavy-duty trucks for any construction-related activity. **This mitigation measure applies to Impact AQ-1, Impact AQ-2, Impact AQ-3, Impact C-AQ-1, Impact C-AQ-2, and Impact GR-2.**	Ensure that all on-road heavy-duty trucks with a gross vehicle weight rating of 33,000 pounds or greater used at the project site during construction are model year 2014 or newer and include this requirement in all contracts for contractors and vendors using heavy-duty trucks for construction-related activities.	Prior to the issuance of the first demolition, grading or building permit (whichever commences first) for each phase of the project	Director of PBCE or the Director's designee	Review and approve contract language	Pre-construction – prior to the issuance of the first demolition, grading or building permits (whichever commences first) for each phase of the project
	The model year requirement for on-road heavy-duty trucks required by Mitigation Measure AQ-2c shall be incorporated into the Construction Emissions Minimization Plan prepared prior to each phase of development (Item 5 of Mitigation Measure AQ-2a).	Pre-construction – prior to the issuance of the first demolition, grading or building permit (whichever commences first) for each phase of the project	Director of PBCE or the Director's designee	Review and approve Construction Emissions Minimization Plan	Pre-construction – prior to the issuance of the first demolition, grading or building permit (whichever commences first) for each phase of the project
	The model year requirement for on-road heavy-duty trucks required by Mitigation Measure AQ-2c shall be documented in the annual report required by Item 6 of Mitigation Measure AQ-2a.	Annually each December 30 during construction activities	Director of PBCE or the Director's designee	Receive and review annual reports	Annually after December 30 each year during construction

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
Mitigation Measure AQ-2d: Super-Compliant VOC Architectural Coatings during Operations Prior to the issuance of any building permits, the project applicant shall set an enforceable protocol for inclusion in all lease terms and/or building operation plans for all non-residential and residential developed parcels requiring all future interior and exterior spaces be repainted only with "super-compliant" VOC (i.e., ROG) architectural coatings beyond BAAQMD requirements (i.e., Regulation 8, Rule 3: Architectural Coatings). "Super-compliant" coatings meet the standard of less than 10 grams VOC per liter (http://www.aqmd.gov/home/regulations/compliance/architectural-coatings/super-compliant-coatings). The Director of PBCE, or the Director's designee, shall review the mandatory protocol to ensure that this requirement is included, and shall mandate that this requirement be added if not included. **This mitigation measure applies to Impact AQ-1, Impact AQ-2 and Impact C-AQ-1**.	Establish a protocol requiring that all lease terms and/or operations plans for all nonresidential and residential developed parcels require all future interior and exterior spaces to be repainted only with "super-compliant" VOC architectural coatings beyond BAAQMD requirements.	Provide protocol prior to the issuance of any building permit. Implement the protocol on an ongoing basis.	Director of PBCE or the Director's designee	Review and approve mandatory protocol; periodically review lease terms and operations plans	Prior to issuance of building permits and periodically during operation of non-residential and residential buildings
Mitigation Measure AQ-2e: Best Available Emissions Controls for Stationary Emergency Generators To reduce emissions of criteria pollutants and TACs associated with operation of the proposed project, the project applicant shall implement the following measures. These features shall be submitted to the Director of PBCE, or the Director's designee, for review and approval, and shall be included on the project drawings submitted for the construction-related permit(s) or on other documentation submitted to the City prior to the issuance of any building permits: 1. Permanent stationary emergency generators installed on-site shall have engines that meet or exceed CARB Tier 4 Off-Road Compression Ignition Engine Standards (California Code of Regulations Title 13, Section 2423), which have the lowest NO_X and PM emissions of commercially available generators. If the California Air Resources Board adopts future emissions standards that exceed the Tier 4 requirement, the emissions standards resulting in the lowest NO_X emissions shall apply. 2. As non-diesel-fueled emergency generator technology becomes readily available and cost effective in the future, and subject to the review and approval of the City fire department for safety purposes, non-diesel-fueled generators shall be installed in new buildings, provided that alternative fuels used in generators, such as biodiesel, renewable diesel, natural gas, or other biofuels	Ensure use of best available emission controls for stationary emergency generators and include on project drawings or other documentation.	Prior to the issuance of any building permits authorizing construction or installation of stationary emergency generators	Director of PBCE or the Director's designee	Review and approve project plans	Prior to issuance of any building permits authorizing construction or installation of stationary emergency generators

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
or other non-diesel emergency power systems, are demonstrated to reduce ROG, NO_X, and PM emissions compared to diesel fuel. 3. Permanent stationary emergency diesel backup generators shall have an annual maintenance testing limit of 50 hours, subject to any further restrictions as may be imposed by BAAQMD in its permitting process. 4. For each new diesel backup generator permit submitted to BAAQMD for the proposed project, the project applicant shall submit the anticipated location and engine specifications to the Director of PBCE, or the Director's designee, for review and approval prior to issuance of a permit for the generator. Once operational, all diesel backup generators shall be maintained in good working order for the life of the equipment, and any future replacement of the diesel backup generators must be consistent with these emissions specifications. The operator of the facility at which the generator is located shall maintain records of the testing schedule for each diesel backup generator for the life of that diesel backup generator and shall provide this information for review to the Director of PBCE, or the Director's designee, within three months of requesting such information. **This mitigation measure applies to Impact AQ-1, Impact AQ-2, Impact AQ-3, Impact C-AQ-1, Impact C-AQ-2, and Impact GR-2.**					
Mitigation Measure AQ-2f: Operational Diesel Truck Emissions Reduction The project applicant shall incorporate the following measures into the project design and construction contracts (as applicable) to reduce emissions associated with operational diesel trucks, along with the potential health risk caused by exposure to toxic air contaminants. These features shall be submitted to the City of San José Director of PBCE, or the Director's designee, for review and approval prior to the issuance of any building permits, and shall be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City. Emissions from project-related diesel trucks shall be reduced by implementing the following measures, if feasible: 1. Equip all truck delivery bays with electrical hook-ups for diesel trucks at loading docks to accommodate plug-in electric truck transportation refrigeration units (TRUs) during project operations. Ensure that intra-campus delivery vehicles traveling within the project site to serve the project applicant are all electric or natural gas.	Incorporate truck delivery bays with electrical hook-ups and post signs limiting TRU operation and truck idling time. Indicate hook-ups and signs on project plans or other documentation submitted to the City.	Prior to the issuance of any building permits	Director of PBCE or the Director's designee	Review and approve project plans	Prior to issuance of any building permits

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
2. Encourage the use of trucks equipped with TRUs that meet U.S. Environmental Protection Agency Tier 4 emission standards. 3. Prohibit TRUs from operating at loading docks for more than thirty minutes, and post signs at each loading dock presenting this TRU limit. 4. Prohibit trucks from idling for more than two minutes, and post "no idling" signs at the site entry point, at all loading locations, and throughout the project site. **This mitigation measure applies to Impact AQ-1, Impact AQ-2, Impact AQ-3, Impact C-AQ-1, Impact C-AQ-2, and Impact GR-2.**					
Mitigation Measure AQ-2g: Electric Vehicle Charging Prior to the issuance of the final building's certificate of occupancy for each phase of construction, the project applicant shall demonstrate that at least 15 percent of all parking spaces are equipped with electric vehicle (EV) charging equipment, which exceeds the San José Reach Code's requirement of 10 percent EV supply equipment spaces. The installation of all EV charging equipment shall be documented in a report submitted to the Director of PBCE or the Director's designee, for review and approval, and shall be included on the project drawings submitted for the construction-related permit(s) or on other documentation submitted to the City. **This mitigation measure applies to Impact AQ-1, Impact AQ-2, Impact AQ-3, Impact C-AQ-1, Impact C-AQ-2, and Impact GR-2.**	Include installation of EV charging equipment on 15 percent or more of all parking spaces for each parking garage or parking lot proposed at the project site on building plans and document in a report submitted to the Director of PBCE or the Director's designee.	Prior to issuance of building permits and prior to the certificate of occupancy for each phase of construction	Director of PBCE or the Director's designee	Confirm provision of required EV charging equipment	Prior to issuance of building permits and issuance of the certificate of occupancy for the final building in each phase
Mitigation Measure AQ-2h: Enhanced Transportation Demand Management Program The project applicant shall develop and submit a Transportation Demand Management (TDM) Program for review and approval by the Directors of Public Works and PBCE or the Directors' designees prior to or concurrent with adoption of the Planned Development Permit. The TDM program shall be designed such that all project-related daily vehicle trips are reduced with the primary focus on the office and residential components of the proposed project. (Office and residential trips would comprise approximately 85 percent of project vehicle trips and are assumed to serve as a proxy for all project trips.) The TDM program shall: (A) Be designed to meet performance standards that include exceeding the 15 percent transportation efficiency requirement of AB 900 *and* achieving	Submit TDM Program for approval concurrent with the PD Permit and implement the program during project operations. Conduct a mode share survey of office and residential uses and submit annual reports starting the first year after occupancy of the first office building on the site.	TDM Program approval concurrent with the PD Permit. Annual survey each fall and annual report each January 31, beginning at occupancy of the first office building until the non-SOV mode share performance standard specified in the TDM program is achieved for five consecutive years after full project	Director of PBCE and the Director of the Department of Public Works or the Director's designee (Note: Should a third-party transportation management association (TMA) be established in the Diridon	Approve TDM Program and review annual reports	Concurrent with the PD Permit and annually after each January 31 following occupancy of the first office building until the non-SOV mode share performance standard is achieved for five consecutive years after full project occupancy (and thereafter every five

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
additional vehicle trip reductions to mitigate transportation-related environmental impacts and reduce criteria pollutant emissions from mobile sources, as described below; (B) Describe project features and TDM measures that shall and may be used to achieve the performance standard commitments; (C) Describe a monitoring and reporting program, including a penalty structure for non-compliance; and (D) Recognizing that commute patterns, behavior and technology continue to evolve, describe a process for amending and updating the TDM program as needed over time while continuing to achieve the performance standards described below. These elements of the TDM Program are described further below. A. Performance Standards: The project's TDM program shall be designed to achieve the performance standards described below: • Assuming currently available (pre-COVID-19) public transit service levels, achieve a combined non-single occupancy vehicle (SOV) rate of 50 percent, which is estimated to be equivalent to a 24 percent reduction in daily vehicle trips from the City of San José Travel Demand Forecasting Model's travel demand outputs. • Following completion of service enhancements related to Caltrain Electrification, achieve a combined non-SOV rate of 60 percent, which is estimated to be equivalent to a 26 percent reduction in daily vehicle trips from the City Travel Demand Forecasting Model's travel demand outputs;. • Following completion of service enhancements related to the start of BART service to Diridon Station, achieve a combined non-SOV rate of 65 percent, which is estimated to be equivalent to a 27 percent reduction in daily vehicle trips from the City Travel Demand Forecasting Model's travel demand outputs. B. TDM Program: Project features and required SOV trip reduction strategies shall include the following elements: 1. Improvements to pedestrian and bicycle facilities on-site and connecting the site to surrounding areas, including construction/contribution to Los Gatos Creek Trail improvements and on-street connectors between West San Carlos Street and West Santa Clara Street;		occupancy (and thereafter once every five years or on the City's request).	Station Area, the City may delegate oversight and management of TDM monitoring to the TMA, but final oversight responsibility will lie with the Director of PBCE and the Director of the Department of Public Works, or the Director's designee.)		years or upon request).

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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

2. Limited parking supplies on-site, including no more than 4,800 parking spaces for commercial uses and no more than 2,360 spaces for residential development (a portion of the residential spaces could be available as shared-use spaces for office employees) and enforcement of the project's parking maximums for new uses as a disincentive for employees and visitors to the site, encouraging them to carpool, take transit, bike, and walk instead of drive;
3. Market-rate parking pricing and unbundled parking for market-rate residential uses;
4. Pre-tax commuter benefits for employees allowing employees to exclude their transit or vanpooling expenses from taxable income or an alternate commuter benefit option consistent with the MTC/BAAQMD Commuter Benefits Program required for employers with 50 or more full-time employees;
5. Marketing (encouragement and incentives) to encourage transit use, carpooling, vanpooling, and all non-SOV travel by employees and residents, including welcome packets for new employees and residents, and dissemination of information about Spare the Air Days in the San Francisco Bay Area Air Basin as recommended by the 2017 Clean Air Plan; and
6. Rideshare coordination, such as implementation of the 511 Regional Rideshare Program or equivalent, as recommended by the 2017 Clean Air Plan.

Other supplemental SOV trip reduction strategies to meet performance standards shall include some combination of the following:

Transit Fare Subsidy	Provide transit passes or subsidies to employees and residents to make transit an attractive, affordable mode of travel.
Parking Pricing Structure	Ensure that the parking pricing structure encourages "park once" behavior for all uses.
Preferential Carpool and Vanpool Parking	Provide dedicated parking for carpool and vanpool vehicles near building and garage entrances.

MONITORING AND REPORTING PROGRAM

Mitigation Measures		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
On-Site Bicycle Parking and Storage	Provide additional security and convenience for bicycle parking, such as lockers or secured bicycle rooms.					
Designated Ride-Hailing Waiting Areas	Dedicate curbside areas for passenger pickup by ride-hailing services, to minimize traffic intrusion and double-parking by rideshare vehicles.					
Bikeshare Program	Contribute to or implement a bikeshare program to increase use of biking and access to transit and surrounding land uses.					
Express Bus or Commuter Shuttle Services	Provide express bus or other commuter shuttle services to complement existing, high-quality, high-frequency public transit; service may also be provided through public/private partnerships with transit providers.					
Alternative Work Schedules and Telecommuting	Allow and encourage employees to adopt alternative work schedules and telecommute when possible, reducing the need to travel to the office component of the project.					
First-/Last-Mile Subsidy	Provide subsidies for first-/last-mile travel modes to employees to reduce barriers to the use of transit as a primary commute mode by making short connecting trips to and from longer transit trips less costly and more convenient. First-/last-mile subsidies could be used to access bicycle share, scooter share, ride hailing, and local bus and shuttle services, and could subsidize bicycling and walking.					
On-Site Transportation Coordinators	Provide TDM program outreach and marketing via on-site transportation coordinators who can also give individualized directions, establish ridesharing connections, and provide other alternative travel information to project employees and residents.					

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**

Technology-Based Services	Use technology-based information, encouragement, and trip coordination services to encourage carpooling, transit, walking, and biking by project employees and visitors. These can include third-party apps to distribute incentives to people who choose to use these modes.
Employer-Sponsored Vanpools	Coordinate and provide subsidized vanpools for employees who cannot easily commute via transit.
Biking Incentives and On-Site Bike Repair Facilities	Provide additional incentives that encourage bicycle usage and ability to repair bikes on-site.
Carshare Program	Provide carshare subsidies to residents to encourage the use of carshare programs (such as ZipCar and Gig) and limit parking demand.
Building-Specific TDM Plans	Develop customized TDM plans for specific buildings and tenants to better address the needs of their users.
Transportation Management Agency Membership	Join a non-profit transportation management association if formed for Downtown San José, and leverage the larger pool of commuters and residents to improve TDM program marketing and coordinate TDM programs.

C. Monitoring and Enforcement: Starting in the calendar year after the City issues the first certificate of occupancy for the first office building in the first development phase, the project applicant shall retain the services of an independent City-approved transportation planning/engineering firm to conduct an annual mode-share survey of the project's office and residential components each fall (mid-September through mid-November). The survey shall be conducted to determine whether the project is achieving the combined average non-SOV mode share for office and residential uses sufficient to indicate the specified trip reductions. The applicant shall submit an annual report to the staff

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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
of the San José Department of Transportation each January 31 of the following year. The annual report shall describe: (a) implementation of the TDM program; and (b) results of the annual mode split survey, including a summary of the methodology for collecting the mode split data, statistics on response rates, a summary conclusion, and an outline of additional TDM measures (i.e., a corrective action plan) to be implemented in subsequent years if the non-SOV mode split goal is not reached. If timely reports are not submitted and/or reports indicate that the project office and residential uses combined have failed to achieve the non-SOV mode share specified above in two consecutive years after issuance of the certificates of occupancy for 50 percent of the office development, the project will be considered in violation of this mitigation measure. The City will issue a notice of non-compliance after the first year the project fails to meet monitoring requirements (submittal of timely reports and/or achieving specified non-SOV mode share), after which the applicant has one year to comply with the monitoring requirements through the project's discretionary implementation of additional TDM measures. After two years of not meeting the project-wide monitoring requirements, the City may initiate enforcement action against the applicant and successors. In an enforcement action, the non-SOV mode share for the office and residential uses will be identified separately to determine whether the office and/or residential components are in non-compliance. Enforcement actions for owners and/or operators of the office development may include imposition of financial penalties that will support the funding and management of transportation improvements that would improve the project's ability to achieve the target non-SOV mode share. Financial penalties shall generally be consistent with City Council Policy 5-1 and include a mutually agreed-upon monetary cap for penalties applied to the office uses. Enforcement actions for the owner and/or operators of the residential development would include required implementation of additional feasible TDM measures as reasonably required by the City. If such additional TDM measures are not implemented as required, regardless of measured effectiveness, financial penalties may be imposed. If timely reports are submitted and demonstrate that the applicant has implemented required features and strategies and has achieved the non-SOV mode share specified above for five consecutive years after issuance of certificates of occupancy for 50 percent of the office development, monitoring					

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
shall no longer be required annually, and shall instead be required every five years, or if reasonably determined by the City of San José Planning, Building, and Code Enforcement Department or Department of Public Works to ensure ongoing compliance, monitoring and reporting may be required up to once per year. D. Flexibility and Amendments: The project applicant may propose amendments to the approved TDM program as part of its annual report each year, provided that the applicant shall not be permitted to decrease the performance standards specified in Section (A), above, and subject to review and approval by the Director of Public Works and Director of Planning, Building, and Code Enforcement or the Directors' designees. The City and the project applicant expect that the TDM program will evolve as travel behavior changes and as new technologies become available. Any proposed changes will be considered approved unless the Director of Public Works or Director of Planning, Building, and Code Enforcement objects to the proposed change within 30 days of receipt. **This mitigation measure applies to Impact AQ-1, Impact AQ-2, Impact AQ-3, Impact C-AQ-1, Impact C-AQ-2, and Impact GR-2.**					

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
Mitigation Measure AQ-3: Exposure to Air Pollution – Toxic Air Contaminants The project applicant shall incorporate the following health risk reduction measures into the project design to reduce the potential health risk caused by exposure to toxic air contaminants (TACs), as feasible for the project's sources of TACs. These features shall be submitted to the Director of PBCE, or the Director's designee, for review and approval and shall be included on the project drawings submitted for the construction-related permit(s) or on other documentation submitted to the City: 1. Plant trees and/or vegetation between new on-site and existing off-site sensitive receptors and the project's operational source(s) of TACs (i.e., on-road vehicles, stationary emergency generators), if feasible. In addition, plant trees and/or vegetation between new on-site sensitive receptors and existing background sources of toxic air contaminants, if feasible. Locally native trees that provide suitable trapping of particulate matter are preferred. 2. Construction trucks shall adhere to the modeled haul route as presented in Figure 3.1-2. If an alternative truck haul route is used, the project applicant shall quantitatively demonstrate to the satisfaction of the Director of PBCE, or the Director's designee, that these haul routes would not result in health risks that exceed the project-level thresholds of significance for either existing off-site or new on-site sensitive receptors. **This mitigation measure applies to Impact AQ-1, Impact AQ-3, and Impact C-AQ-2.**	Incorporate health risk reduction measures into the project design. Include health risk reduction measures on project drawings submitted for construction-related permit(s) or on other documentation submitted to the City Project drawings shall include the construction haul routes.	Prior to the issuance of any construction-related permits for each phase of the project.	Director of PBCE or the Director's designee	Review and approve project plans and/or other documentation submitted by the applicant	Prior to issuance of any construction-related permits for each phase of the project .

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
Mitigation Measure AQ-5: Hydrogen Sulfide and Odor Management Program for the Potential Water Reuse Facility Prior to construction of each water reuse facility (WRF)the project applicant shall develop a Hydrogen Sulfide and Odor Management program (HSOM Program) at each WRF for review and approval by the Director of PBCE, and the Director of Environmental Services, or the Directors' designees. The HSOM Program shall address hydrogen sulfide and odor management using a performance-based approach designed to meet the regulatory ambient air concentrations established in BAAQMD Regulation 9, Rule 2, (i.e. 0.06 ppm averaged over three consecutive minutes or 0.03 ppm averaged over any 60 consecutive minutes) and to limit public complaints. The HSOM Program shall include best management practices and emissions controls as follows: 1. For grit and screenings, refuse containers shall be odor proof and contained within an area draining to the sanitary sewer. 2. Primary screenings shall be housed in a ventilated enclosure at the WRF(s). 3. Carbon adsorption, biofiltration, or ammonia scrubbers shall be installed at the WRF(s). 4. Ferrous chloride injection for hydrogen sulfide removal may also be installed and implemented if necessary. The project applicant shall implement the HSOM Program on an ongoing basis and provide the Director or the Directors' designees with an annual report to describe implementation of the program and any adjustments needed to improve performance. The HSOM Program shall address odor complaints that occur over time and shall designate WRF staff to receive and respond to complaints. The name and contact information of the responsible WRF staff shall be posted in a noticeable location on each WRF facility. The performance standard for odors shall be based on a three tier threshold based on 30-day, 90-day, and three year averaging times for complaints. The performance standards that must be met shall be as follows: 1. Three or more violation notices for public nuisance related to odors issued by the BAAQMD within a 30-day period; 2. Odor complaints from ten or more complainants within a 90-day period; or 3. Five or more confirmed odor complaints per year averaged over three years as an indication of a significant odor impact from a facility.	Develop HSOM Program for each WRF prior to issuance of building permits for construction of the facility and implement on an ongoing basis. Submit annual report describing implementation of the adopted HSOM Program and any adjustments needed to improve performance.	Pre-construction – prior to issuance of building permits for construction of each WRF, and annually each December 30 on an ongoing basis.	Director of PBCE and Environmental Services or the Directors' designee	Review and approve HSOM Program prior to issuance of building permits for construction; receive and review annual reports.	Pre-construction – prior to issuance of building permits for construction of each WRF, and annually after December 30 each year.

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
If one or more of these standards are not met, the project applicant shall revise the program and make any necessary improvement to the WRF odor controls to achieve all performance standards in subsequent reporting years. Additionally, odor-control facilities shall be designed to meet the requirements of Section 302 of BAAQMD Regulation 7 and shall not allow the WRF to discharge any odorous substance that causes the ambient air at or beyond the property line to be odorous and to remain odorous after dilution with four parts of odor-free air. **This mitigation measure applies to Impact AQ-1, Impact AQ-5 and Impact C-AQ-1**					
3.2 Biological Resources					
Mitigation Measure BI-1a: General Avoidance and Protection Measures The applicant or the applicant's contractor shall be responsible for this measure, which shall be required for demolition, site preparation (including clearing of vegetation), and construction work in the Los Gatos Creek channel and riparian corridor and the 50-foot building construction setback from the riparian corridor. It shall also be required for proposed construction activities within 50 feet of the Guadalupe River (Block E, including 374 West Santa Clara Street), and work within 20 feet of the creeping wild rye plant community described under Impact BI-2. Relevant avoidance and protection measures shall be included on demolition, grading, and building permit plans. • Before the issuance of any demolition, grading, or building permit, a qualified biologist shall prepare a worker environmental awareness training brochure and submit the brochure to the Director of PBCE, or the Director's designee, for review and approval. The training shall be distributed to the construction contractor for the specific work in question to ensure that a copy is available to all construction workers on-site. The training shall be implemented as described below. • A California Department of Fish and Wildlife (CDFW)- and National Marine Fisheries Service (NMFS)-approved biologist shall be present to monitor all of the following activities: – All construction-related work within the Los Gatos Creek channel or riparian corridor or the 50-foot building construction setback from the riparian corridor;	Retain a qualified biologist to prepare and submit a worker environmental awareness training brochure to PBCE.	Prior to issuance of any demolition, grading, or building permit for construction work in the Los Gatos Creek channel and riparian corridor, in the 50-foot building construction setback from the Los Gatos Creek riparian corridor, within 50 feet of the top of channel of the Guadalupe River, (Parcels E1, E3, and 374 West. Santa Clara Street.), and within 20 feet of the creeping wild rye plant community by the storm drain outfall underneath the West Santa Clara Street overcrossing.	Director of PBCE or the Director's designee, CDFW, NMFS	Review and approve environmental awareness training brochure	Prior to ground-disturbing activities in the affected area and prior to issuance of any demolition, grading, or building permit for construction work in the Los Gatos Creek channel and riparian corridor, in the 50-foot building construction setback from the Los Gatos Creek riparian corridor, within 50 feet of the top of channel of the Guadalupe River (Parcels E1 , E3, and 374 West Santa Clara Street), and within 20 feet of the creeping wild rye plant community by

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
– Construction activities within 50 feet of the Guadalupe River (Block E, including the former San Jose Water Company building [374 West Santa Clara Street]); and – Work within 20 feet of the creeping wild rye plant community. The biologist shall prepare and submit daily reports demonstrating compliance with all general avoidance and protection measures to the Director of PBCE, or the Director's designee.					the storm drain outfall underneath the West Santa Clara Street overcrossing.
	A CDFW- and NMFS-approved biologist shall be present to monitor activities listed.	Daily during construction	Director of PBCE or Director's Designee	Accept daily reports and review on a weekly basis.	During construction on a daily and weekly basis
• A qualified biologist shall provide the worker environmental awareness training to field management and construction personnel. Communication efforts and training shall take place during pre-construction meetings so that construction personnel are aware of their responsibilities and the importance of compliance. The training shall identify the types of sensitive biological resources in the project area (nesting birds, roosting bats, salmonids and other special-status fish, western pond turtle, riparian habitat, and creeping wild rye plant community) and the measures required to avoid impacting these resources. The materials covered in the training program shall include environmental rules and regulations for the specific project and shall require workers to limit activities to the construction work area and avoid demarcated sensitive resource areas.	Distribute and conduct worker environmental awareness training to the construction contractor and personnel. Use sign-in sheet to track individuals who have received training.	Prior to the start of construction work in the Los Gatos Creek channel and riparian corridor, in the 50-foot building construction setback from the riparian corridor, within 50 feet of the Guadalupe River (Parcels E1, E3, and 374 West Santa Clara St.), and within 20 feet of the creeping wild rye plant community by the storm drain outfall underneath the West Santa Clara Street overcrossing	Director of PBCE or Director's Designee	Review environmental awareness training sign in sheets/logs	Prior to the start of construction work in the Los Gatos Creek channel and riparian corridor, in the 50-foot building construction setback from the riparian corridor, within 50 feet of the Guadalupe River (Parcels E1, E3, and 374 West Santa Clara St.), and within 20 feet of the creeping wild rye plant community by the storm drain outfall underneath the West Santa Clara Street overcrossing
• If the project adds new construction personnel, the contractor for the work in question shall ensure that the new personnel receive worker environmental awareness training before starting work within the Los Gatos Creek riparian corridor or channel; within the 50-foot building construction setback from the Los Gatos Creek riparian corridor and the Guadalupe River; or within 20 feet of the creeping wild rye plant community. The contractor shall maintain a sign-in sheet identifying the individuals who have received the training. A representative from the contractor company for the work in question shall be appointed during the training to be the contact person for any employee or contractor who might inadvertently kill or injure a listed species, or who finds a dead, injured, or entrapped individual. The representative's name and telephone number shall be provided to NMFS and CDFW before the start of ground disturbance.					
• The minimum qualifications for a qualified biologist shall be a four-year college degree in biology or related field and at least two years' demonstrated experience with the species of concern.	A CDFW- and NMFS-approved biologist shall prepare and submit daily reports to the	Daily during construction	CDFW and NMFS Director of PBCE or	Accept daily reports and review on a weekly basis.	During construction on a daily and weekly basis

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
• If a listed wildlife species is discovered, construction activities shall not begin in the immediate vicinity of the individual until the CDFW Region 3 office in Fairfield is contacted, and the discovered species has been allowed to leave and is no longer present in the construction area. • Any special-status species observed by the qualified biologist shall be reported to CDFW by the qualified biologist, or by a biologist designated by the qualified biologist, so that the observations can be added to the California Natural Diversity Database. • The discharge of water from new construction sites into Los Gatos Creek or the Guadalupe River shall be prohibited if the temperature of the discharged water exceeds 72 degrees Fahrenheit (°F), unless modeling studies and subsequent monitoring demonstrate that the volume of the discharge would not increase maximum daily stream temperatures above 75.2°F. Prior to project construction, water and ambient air temperature loggers shall be installed at three locations within and adjacent to the project site. One logger shall be installed in upstream Los Gatos Creek, one within the affected reach adjacent to building construction, and one downstream of the project site. Loggers at these three locations shall record hourly water temperature values before, during, and after project construction. This prohibition shall cover both direct discharges and indirect discharges into local storm drains that discharge to Los Gatos Creek or the Guadalupe River. Construction discharges shall be prohibited until the discharged water cools below the average daily stream temperature at the discharge point or maximum daily stream temperatures drop below 75°F. **This mitigation measure applies to Impact BI-1, Impact BI-2, Impact BI-3, Impact BI-6, Impact C-BI-1, Impact Hy-1, Impact Hy-3, and Impact C-HY-1.**	Director of PBCE or the Director's designee. Prohibit direct or indirect (through storm drains) discharges of water from construction sites to the Los Gatos Creek or the Guadalupe River if the temperature of the discharge water exceeds 72 degrees unless certain conditions are met.	During construction work in the Los Gatos Creek channel and riparian corridor, in the 50-foot building construction setback from the riparian corridor, within 50 feet of the Guadalupe River (Parcels E1, E3, and 374 West Santa Clara Street.), and within 20 feet of the creeping wild rye plant community by the storm drain outfall underneath the West Santa Clara Street overcrossing	Director's Designee Director of PBCE or Director's designee CDFW and NMFS	Accept daily reports and review on a weekly basis	During construction on a daily and weekly basis

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
Mitigation Measure BI-1b: In-Water Construction Schedule The project applicant shall ensure that the contractor includes the schedule for in-water construction work in the Los Gatos Creek channel to occur outside of the normal rainy season, between June 1 and October 15 inclusive (or as otherwise specified by permits from the San Francisco Bay Regional Water Quality Control Board, California Department of Fish and Wildlife, National Marine Fisheries Service, and/or U.S. Army Corps of Engineers), when flows in Los Gatos Creek and the Guadalupe River are normally at their lowest and special-status anadromous fish species are least likely to occur in the project area. **This mitigation measure applies to Impact BI-1, Impact BI-2, Impact BI-6, and Impact C-BI-1.**	Submit schedule of in-water construction activities. Avoidance of in-water construction activities in the Los Gatos Creek channel during the normal rainy season; schedule construction to occur between June 1 and October 15 (inclusive) (or as otherwise specified by permits from the San Francisco Bay Regional Water Board, CDFW, NMFS, and/or USACE).	Prior to and during construction work in the Los Gatos Creek Channel	Director of PBCE or the Director's designee, SF Bay Regional Water Quality Board (RWQCB), CDFW, NMFS, and/or USACE	Review contractor schedule to confirm that construction activities in the Los Gatos creek channel are scheduled outside the normal rainy season	Prior to and during construction work in the Los Gatos Creek channel
Mitigation Measure BI-1c: Native Fish Capture and Relocation The project applicant shall ensure that any contractor for any construction work in the Los Gatos Creek channel prepares and submits a fish relocation plan (consistent with federal and state permit requirements) for in-water work in Los Gatos Creek. Relocation shall be required only for in-water work in the Los Gatos Creek channel. The fish relocation plan shall be prepared by a qualified biologist. The plan shall be prepared in coordination with the CDFW, and a copy of the final plan shall be provided to the Director of PBCE, or the Director's designee, along with demonstration of coordination with CDFW. Implementation of the fish relocation plan shall be consistent with the following conditions: • Before rescues of listed species are attempted, any necessary authorization shall be obtained from the resource agencies (CDFW and/or NMFS). • Before dewatering may occur, a qualified biologist shall determine whether the extent of dewatering will result in immediate or foreseeable impacts on fish and wildlife. This shall include conducting a reconnaissance survey of the dewatering zone. • Before dewatering can begin, the following elements of fish relocation shall be determined:	Preparation and implementation of a fish relocation plan prepared in coordination with CDFW and/or NMFS. Provide data on fish and site conditions during fish relocation activities Qualified biologist to conduct an assessment of fish relocation at completion and submit to the City as well as CDFW and/or NMFS.	Provide plan prior to issuance of permits for any construction work in the Los Gatos Creek channel During any fish relocation activities Following completion of any fish relocation pursuant to this measure.	Director of PBCE or the Director's designee, CDFW and/or NMFS Director of PBCE or the Director's designee, CDFW and/or, NMFS Director of PBCE or the Director's designee, CDFW and/or NMFS	Receive and review plan, along with evidence of coordination with CDFW and/or NMFS If fish are relocated, receive and review records If fish are relocated, receive and review assessment report after completion	Prior to issuance of permits for any ground-disturbing activities in the Los Gatos Creek channel After completion of any fish relocation After completion of any fish relocation.

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
– *Staging Area:* Staging areas in the dewatering zone shall be identified. Sites should be selected based on their proximity and access to the dewatering zone and ability to support safe operation of the equipment. – *Relocation Sites:* Relocation site(s) shall be identified. Priority shall be given to a site's close proximity to the dewatering zone in the same stream. If a qualified on-site biologist determines that no suitable site in the stream is available, then "second choice" locations within the watershed shall be selected. In all cases, the closest site that is likely to result in a successful rescue shall be used. – *Transportation Routes:* Transport routes for rescued fish species shall be determined in advance of dewatering. – *Disease Consideration:* To guard against disease transmission, fish shall not be moved upstream over substantial barriers or long distances (i.e., greater than 10 miles). • If salmonids are encountered during relocation, they shall be moved upstream to a location of perennial running water or the best available habitat determined by a qualified biologist. Collection and transport methods shall be determined based on site conditions. Methods shall also be selected to maximize the efficiency of the collection effort while minimizing handling and transport time and stress. Creek water from the site shall be used in all containers. The local transport of fish may be completed using various methods, including: – *Net Transfer:* Appropriate for short distances (less than 50 feet) where rapid transfer is possible. – *Live Car:* Appropriate for temporary holding in the stream and for short distances where a rapid transfer is required. – *Bucket:* Appropriate for temporary holding and transport over short to medium distances. Holding time should be minimized if possible and aeration should be supplied. – *Aerated Cooler:* Appropriate for temporary holding and transport for long distances. Temperature shall be maintained to be similar to the temperature of the source creek water, and if necessary, fish shall be sorted by size to reduce risks of predation. • Species and collection/relocation sites shall be prioritized as follows: (1) Threatened species; and (2) other native fishes.	Fish relocation plan shall also be provided to Valley Water for informational purposes.				

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**

- A contact person at each of the appropriate resource agencies (CDFW, NMFS, and/or U.S. Fish and Wildlife Service) shall be identified in the relocation plan. At least 24 hours before fish relocation begins, the appropriate resource agencies shall be notified to communicate the details of the fish relocation and to confirm disposition instructions.
- Fish shall be relocated under the following conditions:
  - *Setup:* Upon arrival at the site, a qualified biologist shall review the operational sequence and logistics of the rescue and field assignments shall be designated. The fish relocation team shall review safety and operational methods.
  - *Live Well Operation:*
    - If necessary, live wells shall be set up early in the operation to stabilize tank conditions.
    - Local “native” water shall be used to fill live wells, if available and clean.
    - To lessen stress on fish, the temperature in live wells shall be reduced or managed to be compatible with the water temperatures in which the fish were encountered.
    - To ensure that sufficient oxygen is present during the adjustment period, the aeration system shall be started before fish are placed into the live well. When salmonids are placed in the live well, the live well shall be managed to the extent possible so that the dissolved oxygen concentration is greater than 6 milligrams per liter, but less than saturation.
  - *Electrofishing Operation:*
    - The electrofishing unit settings shall be adjusted to the conductivity and temperature of the water. Settings shall be adjusted for either varying width (wide to narrow) or varying frequency (high to low) to minimize possible fish injury when these settings elicit proper taxis (i.e., response of fish toward or away from stimulus) for fish capture.
    - The settings used and any incidental electrofishing mortalities shall be recorded in the field notebook. If electrofishing mortalities for salmonids and other species listed as threatened or endangered exceed 5 percent of the total capture, or as otherwise specified in any biological resource

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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

permits, a qualified biologist shall re-evaluate and possibly terminate electrofishing activities.

  - Fish other than salmonids experiencing mortality from electrofishing activities shall be noted and used as an indicator of the possible injury or mortality rates of salmonids and other fish.

- *General Collection Guidelines:*
  - Fish shall be collected in a manner to minimize handling time and stress, yet maintain the safety of personnel.
  - Multiple buckets and/or live cars shall be used to reduce crowding during collection and transfer.
  - Fish shall be pre-sorted as needed for transport.
  - Buckets that hold salmonids shall be equipped with portable aerators until the fish are transferred to a live well.
- *Transport:*
  - Fish shall be transported to minimize holding time and alternately sequenced in tandem with ongoing collection activities.
  - Normal live well operations shall continue during transport.
- *Records and Data:*
  - Fish shall be inventoried and pertinent data shall be recorded, including species, numbers of each species, disposition, and fork length. If conditions preclude a complete inventory, at a minimum, the species present and their disposition shall be documented and their abundance shall be estimated.
  - Information on ambient site conditions (available habitat/water quality) shall be recorded as appropriate, including photo documentation at collection and release sites and other information on collection, handling, and transport.
  - At completion, a qualified biologist shall conduct an assessment of the fish relocation to identify lessons learned, estimate the number of individual fish and fish species moved, and determine the mortality rate. The assessment report shall be forwarded to the appropriate resource

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
agencies and to the Director of Planning, Building, and Code Enforcement or the Director's designee within a month of the completion of in-water work. **This mitigation measure applies to Impact BI-1, Impact BI-2, Impact BI-6, and Impact C-BI-1.**					
Mitigation Measure BI-1d: Western Pond Turtle Protection Measures Prior to the start of any construction activities within 50 feet of the Los Gatos Creek riparian corridor (measured from the outer dripline of riparian vegetation or the top of bank, whichever is greater), the project applicant for the specific construction activity to be undertaken shall retain a qualified biologist to conduct pre-construction surveys for western pond turtles in all suitable habitats (i.e., aquatic and upland in the Los Gatos Creek riparian corridor) near the work site. Surveys shall take place no more than 72 hours before the onset of site preparation and construction activities that have the potential to disturb turtles or their habitat and copies shall be provided to the Director of Planning, Building, and Code Enforcement or the Director's designee. If pre-construction surveys identify active western pond turtle nests on the project site, the biologist shall establish no-disturbance buffer zones around each nest using temporary orange construction fencing. The demarcation shall be permeable to allow young turtles to move away from the nest after hatching. The radius of the buffer zone and the duration of exclusion shall be determined in consultation with the California Department of Fish and Wildlife (CDFW). The buffer zones and fencing shall remain in place until the young have left the nest, as determined by the qualified biologist. A qualified biologist shall monitor construction activities near suitable habitat within which western pond turtle is found (either during the survey or observed during construction), and shall remove and relocate western pond turtles in proposed construction areas to suitable habitat outside the project limits, consistent with CDFW protocols and handling permits. Relocation sites shall be subject to CDFW approval. If any turtles are found on the project site, construction activities shall halt within 50 feet of the turtle(s) and the qualified biologist shall be notified. If the biologist determines that the turtle is a western pond turtle, the turtle shall be relocated into nearby suitable habitat consistent with CDFW protocols and with approval from CDFW. The biologist shall submit a final report to the Director of Planning, Building,	Contract a qualified biologist to conduct pre-construction surveys for western pond turtles in all suitable habitats near the work site. Survey results shall be submitted to the City and CDFW. If active nests are identified, establish no-disturbance buffer zones around each nest using temporary orange construction fencing, monitor construction activities near suitable habitat, when applicable, and implement the additional requirements in Mitigation Measure BI-1d.	Within 72 hours prior to any construction work within 50 feet of the Los Gatos Creek riparian corridor. Also during and after construction work if active nests are identified.	Director of PBCE or the Director's designee, CDFW	Confirm receipt of executed contract with a qualified biologist to perform pre-construction surveys prior to issuance of permits for construction activities within 50 feet of Los Gatos Creek. Receive and review survey documentation, as well as monitoring reports and a final report if active nests are identified.	Executed contract with qualified biologist must be submitted prior to issuance of permits for construction activities within 50 feet of Los Gatos Creek. Within 72 hours prior to any construction work within 50 feet of the Los Gatos Creek riparian corridor. Also during and after construction work if active nests are identified.

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
and Code Enforcement or the Director's designee following completion of construction and relocation. **This mitigation measure applies to Impact BI-1 and Impact C-BI-1.**					
Mitigation Measure BI-1e: Avoidance of Impacts on Nesting Birds Prior to the issuance of any demolition, grading, or building permits, the project shall implement the following measures to avoid impacts on nesting migratory birds: • *Avoidance:* The project applicant for the specific construction activity to be undertaken shall schedule demolition and construction activities to avoid commencement during the nesting season, if feasible. The nesting season for most birds, including most raptors in the San Francisco Bay Area, extends from February 1 through August 15 (inclusive), as amended. • *Nesting Bird Surveys:* If demolition and construction cannot be scheduled to occur between August 16 and January 31 (inclusive), a qualified ornithologist shall complete pre-construction surveys for nesting birds to ensure that no nests are disturbed during project implementation. This survey shall be completed no more than 14 days before the start of construction activities during the early part of the breeding season (February 1 through April 30 inclusive), and no more than 30 days before the start of construction activities during the late part of the breeding season (May 1 through August 15 inclusive). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests. • *Buffer Zones:* If an active nest is found within 250 feet of work areas to be disturbed by construction, the ornithologist, in coordination with the CDFW, 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 songbirds, or an area determined to be adequate by the qualified ornithologist in coordination with CDFW, to ensure that raptor or migratory bird nests are not disturbed during project construction. The no-disturbance buffer shall remain in place until the ornithologist determines that the nest is no longer active or the nesting season ends. If construction ceases for 7 days or more, then resumes during the nesting season, an additional survey shall be necessary to avoid impacts on active bird nests that may be present. • Reporting: The project applicant for the specific construction activity to be undertaken shall submit the ornithologist's report indicating the results of the surveys and any designated buffer zones to the Director of PBCE, or the	Avoidance: If feasible, avoid commencement of construction during the nesting season, which is between February 1 through August 15 (inclusive), as amended. Nesting Bird Survey: If demolition and construction cannot be scheduled to occur between August 16 and January 31 (inclusive), a qualified ornithologist shall complete pre-construction surveys for nesting birds to ensure that no nests are disturbed during project implementation. Submit the ornithologist's report indicating the results of the survey and any designated buffer zones to the Director of PBCE or the Director's designee. Buffer Zones: Establish buffer zones in coordination with	Pre-construction Prior to construction or tree removal and no more than 14 or 30 days before the start of demolition or construction, depending on the time of year Pre-construction and during construction if	Director of PBCE or the Director's designee Director of PBCE or the Director's designee and CDFW Director of PBCE or the Director's	Review construction schedule Review survey report Confirm establishment of buffer zones and	Pre-construction Prior to issuance of any grading or building permits or tree removal (whichever occurs first) Pre-construction – and during

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
Director's designee, for review and approval prior to issuance of any grading or building permits or tree removal (whichever occurs first). • The results of the surveys and any identified designated buffer zones shall be submitted to the Director of PBCE or the Director's designee. **This mitigation measure applies to Impact BI-1, Impact BI-2 and Impact C-BI-1.**	CDFW if an active nest is found and conduct an additional survey if construction ceases for seven days or more. Reporting: The results of the surveys and any designated buffer zones shall be submitted to the Director of PBCE or the Director's designee.	an active nest is found. Prior to issuance of any grading or building permits or tree removal (whichever occurs first)	designee, CDFW Director of PBCE or the Director's designee	receive survey report. Review and approve survey results and reports	construction if an active nest is found Prior to issuance of any grading or building permits or tree removal (whichever occurs first)
Mitigation Measure BI-1f: Roosting Bat Surveys In advance of tree and structure removal or adaptive reuse, a qualified biologist shall conduct a pre-construction survey for special-status bats to characterize potential bat habitat and identify active roost sites within 100 feet of the project site. The results of the surveys and the locations of any designated buffer zones shall be submitted to the Director of PBCE, or the Director's designee, for review and approval prior to issuance of any demolition or building permits. Should potential roosting habitat or active bat roosts be found in trees and/or structures to be removed or renovated under the project or within a 100-foot buffer zone from these areas, the following measures shall be implemented: • Removal of trees and structures with active roosts shall occur when bats are active, approximately between March 1 and April 15 inclusive and between September 1 and October 15 inclusive. To the extent feasible, removal shall occur outside of bat maternity roosting season (approximately April 15 to August 31 inclusive) and outside of the months of winter torpor (approximately October 16 to February 28 inclusive). • If removing trees and structures during the periods when bats are active is not feasible and active bat roosts being used for maternity or hibernation purposes are found on or in the immediate vicinity of the project area where tree and structure removal is planned, a no-disturbance buffer shall be established around these roost sites, typically 100 feet, or an area determined to be adequate by the qualified biologist based on site conditions, construction activity, species, number of roosting individuals, and/or noise attenuation and	Contract a qualified biologist to conduct pre-construction surveys for special-status bats and active roost sites. Survey results shall be submitted to the City. If potential roosting habitat or active bat roosts are found within a 100-foot buffer zone, to the extent feasible, removal shall occur outside of bat maternity roosting season (approximately April 15 to August 31 inclusive) and outside of the months of winter torpor (approximately October 16 to February 28 inclusive). If removing trees and structures during the periods when bats are	Pre-construction – prior issuance of any demolition, grading or building permits or tree removal (whichever occurs first) Pre-construction – prior issuance of any demolition, grading or building permits or tree removal (whichever occurs first) During construction if active bat roosts being used for maternity or	Director of PBCE or the Director's designee Director of PBCE or the Director's designee Director of PBCE or the Director's	Review and approve survey documentation Review construction schedule Confirm establishment of buffer zones if	Pre-construction – prior issuance of any demolition, grading or building permits or tree removal (whichever occurs first) Pre-construction– prior issuance of any demolition, grading or building permits or tree removal (whichever occurs first) During construction if active bat roosts being used for

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
frequency, along with coordination with CDFW, if necessary, until the qualified biologist has determined that they are no longer active. The qualified biologist shall be present during removal of trees and structures when active bat roosts not being used for maternity or hibernation purposes are present. Trees and structures with active roosts shall be removed only when no rain is occurring and rain is not forecast to occur for 3 days following removal of the roost, and when daytime temperatures are at least 50°F. • Removal of trees with active or potentially active roost sites shall follow a two-step removal process: (1) On the first day of tree removal and under the supervision of the qualified biologist, branches and limbs that do not contain cavities or fissures in which bats could roost shall be cut only using chain saws. Removal of the canopy makes the tree unappealing for bats to return that evening to roost. (2) On the following day and under the supervision of the qualified biologist, after confirmation that bats have not returned, the remainder of the tree may be removed, using either chain saws or other equipment (e.g., excavator or backhoe). Structures that contain or are suspected to contain active bat roosts, but that are not being used for maternity or hibernation purposes, shall be dismantled under the supervision of the qualified biologist in the evening, after bats have emerged from the roost to forage. The structures shall be partially dismantled to substantially change roost conditions, causing the bats to abandon and not return to the roost. **This mitigation measure applies to Impact BI-1, Impact BI-2 and Impact C-BI-1.**	active is not feasible and active bat roosts being used for maternity or hibernation are found in the immediate vicinity, establish a 100-foot no-disturbance buffer around the roost sites until the qualified biologist determines they are no longer active. Ensure a qualified biologist is present during removal of trees and structures when active bat roosts are not being used for maternity or hibernation. The removal of trees with active or potentially active roost sites shall occur when no rain is occurring or forecast within three days of removal, and follow the two-step removal process described in the mitigation measure. Structures that contain or are suspected to contain active roosts not being used for maternity or hibernation, shall be partially dismantled in the evening.	hibernation are present During construction if active bat roosts are present	designee, CDFW Director of PBCE or the Director's designee, CDFW	required and receive/review biologist's report Receive biologists report	maternity or hibernation are present During construction if active bat roosts are present

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
Mitigation Measure BI-2a: Avoidance of Impacts on Riparian Habitat The project applicant for the specific construction activity to be undertaken and its contractors shall implement the following measures. For portions of the project site located within 50 feet of the riparian corridor—such as the new footbridge; multi-use trail and associated infrastructure; pedestrian boardwalks, viewing platforms, and signage; removal and replacement of fencing; replacement of the West San Fernando Street vehicle bridge; reconstruction of the existing storm drain; and building demolition, construction, and renovation—a qualified biologist shall clearly delineate the construction footprint in or within 50 feet of the riparian area with flagging before the start of construction to avoid the accidental removal or trampling of vegetation outside of the project limits. No noise-generating construction activity shall be permitted within 50 feet of the riparian corridor after 7 p.m. or after sunset, whichever is earlier. The limits of construction within 50 feet of the riparian corridor shall be confined to the smallest possible area to complete the required work. The edge of construction in and near riparian areas shall be separated and protected from the work area through silt fencing, amphibian-friendly fiber rolls (i.e., no microfilament), or other appropriate erosion control material. Staging of materials and all other project-related activity shall be located at least 25 feet upslope from riparian areas.	Contract a qualified biologist to clearly delineate the construction footprint in or within 50 feet of the riparian corridor. Plans for any work in this area shall show the location of measures to avoid riparian habitat, including staging areas. Install silt fencing or other appropriate material to separate and protect the riparian area and ensure staging and other activities are located at least 25-feet upslope from riparian areas.	Plans for any work in this area shall show the location of measures to avoid riparian habitat, including staging areas. Prior to construction within 50 feet from the riparian corridor	Director of PBCE or the Director's designee and USACE, the San Francisco Bay Regional Water Quality Control Board (RWQCB), and CDFW, as necessary	Plans for grading, demolition, building, or other construction activities within 50 feet of the riparian corridor shall show the location of measures to avoid riparian habitat, including staging areas. Review field documentation of project flagging	Measures shall be on approved plans for construction activity (such as grading, demolition, or building permits). Measures must be in place prior to construction within 50 feet from the riparian corridor
Where disturbance to riparian habitat cannot be avoided, any temporarily affected riparian habitat shall be restored to pre-construction conditions or better at the end of construction, in accordance with the requirements of USACE, the San Francisco Bay Regional Water Quality Control Board, and CDFW permits. Live trees larger than 6 inches' diameter at breast height (dbh) removed by the project shall be replaced at a minimum ratio of 3:1 (trees replaced: trees removed) for native species and 2:1 for non-native species. Removal of live trees with a dbh of less than 6 inches shall be mitigated at a minimum of 1:1 on an acreage basis for native trees and not mitigated for non-native trees. Removal of dead native trees shall be mitigated at a ratio of 1:1. Replacement trees shall consist of a combination of plantings of shade-tolerant riparian vegetation and other locally appropriate native species. No mitigation is proposed for the removal of invasive tree species regardless of dbh. Compensation for permanent impacts on riparian habitat shall be provided at a 1:1 or greater ratio, or as specified by USACE, the San Francisco Bay Regional Water Quality Control Board, and CDFW. Compensation for loss of riparian habitat may be	Prepare and submit the Habitat Mitigation and Monitoring Plan. Where disturbance to riparian habitat cannot be avoided, any temporarily affected riparian habitat shall be restored to pre-construction conditions or better at the end of construction, in accordance with CDFW, USACE, and the San Francisco Regional Water Quality Control Board permit	Prior to the issuance of any demolition, grading, or building permit within 50 feet from the riparian corridor	Director of PBCE or the Director's designee and USACE, the San Francisco Bay Regional Water Quality Control Board (RWQCB), and CDFW, as necessary	Receive and review the Habitat Mitigation and Monitoring Plan prepared in coordination with the regulatory agencies	Prior to the issuance of any demolition, grading, or building permit within 50 feet from the riparian corridor

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
in the form of permanent on-site or off-site creation, restoration, enhancement, or preservation of habitat, with the goal of returning temporarily affected areas to pre-project conditions or better. Mitigation for project impacts shall be undertaken within the City of San José and, to the extent practical, shall be adjacent to or in proximity to the project area (i.e., along the Guadalupe River, Los Gatos Creek, or other local waterway and in a location where, in the opinion of a qualified biologist, comparable riparian habitat exists or can successfully be created). To that end, the restoration or compensation sites shall, at a minimum, meet the following performance standards by the fifth year after restoration or as otherwise required by resource agency permits: (1) Native vegetation cover shall be at least 70 percent of the baseline native vegetation cover in the impact area. (2) No more cover by invasive species shall be present than in the baseline/impact area. Restoration or compensation shall be detailed in a Riparian Habitat Mitigation and Monitoring Plan, which shall be developed before the start of construction and in coordination with permit applications and/or conditions from applicable regulatory agencies. At a minimum, the plan shall include: (1) Name and contact information for the property owner of the land on which the mitigation will take place; (2) Identification of the water source for supplemental irrigation, if needed; (3) Identification of depth to groundwater; (4) Topsoil salvage and storage methods for areas that support special-status plants; (5) Site preparation guidelines to prepare for planting, including coarse and fine grading; (6) Plant material procurement, including assessment of the risk of introduction of plant pathogens through the use of nursery-grown container stock vs. collection and propagation of site-specific plant materials, or use of seeds; (7) A planting plan outlining species selection, planting locations, and spacing for each vegetation type to be restored. To the extent practical, the planting plan will follow the *Guidelines and Standards for Land Use Near Streams: A Manual of Tools, Standards, and Procedures to Protect Streams and Streamside Resources in Santa Clara County*;	requirements for the compensation for permanent impacts on riparian habitat. Restoration or compensation shall be detailed on a project-specific basis and shall include development of a Habitat Mitigation and Monitoring Plan, which shall be developed in coordination with the regulatory agencies and provided to the Director of PBCE or the Director's designee. Implement the Habitat Mitigation and Monitoring Plan and provide documentation to the Director of PBCE or the Director's designee during and following implementation, as specified in the Plan.	During construction and Post-construction	Director of PBCE or the Director's designee and USACE, the San Francisco Bay Regional Water Quality Control Board (RWQCB), and CDFW, as necessary	Receive and review monitoring reports and final report	During construction and Post-construction

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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
(8) Planting methods, including containers, hydroseed or hydromulch, weed barriers, and cages, as needed; (9) Soil amendment recommendations, if needed; (10) An irrigation plan, with proposed rates (in gallons per minute), schedule (i.e., recurrence interval), and seasonal guidelines for watering; (11) A site protection plan to prevent unauthorized access, accidental damage, and vandalism; (12) Weeding and other vegetation maintenance tasks and schedule, with specific thresholds for acceptance of invasive species; (13) Performance standards, as referenced above, by which successful completion of mitigation can be assessed relative to a relevant baseline or reference site, and by which remedial actions will be triggered; (14) Success criteria that shall include the minimum performance standards described in Mitigation Measure BI-2a, Avoidance of Impacts on Riparian Habitat, and Mitigation Measure BI-2d, Avoidance and Protection of Creeping Wild Rye Habitat; (15) Monitoring methods and schedule; (16) Reporting requirements and schedule; (17) Adaptive management and corrective actions to achieve the established success criteria; and (18) An educational outreach program to inform operations and maintenance departments of local land management and utility agencies of the mitigation purpose of restored areas to prevent accidental damages. The Riparian Habitat Mitigation and Monitoring Plan shall be developed before the start of construction and in coordination with permit applications and/or conditions from applicable regulatory oversight agencies. The plan shall be submitted to the Director of Planning, Building and Code Enforcement, or the Director's designee prior to the issuance of any demolition, grading, or building permit that would include construction activities that would have direct impacts on riparian habitat. **This mitigation measure applies to Impact BI-2, Impact BI-3, Impact BI-6, Impact C-BI-1, Impact HY-1, Impact HY-3, and Impact C-HY-1.**					

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
Mitigation Measure BI-2b: Frac-Out Contingency Plan If jack-and-bore construction is implemented, the project applicant shall require the contractor to retain a licensed geotechnical engineer to develop a Frac-out Contingency Plan. The project applicant shall submit the contingency plan to the appropriate resource agencies (e.g., the CDFW, San Francisco Regional Water Quality Control Board, USACE, U.S. Fish and Wildlife Service [USFWS], and NMFS) for review and approval prior to the start of construction of any pipeline that requires jack-and-bore construction to avoid surface waters. The regulatory-agency approved Frac-Out Contingency Plan shall also be submitted to the Director of PBCE or the Director's designee. The Frac-out Contingency Plan shall be implemented where jack-and-bore construction under a waterway will occur to avoid, minimize, or mitigate potential project impacts during jack-and-bore construction, as specified in the contingency plan. The Frac-out Contingency Plan shall include, at a minimum: (1) Measures describing training of construction personnel about monitoring procedures, equipment, materials, and procedures in place for the prevention, containment, cleanup (creating a containment area and using a pump, using a vacuum truck, etc.), and disposal of released bentonite slurry, and agency notification protocols; (2) Methods for preventing frac-out, including maintaining pressure in the borehole to avoid exceeding the strength of the overlying soil; (3) Methods for detecting an accidental release of bentonite slurry that include: (a) Monitoring by a minimum of one qualified biological monitor throughout drilling operations to ensure swift response if a frac-out occurs; (b) Continuous monitoring of drilling pressures to ensure they do not exceed those needed to penetrate the formation; (c) Continuous monitoring of slurry returns at the exit and entry pits to determine if slurry circulation has been lost; and (d) Continuous monitoring by spotters to follow the progress of the drill bit during the pilot hole operation, and reaming and pull back operations; (4) Protocols that the contractor would follow if there is a loss of circulation or other indicator of a release of slurry; and (5) Cleanup and disposal procedures and equipment the contractor would use if a frac-out occurs.	Contract a licensed geotechnical engineer to develop a Frac-out Contingency Plan if jack-and-bore construction is proposed, and provide a copy to the Director of PBCE or the Director's designee and to the appropriate resource agencies (e.g. CDFW, RWQCB, USACOE, NMFS). Implement the plan where jack-and-bore construction under a waterway will occur.	Prior to and during any jack-and-bore construction	Director of PBCE or the Director's designee and CDFW, RWQCB, USACE, USFWS, and NMFS, as necessary	Receive and review Frac-out Contingency Plan	Prior to and during any jack-and-bore construction
	Halt work if Frac-out occurs and implement measures outlined in the Contingency Plan, including notification of the City and regulatory agencies, before beginning jack-and-bore construction again.	During construction (if a frac-out occurs)	Director of PBCE or the Director's designee and CDFW, RWQCB, USACE, USFWS, and NMFS, as necessary	Receive notice from the applicant if a frac-out occurs and confirm contingency plan measures have been implemented prior to recommencement of construction.	During construction (if a frac-out occurs)

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
If a frac-out occurs, the contractor shall immediately halt work and implement the measures outlined in the Frac-out Contingency Plan to contain, clean up, and dispose of the bentonite slurry. The project applicant and/or contractor shall also notify and coordinate with appropriate regulatory agencies, as required by the Frac-Out Contingency Plan (e.g., CDFW, the Regional Water Quality Control Board, USACE, USFWS, and NMFS) before jack-and-bore activities can begin again. **This mitigation measure applies to Impact BI-2 and Impact C-BI-1.**					
Mitigation Measure BI-2c: Monitor Effects of Shading and Heat Island on Riparian Vegetation and Stream Temperature To evaluate the effects of building shading on riparian vegetation and water temperature in Los Gatos Creek, the project applicant shall implement an annual monitoring program that includes a baseline assessment and continues annually for 15 years following construction between Auzerais Avenue and West Santa Clara Street. The baseline assessment shall begin prior to the issuance of permits for ground-disturbing activity in the designated area. Post-construction monitoring shall begin following completion of each submitted phase that includes development between Auzerais Avenue and West Santa Clara Street and is adjacent to Los Gatos Creek and continue for 15 consecutive years thereafter for each submitted phase within these bounds. Two or more unshaded reference sites shall be included for comparison to shaded areas to account for vegetation effects that are unrelated to the project, such as from drought. The following performance standards shall be used to evaluate vegetation and water temperature changes over time, and determine whether project-related shading is negatively affecting the riparian corridor, or whether the increased urban footprint is negatively affecting water temperatures in Los Gatos Creek.	Prepare a Riparian Vegetation Monitoring Plan for review and approval by the Director of PBCE or the Director's designee and appropriate regulatory agencies (e.g. NMFS), including a baseline assessment, annual monitoring of water temperature and riparian vegetation in portions of Los Gatos Creek that would be shaded by the project as well as in two or more reference sites in unshaded areas.	Prior to the issuance of grading permits for construction of the first building that will shade riparian vegetation	Director of PBCE or the Director's designee and regulatory agencies (NMFS and CDFW), as necessary	Review and approve Riparian Vegetation Monitoring Plan	Prior to the issuance of grading permits for the construction of the first building that will shade riparian vegetation
Aquatic monitoring. The project applicant shall use the following methodology to study water temperature in Los Gatos Creek during the 15-year monitoring period. Prior to project construction, water and ambient air temperature loggers shall be installed at three locations within and adjacent to the project site. One logger shall be installed in upstream Los Gatos Creek, one within the affected reach adjacent to building construction, and one downstream of the project site. Care shall be taken to ensure that each of these temperature loggers is installed in similar habitat types (e.g., pool, riffle, run) within similar habitat conditions (e.g., amount of cover, depth, flow rate). Loggers at these three locations shall record hourly water temperature values before, during, and after project construction. If the difference in water temperature between the upstream and downstream monitoring locations increases	Implement an annual vegetation and aquatic monitoring program as specified in Mitigation Measure BI-2c, which shall extend 15 years following completion of the last building that shades riparian vegetation. Prepare and implement a Habitat	Submit annual reports December 30 of each year for 15 years following construction of the last project building or structure that will shade riparian vegetation. Submit a habitat enhancement plan and an additional 10 years of annual	Director of PBCE or the Director's designee and regulatory agencies (NMFS and CDFW), as necessary	Receive and review annual reports and review/approve habitat enhancement plan if needed	Annually after December 30 each year during construction and for a minimum of 15 years after construction

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
substantially over time, particularly above the threshold of concern (71.6˚F), then additional adaptive actions shall be implemented (e.g., riparian planting, increase in urban tree canopy, treatment of runoff) to compensate for any increase in stream temperature. All actions shall be consistent with the approved Habitat Enhancement Plan, described below. Riparian monitoring. At a minimum, riparian vegetation shaded by project buildings shall meet the following performance standards by the 15th year of post-project monitoring: (1) The loss of absolute cover of riparian canopy and understory cover relative to baseline conditions is less than or equal to 15 percent. (If the loss of cover exceeds this criterion, then the change shall be compared with changes measured in the reference site[s] to determine whether on-site shading is the causal factor as opposed to other external regional factors such as climate change, drought, and alterations to reservoir releases.) (2) There is no more than a 5 percent reduction in native species relative to non-native species for tree and woody shrub species, measured both as species richness and relative cover. The following approach shall be used to monitor vegetation conditions during the 15-year period: (1) Prior to the start of building construction within 100 feet of the riparian corridor, the project applicant shall prepare a 15-Year Riparian Vegetation Monitoring Plan to assess the change in riparian vegetation canopy and understory cover in the Los Gatos Creek riparian corridor within 100 feet of the project. The Riparian Vegetation Monitoring Plan shall describe quantitative methods for measuring the canopy and understory vegetation cover of baseline on-site and reference site riparian habitat and changes in the extent and species composition of riparian vegetation canopy following the completion of building construction within 100 feet of the riparian corridor. This plan shall assess the impacts of shading by project buildings on the riparian vegetation. The plan shall have measures to track changes in the percentage of native tree species (thus revealing any changes towards more shade tolerant species) and the results of the monitoring shall be assessed to determine if any tree species shifts could potentially adversely affect the riparian ecosystem. The monitoring data shall be reviewed by a qualified wildlife biologist. If adverse effects on ecosystems are identified, corrective actions would be implemented as part of the Habitat Enhancement Plan described below, and could involve planting of either shade tolerant species (such as bigleaf maple or	Enhancement Plan and five years of additional vegetation monitoring if needed to achieve specified performance standards.	reports if needed to achieve the performance standards.			

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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

alder, or sun-loving species in mitigation areas where they would thrive). Reference sites shall be chosen that have comparable canopy coverage, species composition, hydrology, topography, and scale from locations on Los Gatos Creek or the Guadalupe River as close to the project site as possible. The Riparian Vegetation Monitoring Plan shall be submitted to the appropriate regulatory agencies (e.g., the CDFW) for review, and subsequently to the Director of Planning, Building and Code Enforcement or the Director's designee. The Riparian Vegetation Monitoring Plan shall include, at a minimum, the following elements:

(a) Methods for monitoring and measuring composition (i.e., species), cover, and extent of existing riparian vegetation, which may include:

(1) Tree canopy and wood understory cover plots or transects; and

(2) Percent cover of non-native invasive species. Non-native species shall be based on the California Invasive Plant Council (Cal-IPC) and Valley Water's Invasive Plant Management Program list.

In addition, monitoring shall include qualitative indicators of riparian vegetation health such as photomonitoring and signs of early decline (e.g., yellowing of leaves, small leaves, poor growth) to allow for early indications that riparian canopy cover and understory vegetation is in decline. Monitoring will also include natural recruitment/succession of native riparian vegetation, by recording observations of seedling and sapling tree species, and tracking their persistence and growth each year.

(b) Pre-project conditions shall be assessed during the late summer before the start of each construction phase that includes construction within 100 feet of the riparian corridor. Post-project monitoring shall be conducted in years 1–15 following the conclusion of each construction phase that includes construction within 100 feet of the riparian corridor. Surveys shall be conducted during the late summer to capture riparian species during their maximum growth.

(c) The project applicant shall prepare and submit to the Director of PBCE or the Director's designee an annual report documenting the monitoring of riparian habitat and any associated habitat enhancement activities. The first-year report shall consist of baseline on-site and reference site monitoring and a plan for habitat enhancement. Reports shall be submitted by December 30 of each monitoring year.

(2) A failure to meet the performance standards defined above in year 5, 10, or 15 shall trigger implementation of the following habitat enhancement measures as mitigation for loss of existing riparian habitat:

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**

(a) Repeat the monitoring the following year (e.g., if performance criteria are not met in year 5, repeat monitoring in year 6). If in the following year (e.g., year 6), performance criteria are not met (i.e., for 2 years in a row), implement step (b), below.

(b) The project applicant shall develop a Habitat Enhancement Plan to be reviewed and approved by appropriate regulatory agencies (e.g., NMFS) and submitted to the Director of PBCE or the Director's designee. The plan shall consist of a planting palette composed primarily of shade-tolerant riparian vegetation such as white alder (*Alnus rhombifolia*), bigleaf maple (*Acer macrophyllum*), box elder (*Acer negundo*), Oregon ash (*Fraxinus latifolia*), California buckeye (*Aesculus californica*), and other locally appropriate native species, as well as an invasive vegetation control plan (if appropriate based on monitoring findings). Shade-tolerant riparian vegetation selected for the planting palette shall be based on nearby reference sites.

(c) The area of plantings needed to offset losses of existing riparian vegetation shall be defined in the Habitat Enhancement Plan based on the documented difference in percent absolute cover of riparian vegetation between the baseline conditions and the percent absolute cover averaged over each year of annual monitoring to date.

(d) Mitigation gains in woody riparian vegetation shall be deemed successful when there is an 80 percent survival rate of plantings after 5 years of additional monitoring, and no increase in percent cover of invasive plant species in restored areas.

(e) If these criteria are not met, adaptive management and corrective actions shall be implemented to achieve the established success criteria, in coordination with the applicable regulatory agencies. These may include additional plantings, weeding, or provision of supplemental water. Monitoring within the corrective action area shall continue for up to 10 additional years, until the criteria are met, or as otherwise required by the applicable regulatory agencies.

(f) The project applicant shall prepare and submit an annual report to the Director of PBCE or the Director's designee documenting the annual monitoring of habitat enhancement activities to document that this performance standard has been satisfied.

This mitigation measure applies to Impact BI-2 and Impact C-BI-1.

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
Mitigation Measure BI-2d: Avoidance and Protection of Creeping Wild Rye Habitat Prior to the start of construction within 20 feet of retained areas of creeping wild rye, the project applicant shall ensure that all areas that contain or potentially contain creeping wild rye are clearly delineated, separated, and protected from the work area by environmentally sensitive area fencing, which shall be maintained throughout the construction period. A qualified biologist shall oversee the delineation and installation of fencing. Excavation, vehicular traffic, staging of materials, and all other project-related activity shall be located outside of the environmentally sensitive area. If creeping wild rye cannot be avoided, any temporarily affected areas shall be restored to pre-construction conditions or better at the end of construction that occurs within 20 feet of the retained area of creeping wild rye in accordance with CDFW permits, as well as the requirements of USACE and the San Francisco Bay Regional Water Quality Control Board. Compensation for permanent impacts on creeping wild rye habitat shall be provided at a 1:1 or greater ratio, or as specified by USACE, the San Francisco Bay Regional Water Quality Control Board, and CDFW. Compensation for permanent impacts on riparian habitat shall be provided at a 1:1 or greater ratio, or as specified by USACE, the San Francisco Bay Regional Water Quality Control Board, and CDFW. If impacts to prior mitigation sites occur, resource agencies may require a greater ratio (e.g., 2:1 or higher). Compensation for loss of riparian habitat may be in the form of permanent on-site or off-site creation, restoration, enhancement, or preservation of habitat. To that end, the restoration sites shall, at a minimum, meet the following performance standards by the fifth year after restoration: (1) Native vegetation cover shall be at least 70 percent of the baseline native vegetation cover in the impact area. (2) No more cover by invasive species shall be present than in the baseline/impact area. Restoration shall be detailed in a habitat mitigation and monitoring plan, which shall be developed before the start of construction and in coordination with permit applications and/or conditions. At a minimum, the plan shall include: (1) Name and contact information for the property owner of the land on which the mitigation will take place; (2) Identification of the water source for supplemental irrigation, if needed;	Contract a qualified biologist to oversee the delineation and installation of fencing around creeping wild rye where construction is proposed within 20 feet of areas of creeping wild rye by the storm drain outfall underneath the West Santa Clara Street overcrossing. Submit field documentation to the City.	Prior to the issuance of any demolition, grading, or building permit within 20 feet of areas of creeping wild rye	Director of PBCE or the Director's designee and CDFW	Review field documentation of project flagging, fencing, etc.	Prior to the issuance of any demolition, grading, or building permit for construction within 20 feet of areas of creeping wild rye
	Where disturbance to creeping wild rye cannot be avoided, restoration or compensation shall be detailed in a Habitat Mitigation and Monitoring Plan that shall be submitted to the Director of PBCE or the Director's designee.	Prior the issuance of any demolition, grading, or building permit within 20 feet of areas of creeping wild rye	Director of PBCE or the Director's designee and CDFW	Review and approve the Habitat Mitigation and Monitoring Plan	Prior to the issuance of any demolition, grading, or building permit for construction within 20 feet of areas of creeping wild rye
	Implement the Habitat Mitigation and Monitoring Plan and submit reports during construction in accordance with the approved plan, to the Director of PBCE or the Director's designee, including reports to	Construction and Post-construction	Director of PBCE or the Director's designee and CDFW	Receive and review reports	During construction and for five years following site restoration

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
(3) Identification of depth to groundwater; (4) Topsoil salvage and storage methods for areas that support special-status plants; (5) Site preparation guidelines to prepare for planting, including coarse and fine grading; (6) Plant material procurement, including assessment of the risk of introduction of plant pathogens through the use of nursery-grown container stock vs. collection and propagation of site-specific plant materials, or use of seeds; (7) A planting plan outlining species selection, planting locations, and spacing for each vegetation type to be restored; (8) Planting methods, including containers, hydroseed or hydromulch, weed barriers, and cages, as needed; (9) Soil amendment recommendations, if needed; (10) An irrigation plan, with proposed rates (in gallons per minute), schedule (i.e., recurrence interval), and seasonal guidelines for watering; (11) A site protection plan to prevent unauthorized access, accidental damage, and vandalism; (12) Weeding and other vegetation maintenance tasks and schedule, with specific thresholds for acceptance of invasive species; (13) Performance standards by which successful completion of mitigation can be assessed relative to a relevant baseline or reference site, and by which remedial actions will be triggered; (14) Success criteria that shall include the minimum performance standards described in Mitigation Measure BI-2a, Avoidance of Impacts on Riparian Habitat, and Mitigation Measure BI-2d, Avoidance and Protection of Creeping Wild Rye Habitat; (15) Monitoring methods and schedule; (16) Reporting requirements and schedule; (17) Adaptive management and corrective actions to achieve the established success criteria; and (18) An educational outreach program to inform operations and maintenance departments of local land management and utility agencies of the mitigation purpose of restored areas to prevent accidental damages.	evaluate performance for five years following implementation of the plan.				

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
The Habitat Mitigation and Monitoring Plan and all field documentation, prepared in coordination with the appropriate regulatory agencies, shall be submitted to the Director of PBCE or the Director's designee for review and approval prior to the issuance of any demolition, grading, or building permit for construction that would occur within 20 feet of creeping wild rye habitat. **This mitigation measure applies to Impact BI-2, Impact BI-3 and Impact C-BI-1.**					
Mitigation Measure BI-3: Avoidance of Impacts on Wetlands and Waters The project applicant for the specific construction activity to be undertaken and its contractors shall minimize impacts on waters of the United States and waters of the state, including wetlands, by implementing the following measures: • A preliminary jurisdictional delineation of wetlands shall be prepared to determine the extent of waters of the United States and/or waters of the state within the project component footprints and anticipated construction disturbance areas. The results shall be summarized in a wetland delineation report to be submitted to the Director of PBCE, or the Director's designee, for review and approval before the issuance of any demolition, grading, or building permit for construction activity within the riparian corridor. Wetlands identified in the report shall be avoided through project design, if feasible. All identified avoidance and protection measures shall be included on the plans for proposed demolition, grading, and/or building permits for construction activities within the riparian corridor. • The proposed project shall be designed to avoid, to the extent practical, work within wetlands and/or waters under the jurisdiction of USACE, the San Francisco Bay Regional Water Quality Control Board, and/or the CDFW. If applicable, permits or approvals shall be sought from the above agencies, as required. Where wetlands or other water features must be disturbed, the minimum area of disturbance necessary for construction shall be identified and the area outside avoided. • Before the start of construction within 50 feet of any wetlands and drainages, appropriate measures shall be taken to ensure protection of the wetland from construction runoff or direct impact from equipment or materials, such as the installation of a silt fence, and signs indicating the required avoidance shall be installed. No equipment mobilization, grading, clearing, or storage of equipment or machinery, or similar activity, shall occur until a qualified biologist has inspected and approved the fencing installed around these features. The	Prepare and submit a preliminary jurisdictional delineation of wetlands to determine the extent of waters of the United States and/or waters of the state within the project component footprints and anticipated construction disturbance areas. Avoid work within wetlands and/or waters under the jurisdiction of USACE, the San Francisco Bay Regional Water Board, and CDFW. If applicable, permits or approvals shall be sought from USACE, the San Francisco Bay Regional Water Board, and CDFW, as appropriate. Silt fence shall be installed and maintained adjacent to all wetlands and	Pre-construction – prior to issuance of any demolition, grading, or building permit (whichever commences first) Pre-construction (prior to issuance of any demolition, grading, or building permit;	Director of PBCE or the Director's designee and USACE, the San Francisco Bay Regional Water Board, and CDFW, as necessary Director of PBCE or the Director's designee	Review and approve documentation Verify silt fence and sign installation and maintenance	Prior to issuance of any demolition, grading, or building permit (whichever commences first) Pre-construction (prior to issuance of any demolition, grading, or building

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
construction contractor for the specific construction activity to be undertaken shall ensure that the temporary fencing is maintained until construction activities are complete. No construction activities, including equipment movement, storage of materials, or temporary spoils stockpiling, shall be allowed within the fenced areas protecting wetlands.	drainages to be avoided within 50 feet of any proposed construction activity, and signs indicating the required avoidance area shall be installed.	whichever commences first) and during construction			permit; whichever commences first) and during construction
• Where disturbance to jurisdictional wetlands or waters cannot be avoided, any temporarily affected jurisdictional wetlands or waters shall be restored to pre-construction conditions or better at the end of construction, in accordance with the requirements of USACE, San Francisco Bay Regional Water Quality Control Board, and/or CDFW permits. Compensation for permanent impacts on wetlands or waters shall be provided at a 1:1 ratio, or as agreed upon by CDFW, USACE, and the San Francisco Bay Regional Water Quality Control Board, as applicable. Compensation for loss of wetlands may be in the form of permanent on-site or off-site creation, restoration, enhancement, or preservation of habitat. At a minimum, the restoration or compensation sites shall meet the following performance standards by the fifth year after restoration: (1) Temporarily affected areas shall be returned to pre-project conditions or better, as determined by the Director of PBCE or USACE, RWQCB, or CDFW. (2) Wetlands restored or constructed as federal wetlands meet the applicable federal criteria for jurisdictional wetlands, and wetlands restored or constructed as state wetlands meet the state criteria for jurisdictional wetlands. (3) No more cover by invasive species shall be present than in the baseline/impact area pre-project.	Where disturbance to jurisdictional wetlands or waters cannot be avoided, any temporarily affected areas shall be restored to pre-construction conditions or better. Restoration or compensation activities and performance standards shall be detailed in the Habitat Mitigation and Monitoring Plan prescribed by Mitigation Measure BI-2a.	Pre-construction – prior to issuance of any demolition, grading, or building permit (whichever commences first)	Director of PBCE or the Director's designee and USACE, the San Francisco Bay Regional Water Board, and CDFW, as necessary	Review and approve the Habitat Mitigation and Monitoring Plan	Pre-construction – prior to issuance of any demolition, grading, or building permit (whichever commences first)
Restoration and compensatory mitigation activities shall be described in the habitat mitigation and monitoring plan prescribed by Mitigation Measure BI-2a, Avoidance of Impacts on Riparian Habitat. **This mitigation measure applies to Impact BI-3 and Impact C-BI-1.**	Implement the Habitat Mitigation and Monitoring Plan if disturbance to jurisdictional waters cannot be avoided.	During construction and for five years following required restoration and/or compensation	Director of PBCE or the Director's designee and USACE, the San Francisco Bay Regional Water Board, and CDFW, as necessary	Receive and review reports	During construction and for five years following required restoration and/or compensation

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
Mitigation Measure BI-4: Avian Collision Avoidance Measures In addition to conforming to the bird safety standards and guidelines in the City's Downtown Design Guidelines and General Plan, the following mitigation measures shall be implemented: *Educating Tenants, Residents and Occupants.* Prior to issuance of any building permits, the project applicant shall develop educational materials for building tenants, occupants, and residents encouraging them to minimize light transmission from windows, especially during peak spring and fall migratory periods, by turning off unnecessary lights and/or closing window coverings at night. The Director of PBCE, or the Director's designee, shall review and approve the educational materials before buildings are occupied. The project applicant shall also supply documentation (e.g., written statement) describing when and how the materials will be distributed (e.g., poster in building lobby, attachment to lease, new tenant welcome packet, etc.). Documentation shall be submitted to the Director of PBCE, or the Director's designee. *Antennae, Monopole Structures, and Rooftop Elements.* Prior to issuance of any building permits, the project applicant shall provide documentation (e.g., construction drawings) that buildings minimize the number of and co-locate rooftop antennas and other rooftop equipment, and that monopole structures or antennas on buildings do not include guy wires. The documentation shall be reviewed and approved by a wildlife biologist before issuance of the site development permit for the project component (e.g., building) that poses a collision risk for birds. Documentation shall be submitted to the Director of PBCE, or the Director's designee. **This mitigation measure applies to Impact BI-4 and Impact C-BI-1.**	Prepare and provide educational materials for building tenants, occupants, and residents for review by the City and provide documentation describing how materials will be distributed. Ensure every building permit includes language to minimize the number of and co-locate rooftop antennas and other rooftop equipment, and that monopole structures or antennas on buildings do not include guy wires. Documentation shall be reviewed and approved by a qualified wildlife biologist.	Provide educational materials and documentation prior to issuance of any building permits. Provide project plans that minimize the number of and co-locate rooftop antennas and other rooftop equipment prior to issuance of any building permits Provide documentation of implementation of required avoidance measures prior to building occupancy	Director of PBCE or the Director's designee	Review building plans, educational materials, and documentation	Prior to issuance of any building permits

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
3.3 Cultural Resources and Tribal Cultural Resources					
Mitigation Measure CU-1a: Documentation Prior to the issuance of any demolition and/or relocation permit and under the direction of the Director of Planning, Building, and Code Enforcement or the Director's designee, the project applicant shall prepare documentation of all historic architectural resources under CEQA subject to demolition and/or relocation. This includes 150 South Montgomery Street; 343 North Montgomery Street; 345 North Montgomery Street; 559, 563, and 567 West Julian Street; 145 South Montgomery Street and 580 Lorraine. Avenue. Each resource shall be photo-documented to an archival level utilizing 35mm photography and consisting of selected black and white views of the building to the following standards: • *Cover sheet*—The documentation shall include a cover sheet identifying the photographer, providing the address of the building, common or historic name of the building, date of construction, date of photographs, and photograph descriptions. • *Camera*—A 35mm camera. • *Lenses*—No soft focus lenses. Lenses may include normal focal length, wide angle and telephoto. • *Filters*—Photographer's choice. Use of a pola screen is encouraged. • *Film*—Must use black and white film; tri-X, Plus-X, or T-Max film is recommended. • *View*—Perspective view–front and other elevations. All photographs shall be composed to give primary consideration to the architectural and/or engineering features of the structure with aesthetic considerations necessary, but secondary. • *Lighting*—Sunlight is usually preferred for exteriors, especially of the front façade. Light overcast days, however, may provide more satisfactory lighting for some structures. A flash may be needed to cast light into porch areas or overhangs. • *Technical*—All areas of the photograph must be in sharp focus. The project applicant shall coordinate the submission of the photo-documentation, including the original prints and negatives, to History San José. Digital photos may be provided as a supplement to the above photo-documentation, but not in place of it. Digital photography shall be recorded on a CD and shall be submitted with the	Prepare documentation of all historic resources subject to demolition and/or relocation and submit to the Director of PBCE or the Director's designee.	Prior to the issuance of any demolition and/or relocation permit of all historic resources	Director of PBCE or the Director's designee and the City's Historic Preservation Officer	Review and approve documentation	Prior to the issuance of any demolition and/or relocation permit of all historic resources

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
above documentation. The above shall be accompanied by a transmittal stating that the documentation is submitted as a Standard Measure to address the loss of the historic resource which shall be named and the address stated, with a copy provided to the Director of PBCE, or the Director's designee **This mitigation measure applies to Impact CU-1, Impact CU-3 and Impact C-CU-1.**					
Mitigation Measure CU-1b: Relocation In accordance with General Plan Policy LU-13.2, and consistent with the DSAP Final EIR's *Measures Included in the Project to Reduce and Avoid Impacts to Historic Resources* relocation of a historic architectural resource shall be considered as an alternative to demolition. After implementation of Mitigation Measure CU-1a, Documentation, and prior to issuance of any permit that would allow demolition of the historic architectural resource, the project applicant shall take the following actions to facilitate historic architectural resource relocation within the City limits. This applies to 343 North Montgomery Street (partial); 345 North Montgomery Street; and 145 South Montgomery Street (partial):	Advertise buildings available for relocation for a period of 60 days.	After implementation of Mitigation Measure CU-1a, Documentation, and before any approval that would allow disturbance of the specified historic resources	Director of PBCE or the Director's designee, City's Historic Preservation Officer, and Historic Landmarks Commission	Receive and Review advertisement	Prior to the issuance of any demolition and/or relocation permits
(1) *Relocation Outreach.* The project applicant shall advertise the availability for relocation of historic architectural resources subject to Mitigation Measure CU-1b, Relocation. A dollar amount equal to the estimated cost of demolition, as certified by a licensed contractor, and any associated Planning Permit fees for relocation shall be offered to the recipient of the building who is willing to undertake relocation and rehabilitation after relocation. Advertisement and outreach to identify any interested third party shall continue for no less than 60 days. The advertisements shall include notification in at least one newspaper of general circulation and on online platforms as appropriate including at a minimum the *San Jose Mercury News* (print and online), and the City of San Jose's Department of Planning, Building, and Code Enforcement's Environmental Review website. Noticing shall be compliant with City Council Policy 6-30: Public Outreach Policy and include posting a notice on each building proposed for demolition, that is no smaller than 48x72 inches and visible from the public right of way.[1] Satisfaction of the notification provisions shall be subject to review by the Director of PBCE or the Director's designee following completion of the minimum 60-day public outreach period, before the issuance of demolition permits.	Preparation and submittal of a Relocation Implementation Plan by a third party for review by the Director of PBCE or the Director's designee.	Prior to any approval that would allow disturbance of the specified historic resources	Director of PBCE or the Director's designee and City's Historic Preservation Officer	Review and approve documentation	Prior to the issuance of any demolition and/or relocation permits
	After relocation, each historic resource shall be rehabilitated by the third party responsible for relocation. Rehabilitation shall be subject to review of related permits by the Director of PBCE or the Director's designee and the City's Historic Preservation Officer.	After relocation of each historic resource	Director of PBCE or the Director's designee, and City's Historic Preservation Officer	Review and approve permits associated with building rehabilitation and reuse	After relocation of each historic resource and prior to their rehabilitation.

[1] Current noticing protocols for On-Site Noticing/Posting Requirements for Large Development Proposals can be found at https://www.sanjoseca.gov/home/showdocument?id=15573.

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
(2) *Relocation Implementation Plan(s).* If, prior to the end of the outreach period, an interested third party or parties expresses interest in relocating and rehabilitating one or more of the resources to a suitable site under their ownership or control, they shall be allowed a period of up to 60 days to prepare and submit a Relocation Implementation Plan, and an additional 120 days to complete removal of the resources from the project site. The Relocation Implementation Plan(s) shall be prepared in consultation with historic preservation professionals who meet or exceed the *Secretary of the Interior's Professional Qualification Standards* and shall be based on the findings of the *Downtown West Mixed-Use Plan—Historic Resource Move Feasibility* memo and Site Selection Criteria for Relocation of Identified Historic Resources Memo (Appendix E3) or subsequent relocation feasibility documentation, to support relocation of the historic resource to a site outside of the project site and acceptable to the City.[2] The Relocation Implementation Plan for each resource shall include: • A description of the intended relocation receiver site within the City limits and an analysis of its compatibility with the unique character, historical context, and prior physical environment of the resource; • A description and set of working drawings detailing methods and means of securing and bracing the building through all stages of relocation; • A site plan for the receiver site within the City limits demonstrating compliance with all setback and zoning requirements; • A travel route survey that records the width of streets, street lamp and signal arm heights, heights of overhead utilities that may require lifting or temporary removal, and other details necessary for coordinating the relocation; • A scope of work for building rehabilitation following completion of relocation, and anticipated timing to initiate and complete such rehabilitation; and • Roles and responsibilities between the interested party, project applicant, City staff, and outside individuals, groups, firms, and/or consultants as necessary. Once the Relocation Implementation Plan(s) have been reviewed and approved by the Director of PBCE, or the Director's designee, implementation of the approved relocation shall occur within 120 days.					

2 Garden City Construction, "Downtown West Mixed Use Plan – Historic Resource Move Feasibility," memo, prepared for Google/Lendlease, June 29, 2020; Architectural Resources Group, Site Selection Criteria for Relocation of Identified Historic Resources, memo, prepared for Google/Lendlease, August 7, 2020.

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
(1) Rehabilitation after Relocation. After relocation of the resource(s) and pursuant to General Plan Policy LU-13.6 and CEQA Section 15064.5(3), parties responsible for relocation shall also be responsible for rehabilitation of the building(s) on their new site(s) as specified in the Relocation Implementation Plan. Resource(s) shall be secured on a foundation and repaired to ensure that each resource remains in good condition and is usable for its intended purpose, and that all modifications are sensitive to those elements that convey the resource's historical significance. All repairs and modifications shall be consistent with the *Secretary of the Interior's Standards and Guidelines for Rehabilitation* and related permits shall be subject to review by the Director of Planning, Building, and Code Enforcement, or the Director's designee. **This mitigation measure applies to Impact CU-1 and Impact C-CU-1.**					
Mitigation Measure CU-1c: Interpretation/Commemoration As part of the Downtown West Design Standards and Guidelines conformance review for each new building on the site of one or more demolished resources (including 150 South Montgomery Street),the project applicant, in consultation with a qualified architectural historian and design professional, and under the direction of the Director of PBCE or the Director's designee, shall develop an interpretive program that may include one or more interpretive displays, art works, incorporation/reuse of historic materials, electronic media, smart phone apps, and other means of presenting information regarding the site's history and development. The program shall concentrate on those contextual elements that are specific to the resources that have been demolished. Display panels, if included in the interpretive program, shall be placed at, or as near as possible to, the location where the resource was historically located. The interpretive program shall be approved prior to the issuance of demolition permit(s) for the historical resource(s) to be demolished and shall be fully implemented and/or installed before the issuance of a certificate of occupancy for the applicable new building(s). **This mitigation measure applies to Impact CU-1, Impact CU-3 and Impact C-CU-1.**	Develop one or more interpretive displays or other means of presenting information about each site's history and development for implementation following demolition of historic resources.	Develop interpretive program prior to issuance of any demolition permits; implement prior to any certificate of occupancy for each building on the site of a demolished resource	Director of PBCE or the Director's designee; and City's Historic Preservation Officer	Review and approve interpretive program prior to issuance of demolition permit; confirm installation/implementation prior to building occupancy.	Prior to issuance of any demolition permits and prior to building occupancy
Mitigation Measure CU-1d: Salvage Before the demolition of any historic resource on the site that is not relocated, the subject building shall be made available for salvage to companies or individuals facilitating reuse of historic building materials, including local preservation organizations. Noticing for salvage opportunities shall include notification in at least	Provide notice of historic buildings available for salvage prior to demolition (if the building is not relocated).	Notice for a minimum of 30 days following the 60-day notice regarding relocation	Director of PBCE or the Director's designee; and City's Historic	Confirm noticing requirements have been met	Prior to issuance of any demolition permits for historic resources that are not relocated

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
one newspaper of general circulation and online platforms as appropriate including at a minimum the *San Jose Mercury News* (print and online), and the City of San Jose's Department of Planning, Building, and Code Enforcement's Environmental Review website. Noticing shall be compliant with City Council Policy 6-30: Public Outreach Policy and include a notice on each building proposed for demolition, that is no smaller than 48 x 72 inches and that is visible from the public right-of-way.[3] The time frame for materials salvage shall be 30 days of noticing following the initial 60 days noticing for relocation. **This mitigation measure applies to Impact CU-1 and Impact C-CU-1.**			Preservation Officer		
Mitigation Measure CU-2a: Relocation on Site Before the issuance of any building, grading, or demolition permit that would allow disturbance of the historic resource at 40 South Montgomery Street, the project applicant shall prepare a Relocation Implementation Plan that includes a detailed description of the proposed relocation methodology. At a minimum, this plan shall include detailed descriptions and drawings that indicate: • The means and methods of securing and bracing the building through all stages of relocation; • The proposed locations of cuts to facilitate relocation, with sections that are as large as feasible to limit damage to the historic fabric; • Proposed siting and foundation details; and • The approximate timetable for the completion of work, including major milestones. All work shall be undertaken in consultation with an architect or professional who meets the *Secretary of the Interior's Historic Preservation Professional Qualifications Standards*. The Relocation Implementation Plan shall be subject to review, and approval by the Director of PBCE, or the Director's designee. **This mitigation measure applies to Impact CU-2.**	Prepare a Relocation Implementation Plan regarding 40 South Montgomery Street and submit to the Director of PBCE or the Director's designee	Prior to issuance of any building permit that would allow relocation of 40 South Montgomery	Director of PBCE or the Director's designee; and City's Historic Preservation Officer	Review and approve Relocation Implementation Plan	Prior to issuance of any building permit that would allow relocation of 40 South Montgomery

3 Current noticing protocols for On-Site Noticing/Posting Requirements for Large Development Proposals can be found at https://www.sanjoseca.gov/home/showdocument?id=15573.

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
Mitigation Measure CU-2b: Compliance with the Secretary of the Interior's Standards Before the issuance of any building, grading, or demolition permit to move or modify the buildings at 40 South Montgomery Street, the project applicant shall submit detailed designs prepared by a qualified historic preservation architect demonstrating that all proposed relocation methodologies, including satisfaction of the provisions of Mitigation Measure CU-2a, Relocation on Site, repairs, modifications, and additions are consistent with the Secretary of the Interior's Standards for Rehabilitation. The submitted designs shall be subject to review and approval by the Director of PBCE, or the Director's designee. **This mitigation measure applies to Impact CU-2.**	Submit detailed designs of relocation methodologies and proposed repairs and modifications to 40 South Montgomery Street for review by the Director of PBCE or the Director's designee.	Prior to issuance of any building permit to move or modify 40 South Montgomery	Director of PBCE or the Director's designee; and City's Historic Preservation Officer	Review design documents and related permits	Prior to issuance of any building permit to move or modify 40 South Montgomery
Mitigation Measure CU-4: Construction Vibration Operation Plan for Historic Structures As presented in General Plan Policy EC-3.2, building damage for sensitive historic structures is generally experienced when vibration levels exceed 0.08 in/sec PPV. Section 3.10, Table 3.10-13, *Vibration Levels for Construction Activity*, lists a number of construction activities with their estimated PPVs at various distances. At distances up to 170 feet, vibration levels can approach the 0.08 PPV recommended threshold. Therefore, before the issuance of any demolition, grading, or building permit (whichever comes first) for work within 170 feet of a historic resource, the project applicant shall submit a Construction Vibration Operation Plan prepared by an acoustical and/or structural engineer or other appropriate qualified professional to the Director of PBCE, or the Director's designee, for review and approval.	Contract an acoustical and/or structural engineer or other appropriate qualified professional to prepare and submit a Construction Vibration Operation Plan identifying threshold levels of vibration for construction activities within 170 feet of historic structures.	Prior to issuance of any demolition, grading, or building permit (whichever commences first) for work within 170 feet of a historic resource	Director of PBCE or the Director's designee, and City's Historic Preservation Officer	Review and approve Construction Vibration Operation Plan	Prior to issuance of any demolition, grading, or building permit (whichever commences first) for work within 170 feet of a historic resource
The Construction Vibration Operation Plan shall establish pre-construction baseline conditions and threshold levels of vibration that could damage the historic structures located within 170 feet of construction, regardless of if they are located on the project site or adjacent to it. The plan shall also include measures to prohibit operation of vibration-generating construction equipment near sensitive structures. In addition, the Construction Vibration Operation Plan shall address the feasibility and potential implementation of the following measures during construction: • Prohibit impact, sonic, or vibratory pile driving methods where feasible. Drilled piles cause lower vibration levels where geological conditions permit their use.	Include limitations and requirements of the Construction Vibration Operation Plan in construction contracts and on building plans, and implement recommendations of the plan, including limitations on pile	Submit construction contracts and plans with requirements prior to construction and implement during construction	Director of PBCE or the Director's designee	Review and approve building plans and monitor compliance during construction	Approve plans prior to construction within 170 feet of historic buildings; monitor compliance with approved plans during construction

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
• Limit other vibration-inducing equipment to the extent feasible. • Submit a list of all heavy construction equipment to be used for this project known to produce high vibration levels (e.g., tracked vehicles, vibratory compaction, jackhammers, hoe rams) to the Director of PBCE or the Director's designee. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort required for continuous vibration monitoring. • Where vibration-inducing equipment is deemed necessary for construction work within 170 feet of a historic resource, include details outlining implementation of continued vibration monitoring. All construction contracts and approved plans shall include notes with reviewer-identified limitations and diagrams to avoid impacts on historic resources. **This mitigation measure applies to Impact CU-4.**	driving methods, other vibration-inducing equipment, and vibration monitoring.				

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
Mitigation Measure CU-7: Sign Relocation Prior to the issuance of the first permit for site preparation or construction on the site within 100 feet of the Stephen's Meat Product sign, the project applicant, in consultation with a qualified historic preservation professional, shall remove the sign from the site. If the sign is not immediately relocated to a receiver site, it shall be placed in secure storage. Storage shall be indoors, or otherwise protected from weather, impacts, and vandalism. The location of the storage facility shall be communicated to the Director of PBCE or the Director's designee. During design development, a receiver site shall be identified on the project site with the following characteristics: • The site shall be similar to the existing location along a public right-of-way; • The sign shall be placed upon a single support pole of similar dimension; • Views of the sign shall be permitted from a minimum of 150 feet along both directions of the public right-of-way. • The sign shall be repaired, as needed, to return it to its current functional state. • Interpretive signage indicating the sign's age, association, and original location shall be located at the base of the structural support. The selected site shall be subject to approval by the Director of PBCE or the Director's designee. Relocation of the sign shall be completed within no more than five years from the date of its removal, with potential for an extension not to exceed an additional five years upon approval of the Director of PBCE or the Director's designee. **This mitigation measure applies to Impact CU-7.**	Contract a qualified historic preservation professional to consult in the removal of the Stephen's Meat Product sign and place it in secure storage if it is not immediately relocated to a receiver site. During design development, and prior to the issuance of the first permit for site preparation or construction on a site within 100 feet of the Stephen's Meat Product sign, a receiver site shall be identified on the project site with specified characteristics.	Prior to issuance of any demolition, grading, or building permit (whichever commences first) for site preparation or construction on the site within 100 feet of the Stephen's Meat Product sign	Director of PBCE or the Director's designee	Review and approve removal plan and storage site and design documents	Prior to issuance of any demolition or grading permit for construction on the site within 100 feet of the Stephen's Meat Product sign
	Install the sign on its new site within five years of its removal or ten years if a five-year extension is granted.	Within five years of the sign removal or ten years if a five-year extension is granted.	Director of PBCE or the Director's designee	Confirm installation of the sign via site visit and documentation	Within five years of the sign removal or ten years if a five-year extension is granted

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
Mitigation Measure CU-8a: Cultural Resources Awareness Training Prior to any ground-disturbing and/or construction activities, a Secretary of the Interior–qualified archaeologist shall conduct a training program for all construction and field personnel involved in site disturbance. On-site personnel shall attend a mandatory pre-project training that will outline the general archaeological sensitivity of the area and the procedures to follow in the event an archaeological resource and/or human remains are inadvertently discovered. A training program shall be established for new project personnel before project work. **This mitigation measure applies to Impact CU-8, Impact CU-9, Impact CU-10, and Impact C-CU-4.**	A Secretary of the Interior–qualified archaeologist shall conduct a training program for all construction and field personnel and submit documentation to the Director of PBCE or the Director's designee	Submit training documents for review and approval prior to issuance of any grading permits or permits for any ground-disturbing and/or construction activities. Submit confirmation training conducted prior to start of construction activities.	Director of PBCE or the Director's designee	Review and approve training documents prior to issuance of any permits for ground disturbing activities. Prior to construction, review documentation to confirm training conducted	Prior to the issuance of any grading permits or permits for any ground-disturbing and/or construction activities. Review documentation construction training completed prior to start of construction activities.
Mitigation Measure CU-8b: Archaeological Testing Plan Prior to the issuance of any demolition or grading permits (whichever comes first) for each of the three construction phases, the project applicant shall be required to complete subsurface testing to determine the extent of possible cultural resources on-site. Subsurface testing shall be completed by a qualified archaeologist based on an approved Archaeological Testing Plan prepared and submitted to the Director of PBCE or the Director's designee for review and approval. The Testing Plan shall include, at a minimum: • Identification of the property types of the expected archaeological resource(s) that could be affected by construction; • The testing method to be used (hand excavation, coring, and/or mechanical trenching): • The locations recommended for testing; and, • A written report of the findings. The purpose of the archaeological testing program shall be to determine the presence or absence of archaeological resources to the extent possible and to evaluate whether any archeological resource encountered on the site constitutes an historical resource under CEQA. **This mitigation measure applies to Impact CU-8, Impact CU-10, and Impact C-CU-4.**	Prepare Archaeological Testing Plan and submit to the Director of PBCE or the Director's designee. A qualified archaeologist shall complete subsurface testing to determine the extent of possible cultural resources on-site and submit a written report of the findings.	Prior to the issuance of any demolition or grading permits (whichever commences first) for each of the three construction phases	Director of PBCE or the Director's designee	Review and approve Archaeological Testing Plan; receive and review written report of the findings following testing.	Prior to the issuance of any demolition or grading permits (whichever commences first) for each of the three construction phases

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
Mitigation Measure CU-8c: Archaeological Evaluation Prior to the issuance of any demolition or grading permits, the project applicant shall ensure that all prehistoric and historic-era materials and features identified during testing are evaluated by a qualified archaeologist based on California Register of Historical Resources criteria and consistent with the approved Archaeological Testing Plan. Based on the findings of the subsurface testing, a qualified archaeologist shall prepare an Archaeological Resources Treatment Plan addressing archaeological resources, in accordance with Mitigation Measure CU-8d, Archaeological Treatment Plan. **This mitigation measure applies to Impact CU-8, Impact CU-10, and Impact C-CU-4.**	Retain a qualified archaeologist to evaluate any materials and features identified during testing and to prepare an Archaeological Resources Treatment Plan and submit to the Director of PBCE or the Director's designee.	Following archaeological testing if prehistoric and/or historic-era materials are identified and prior to the issuance of any demolition or grading permits (whichever commences first) for each of the three construction phases	Director of PBCE or the Director's designee	Review and approve Archaeological Resources Treatment Plan	Prior to the issuance of any demolition or grading permits (whichever commences first) for each of the three construction phases if prehistoric and/or historic-era materials are identified during testing

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
Mitigation Measure CU-8d: Archaeological Treatment Plan The project applicant shall submit the Archaeological Resources Treatment Plan to the Director of PBCE, or the Director's designee, for review and approval before the issuance of any demolition and grading permits. The treatment plan shall contain the following elements, at a minimum: • Identification of the scope of work and range of subsurface effects (with a location map and development plan), including requirements for preliminary field investigations; • Development of research questions and goals to be addressed by the investigation (what is significant vs. what is redundant information); • Detailed field strategy used to record, recover, or avoid the finds and address research goals; • Analytical methods; • Report structure and outline of document contents; • Disposition of the artifacts; and • Appendices: Site records, correspondence, and consultation with Native Americans and other interested parties. The project applicant shall implement the approved Archaeological Treatment Plan before the issuance of any demolition or grading permits. After completion of the fieldwork, all artifacts shall be cataloged in accordance with 36 CFR Part 79, and the State of California's *Guidelines for the Curation of Archeological Collections*. The qualified archaeologist shall complete and submit the appropriate forms documenting the findings with the Northwest Information Center of the California Historical Resources Information System at Sonoma State University. **This mitigation measure applies to Impact CU-8, Impact CU-10, and Impact C-CU-4.**	A qualified archaeologist shall prepare the Archaeological Resources Treatment Plan, which shall be submitted to PBCE for review Implement the approved Archaeological Treatment Plan. A qualified archaeologist shall catalog artifacts, and complete and submit the appropriate forms documenting the findings with the Northwest Information Center of the California Historical Resources Information System at Sonoma State University, with a copy to the Director of PBCE or the Director's designee.	Prior to the issuance of any demolition or grading permits (whichever commences first) for each of the three construction phases Following completion of archaeological field work	Director of PBCE or the Director's designee Director of PBCE or the Director's designee	Review and accept Treatment Plan Confirm Treatment Plan was implemented and documentation of findings was submitted	Prior to the issuance of any demolition or grading permits (whichever commences first) for each of the three construction phases Following completion of archaeological field work

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
3.5 Geology, Soils, and Paleontological Resources					
Mitigation Measure GE-1: Seismic Damage and Seismic-Related Ground Failure, including Liquefaction Prior to issuance of any grading or building permits for new building construction, the project applicant shall implement the following measures: • To avoid or minimize potential damage from seismic shaking, use standard engineering and seismic safety design techniques for project construction. Complete building design and construction at the site in conformance with the recommendations of an approved geotechnical investigation. The geotechnical investigation report shall be reviewed and approved by the Director of the City of San José Department of Public Works as part of the building permit review and entitlement process. The buildings shall meet the requirements of applicable Building and Fire Codes as adopted or updated by the City. The project shall be designed to withstand soil hazards identified on the site, and designed to reduce the risk to life or property on site and off site to the extent feasible and in compliance with the Building Code. • Construct the project in accordance with standard engineering practices in the California Building Code, as adopted by the City of San José. Obtain a grading permit from the Department of Public Works prior to the issuance of a Public Works Clearance. These standard practices will ensure that future buildings on the site are designed to properly account for soils-related hazards. **This mitigation measure applies to Impact GE-1.**	Complete building design and construction at the site in conformance with the recommendations of an approved geotechnical investigation. The contractor shall follow the construction requirements for excavation, covering stockpiles and soils, and installing ditches for runoff. The buildings shall meet the requirements of applicable Building and Fire Codes as adopted or updated by the City.	Prior to issuance of any grading or building permits Prior to and during construction	Director of PBCE and the Director of Department of Public Works or Director's designee. Director of PBCE and the Director of Department of Public Works or Director's designee.	Review project design documents and the geotechnical investigation Review project design documents and monitor during and after construction	Prior to the issuance of any grading or building permits Prior to and during construction
Mitigation Measure GE-3: Geotechnical Report Prior to or coincident with the submittal of grading and drainage plans for each proposed building or other improvements, the project applicant for the improvements in question shall submit to the Director of Public Works or Director's designee for review and approval, in accordance with the California Building Code, a geotechnical report for the site under consideration. The applicant for the improvements in question shall comply with the recommendations of the geotechnical report, as approved by the Director of Public Works or Director's designee. **This mitigation measure applies to Impact GE-3.**	Prepare and submit geotechnical report for each site	Prior to or coincident with the submittal of grading and drainage plans for each proposed building or other improvements	Director of Public Works or Director's designee	Review and approve geotechnical report	Prior to or coincident with the submittal of grading and drainage plans for each proposed building or other improvements

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
Mitigation Measure GE-5a: Project Paleontologist The project applicant for specific construction work proposed shall retain a qualified professional paleontologist (qualified paleontologist) meeting the Society of Vertebrate Paleontology (SVP) standards as set forth in the "Definitions" section of Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources (2010) prior to the approval of demolition or grading permits. The qualified paleontologist shall attend the project kick-off meeting and project progress meetings on a regular basis, shall report to the site in the event potential paleontological resources are encountered, and shall implement the duties outlined in Mitigation Measures GE-5b through GE-5d. Documentation of a paleontologist attending the project kick-off meeting and project progress meetings shall be submitted to the Director of PBCE, or the Director's designee. **This mitigation measure applies to Impact GE-5 and Impact C-GE-1**.	Contract a qualified professional paleontologist to attend the project kick-off meeting and project progress meetings on a regular basis, and report to the site in the event potential paleontological resources are encountered and provide required documentation to the Director of PBCE or the Director's designee. In the event potential paleontological resources are encountered the qualified professional paleontologist shall implement the duties outlined in Mitigation Measures GE-5b through GE-5d.	Prior to the issuance of any demolition or grading permits (whichever commences first) and during construction	Director of PBCE or the Director's designee	Review contracts and documentation of a paleontologist attending the project kick-off meeting and project progress meetings	Prior to the issuance of any demolition or grading permits (whichever commences first) and during construction
Mitigation Measure GE-5b: Worker Training Prior to the start of any ground-disturbing activity (including vegetation removal, grading, etc.), the qualified paleontologist shall prepare paleontological resources sensitivity training materials for use during the project-wide Worker Environmental Awareness Training (or equivalent). The paleontological resources sensitivity training shall be conducted by a qualified environmental trainer (often the Lead Environmental Inspector or equivalent position), like the qualified paleontologist. In the event construction crews are phased, additional trainings shall be conducted for new construction personnel. The training session shall focus on the recognition of the types of paleontological resources that could be encountered within the project	Contract a qualified professional paleontologist to prepare paleontological resources sensitivity training materials for use during the project-wide Worker Environmental Awareness Training (or equivalent) and	Paleontological resources sensitivity training materials shall be provided for review and approval by the City prior to the issuance of any grading permits or permits for ground disturbing activity. Training must occur	Director of PBCE or the Director's designee	Receive and review documentation of paleontological resources sensitivity training	Prior issuance of any grading permits or permits for ground disturbing activity. Training shall occur prior to the start of any ground disturbing activity

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
site and the procedures to be followed if they are found, as outlined in the approved Paleontological Resources Monitoring and Mitigation Plan in Mitigation Measure GE-5c. The project applicant and/or its contractor shall retain documentation demonstrating that all construction personnel attended the training prior to the start of work on the site, and shall provide the documentation to the Director of PBCE, or the Director's designee upon request. **This mitigation measure applies to Impact GE-5 and Impact C-GE-1.**	document the Worker Environmental Awareness Training (or equivalent). Provide documentation to the Director of PBCE or the Director's designee.	prior to the start of any ground-disturbing activity			
Mitigation Measure GE-5c: Paleontological Monitoring The qualified paleontologist shall prepare, and the project applicant and/or its contractors shall implement, a Paleontological Resources Monitoring and Mitigation Plan (PRMMP). The project applicant shall submit the plan to the Director of PBCE, or the Director's designee for review and approval at least 30 days prior to the start of construction. This plan shall address the specifics of monitoring and mitigation and comply with the recommendations of the SVP (2010), as follows. 1. The qualified paleontologist shall identify, and the project applicant or its contractor(s) shall retain, qualified paleontological resource monitors (qualified monitors) meeting the SVP standards (2010). 2. The qualified paleontologist and/or the qualified monitors under the direction of the qualified paleontologist shall conduct full-time paleontological resources monitoring for all ground-disturbing activities in previously undisturbed sediments in the project site that have high paleontological sensitivity. This includes any excavation that exceeds 5 feet in depth in previously undisturbed areas. The PRMMP shall clearly map these portions of the proposed project based on final design provided by the project applicant and/or its contractor(s). 3. If pieces of heavy equipment (gross vehicle weight of 10,000 pounds or more) are in use simultaneously but at locations greater than 500 feet distant from one another, each location shall be individually monitored. 4. Monitors shall have the authority to temporarily halt or divert work away from exposed fossils in order to evaluate and recover the fossil specimens, establishing a 50-foot buffer. 5. If construction or other project personnel discover any potential fossils during construction, regardless of the depth of work or location and regardless of whether the site is being monitored, work at the discovery location shall cease in a 50-foot radius of the discovery until the qualified paleontologist has	Contract a qualified professional paleontologist to prepare and implement a monitoring and mitigation plan (PRMMP) as specified in Mitigation Measure GE-5c and submit the plan, daily logs, and a final report to the Director of PBCE or the Director's designee.	Submit plan at least 30 days prior to the start of any ground-disturbing activity per phase; conduct monitoring throughout ground-disturbing activities and maintain daily logs for provision to the City upon request; provide final monitoring and mitigation report after construction	Director of PBCE or the Director's designee	Review and approve PRMMP, daily monitoring documentation if requested, and final report	Prior to the issuance of any grading permits or permits for ground disturbing activity, and prior to start of any ground disturbing activity, during construction, and after construction

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
assessed the discovery and made recommendations as to the appropriate treatment. 6. The qualified paleontologist shall determine the significance of any fossils discovered, and shall determine the appropriate treatment for significant fossils in accordance with the SVP standards. The qualified paleontologist shall inform the project applicant of these determinations as soon as practicable. See Mitigation Measure GE-5d regarding significant fossil treatment. 7. Monitors shall prepare daily logs detailing the types of activities and soils observed, and any discoveries. The qualified paleontologist shall prepare a final monitoring and mitigation report to document the results of the monitoring effort and any curation of fossils. The project applicant shall provide the daily logs to the Director of PBCE, or the Director's designee upon request, and shall provide the final report to the Director of PBCE, or the Director's designee upon completion. **This mitigation measure applies to Impact GE-5 and Impact C-GE-1.**					
Mitigation Measure GE-5d: Significant Fossil Treatment If any find is deemed significant, as defined in the SVP (2010) standards and following the process outlined in Mitigation Measure GE-5c, the qualified paleontologist shall salvage and prepare the fossil for permanent curation with a certified repository with retrievable storage following the SVP standards. and to the satisfaction of the Director of PBCE, or the Director's designee. **This mitigation measure applies to Impact GE-5 and Impact C-GE-1.**	Contract a qualified professional paleontologist to salvage and prepare any fossil that is deemed significant for permanent curation and submit documentation to the Director of PBCE or the Director's designee.	After discovery of any fossil deemed significant	Director of PBCE or the Director's designee	Review fossil curation documentation	During or after construction if a fossil deemed significant is discovered
3.6 Greenhouse Gas Emissions					
Mitigation Measure GR-2: Compliance with AB 900 Prior to the City's first design Conformance Review for the first new construction building or buildings, the project applicant shall submit a plan documenting the project's proposed GHG emissions reductions and schedule for compliance with AB 900 to the Director of PBCE or the Director's designee. The plan shall: • Quantify project construction and operational GHG emissions for the life of the project (defined as 30 years of operation);	Prepare and submit a GHG Emissions Reduction Plan meeting requirements of this Mitigation Measure GR-2 to the Director of PBCE or the Director's designee.	Submit plan before the first design Conformance Review for the first new construction.	Director of PBCE or the Director's designee	Review and approve the GHG Emissions Reduction Plan; review annual reports; and receive evidence of offset purchases	Prior to the first design Conformance Review for the first new construction; annually in March starting in the calendar year

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
• Specify the project features and project-specific emission reduction strategies that shall be implemented during construction and operation of the project; and • Contain the schedule of GHG offset purchases required as part of the AB 900 certification process to comply with the "no net additional" requirement of Public Resources Code Section 21183(c). With funding from the project applicant, the City shall retain the services of a third-party expert who meets or exceeds the following level of experience and qualifications to assist with the City's annual review of the GHG plan: an expert GHG emissions verifier accredited by the ANSI National Accreditation Board (ANAB) Accreditation Program for Greenhouse Gas Validation/Verification Bodies or a Greenhouse Gas Emissions Lead Verifier accredited by CARB. *Emission Reductions:* At a minimum, project features and project-specific emission reduction strategies shall include the following measures. These measures reflect commitments by the applicant and specific mitigation measures incorporated to reduce air pollutant emissions as described in Section 3.1, *Air Quality*: 1. Achieve LEED ND Gold Certification and LEED Gold for all office buildings. 2. Implement a transportation demand management program to achieve a minimum non–single occupancy vehicle rate of 50 percent for office uses, assuming current transit service levels. The non–single occupancy vehicle rate shall increase to 60 percent for office uses following implementation of the Caltrain Business Plan and to 65 percent for office uses following the start of BART service. 3. Install EV charging equipment on 15 percent or more of all parking spaces at the project site. 4. Design and operate buildings with all-electric utilities (no on-site fossil fuels consumed to provide cooling, heating, cooking, water heating, etc.), with the exception of a total of 20,000 square feet of restaurant kitchens that may be equipped with natural gas for food preparation purposes. 5. Install and operate on-site a solar photovoltaic system generating at least 7.8 MW. 6. Use recycled water for all non-potable water demand. 7. Use electric off-road equipment for construction, including for all concrete/ industrial saws, sweepers/scrubbers, aerial lifts, welders, air compressors, fixed cranes, forklifts, pumps, pressure washers, and 50 percent of all cement and	Implement required emission reduction strategies and purchase offsets at six times during build-out of the project (three for construction and three for operations) as specified. Submit a letter documenting implementation of the plan March 1 of each year to the Director of PBCE or the Director's designee. Also submit copies of GHG offset contracts demonstrating offset purchases.	Submit annual reports by March 1 of each subsequent year. Submit copies of GHG offset contracts prior to occupancy of the first building in each phase.			following the first certificate of occupancy; and prior to issuance of a certificate of occupancy for the first building in each phase

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**

mortar mixers. Power portable equipment by grid electricity instead of diesel generators.

8. Meet or exceed all applicable building code requirements and standards, including the CALGreen and San José Reach Codes, and meet or exceed ASHRAE 2019 energy efficiency standards.

GHG Offset Credits: The project applicant's plan shall describe the schedule for the purchase of GHG offset credits sufficient to offset the balance of the project's GHG emissions for the life of the project consistent with the "no net additional" requirement and consistent with the CARB Determination dated December 19, 2019. As detailed in the CARB Determination, the project applicant's purchases of GHG offsets shall coincide with the phases defined in the AB 900 analysis:

	Total GHG Emissions ($MTCO_2e$)		
AB 900 Phasing	Construction	Net Operational	Net Combined
Phase 1	54,663	494,359	549,022
Phase 2	55,431	523,451	578,882
Phase 3	47,153	438,704	485,857
Total	157,247	1,456,514	1,613,761

SOURCE: CARB Executive Order G-19-154, *Downtown Mixed Use Plan AB 900 Application and Supporting Documentation*, Attachment 2, p. 10, Table 2 (construction), and Attachment 1, pp. 11–12, Table 4.

As documented in the CARB Determination, the project applicant shall purchase GHG offset credits necessary to offset construction-generated emissions on a prorated basis before obtaining the first building permit in each phase of construction, for a total of three offset payments over three construction phases. The project applicant shall purchase GHG offset credits necessary to offset the cumulative net increase in operational emissions over the life of the project on a pro-rated basis before the City issues the final Certificate of Occupancy for the first building in each phase of construction, for a total of three offset payments over three construction phases.

To enable the City to monitor and enforce this requirement, the project applicant's plan shall identify the amount of construction and square footage of development

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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
associated with the GHG emissions anticipated for each phase. Any building that would cause emissions to exceed the projected 30-year net additional construction or operational emissions associated with a particular phase shall be considered to be in the next phase. At this point, the project applicant would have to purchase the next installment of AB 900 credits for the associated phase before the final Certificate of Occupancy is issued for this building (see below for more detail). To account for potential future changes in phasing and project buildout, the project applicant shall purchase carbon credits for each of the three construction phases and three operational phases as follows. • Construction—Phase 1: Before obtaining the first building permit for construction, the project applicant shall purchase the first installment of GHG offset credits for construction as presented in the table above and in the CARB Determination. • Construction—Phase 2: Before obtaining the first building permit in Phase 2 of construction (i.e., the building permit for the first building that would cause construction emissions to exceed 54,663 $MTCO_2e$), the project applicant shall purchase GHG offset credits for construction as presented in the table above and in the CARB Determination. • Construction—Phase 3: Before obtaining the first building permit in Phase 3 of construction (i.e., the building permit for the first building that would cause total construction emissions to exceed 110,094 $MTCO_2e$, which is the total of Phase 1 and Phase 2, as defined by the CARB Determination), the project applicant shall purchase the third installment of GHG offset credits for construction as presented in the table above. • Operations—Phase 1: Before the City issues the final Certificate of Occupancy for the first building in Phase 1, the project applicant shall purchase the first installment of GHG offset credits for operations as presented in the table above and in the CARB Determination. • Operations—Phase 2: Before the City issues the final Certificate of Occupancy for the first building in Phase 2 (i.e., the building permit for the first building that would cause projected 30-year net additional operational emissions to exceed 494,359 $MTCO_2e$), the project applicant shall purchase the second installment of GHG offset credits for operations as presented in the table above and in the CARB Determination. • Operations—Phase 3: Before the City issues the final Certificate of Occupancy for the first building in Phase 3 (i.e., the building permit for the first building that					

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**

would cause total projected 30-year net additional operational emissions to exceed 1,017,810 $MTCO_2e$, the total of Phase 1 and Phase 2 as defined by the CARB Determination), the project applicant shall purchase the third installment of GHG offset credits for operations as presented in the table above. The applicant shall increase the GHG offset purchase if needed to offset additional GHG emissions from project-lifetime construction and operations beyond the total GHG offsets required at the time of CARB's Determination, as calculated in the plan.

As described in the CARB Determination, all GHG offset credits shall be purchased from a CARB-accredited carbon registry such as the American Climate Registry, Climate Action Reserve, or Verra (formerly Verified Carbon Standard). The GHG offset credits shall be verifiable by the City and enforceable in accordance with the registry's applicable standards, practices, or protocols. The GHG offsets must substantively satisfy all six of the statutory "environmental integrity" requirements applicable to the CARB Cap-and-Trade Program, generally as set forth in both subdivisions (d)(1) and (d)(2) of California Health and Safety Code §38562: real, additional, quantifiable, permanent, verifiable, and enforceable. To be eligible to be used to meet this Mitigation Measure, offset credits must be generated and verified in accordance with published protocols and other applicable standards which can demonstrate to the satisfaction of the City's verifier that all six of these environmental integrity requirements are substantively satisfied. All offset credits shall be verified by an independent verifier who meets stringent levels of professional qualification (i.e., ANAB Accreditation Program for Greenhouse Gas Validation/Verification Bodies or a Greenhouse Gas Emissions Lead Verifier accredited by CARB), or an expert with equivalent qualifications to the extent necessary to assist with the verification). Without limiting the generality of the foregoing, in the event that an approved registry becomes no longer accredited by CARB and the offset credits cannot be transferred to another accredited registry, the project applicant shall comply with the rules and procedures for retiring and/or replacing offset credits in the manner specified by the applicable protocol or other applicable standards including (to the extent required) by purchasing an equivalent number of credits to recoup the loss.

The project applicant shall utilize the purchase and retirement of GHG offset credits generated from projects within the United States of America. In the unlikely event that an approved registry becomes no longer approved by CARB and the offset credits cannot be transferred to another CARB-approved registry, the project applicant shall comply with the rules and procedures for retiring and/or replacing

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
offset credits in the manner specified by the applicable Protocol, Standard or Methodology, including (to the extent required) by purchasing an equivalent number of credits to recoup the loss. Reporting and Enforcement: On an annual basis, by March 1 of each year, the project applicant shall submit a letter to the Director of PBCE or the Director's designee confirming implementation of the emission reduction strategies listed in the AB 900 compliance plan. The letter shall also identify any changes or additions to the plan, including any recalculation of project emissions based on new information, incorporation of additional strategies, or changes in technology. If changes or additions to the plan are proposed, these shall be subject to review and approval by the Director of PBCE or the Director's designee, and the City's third-party consultant as noted above, within 30 days. In addition, before the City issues the final Certificate of Occupancy for the first building constructed in each phase, as the phases were defined at the time of CARB's certification and as laid out in the project applicant's plan, the applicant shall provide copies of GHG offset contracts demonstrating required purchases to the Director of PBCE, or the Director's designee, and to CARB and the Governor's Office of Planning and Research. This will serve as documentation to fully enforce the provision that the project result in no net additional GHG emissions for the life of the obligation. **This mitigation measure applies to Impact GR-2.**					
3.7 Hazardous and Hazardous Materials					
Mitigation Measure HA-3a: Land Use Limitations Before construction activities on parcels with land use covenants, other regulatory land use restrictions, open remediation cases, or contamination identified as part of a Phase II investigation above regulatory environmental screening levels, the project applicant for the specific work proposed shall obtain regulatory oversight from the appropriate agency. The project applicant shall perform further environmental investigation or remediation as needed to ensure full protection of construction workers, the environment, and the public. For properties with land use limitations, the limitations and restrictions may be reduced or removed entirely if the underlying contamination is removed or treated to below the regulatory screening levels for the proposed land use (residential, commercial, or industrial). The project applicant shall be required to prepare a remedial action plan describing the proposed cleanup actions, the target cleanup levels, and the proposed land use after cleanup. The remedial action plan shall be	On parcels with land use covenants, other regulatory land use restrictions, open remediation cases, or known contamination above regulatory screening levels, perform further environmental investigation or remediation, including a remedial action plan and or Phase IIs, as needed to ensure full	Prior to the issuance of any grading or building permits (whichever commences first) for construction activities on parcels with land use covenants, other regulatory land use restrictions, open remediation cases, or contamination identified as part of a Phase II investigation above regulatory	Director of PBCE or the Director's designee, ESD Environmental Compliance Officer, and either DTSC or RWQCB	Review remedial action plan and report documenting clean-up activities and request for removal or modification of land use limitations. Director of PBCE or Director's designee shall review approved reports.	Prior to issuance of any grading or building permits (whichever commences first) on affected parcels.

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
submitted to the regulatory agency enforcing the land use limitations for its review and approval. Upon regulatory agency approval, the project applicant shall implement the remedial action to clean up the site, followed by confirmation sampling and testing of soil, soil gas, and/or groundwater to verify that the cleanup achieved the target cleanup levels. The project applicant shall prepare a report documenting the cleanup activities, comparing the sample results to the target cleanup levels, and request that the land use limitations be modified or removed. The regulatory agency shall review the report and, if satisfied that the cleanup is sufficient, modify or remove the land use limitations The report shall also be submitted to the Environmental Services Department's Municipal Environmental Compliance Officer. For properties with land use covenants (LUCs) that have incomplete Phase II investigations or that need further investigation to inform changes or removals of LUCs, Phase II investigations shall be performed before the start of any construction activities. If the Phase II investigations show soil, soil gas, and/or groundwater concentrations that exceed regulatory screening levels, the project applicant shall obtain regulatory oversight from the appropriate regulatory agency. The project applicant shall perform further environmental investigation and remediation if needed to ensure full protection of construction workers, the environment, and the public. Mitigation Measures HA-3b and HA-3c, described below, would be required and would describe the remediation measures to be implemented. Mitigation Measure HA-3d, described below, may also be implemented if appropriate to the particular site. **This mitigation measure applies to Impact HA-3.**	protection of construction workers, the environment, and the public with regulatory oversight from the appropriate agency and Environmental Services Department (ESD). Submit report to ESD.	environmental screening levels			
Mitigation Measure HA-3b: Health and Safety Plan Before the start of ground-disturbing activities, including grading, trenching, or excavation, or structure demolition on parcels within the project site, the project applicant for the specific work proposed shall require that the construction contractor(s) retain a qualified professional to prepare a site-specific health and safety plan (HSP) in accordance with federal Occupational Safety and Health Administration (OSHA) regulations (29 CFR 1910.120) and California Occupational Safety and Health Administration regulations (8 CCR Section 5192). The HSP shall be implemented by the construction contractor to protect construction workers, the public, and the environment during all ground-disturbing and structure demolition activities. HSPs shall be submitted to the Director PBCE,	Contract a qualified environmental professional to prepare and implement a site-specific Health and Safety Plan in accordance with federal OSHA regulations. The Plan shall be submitted to ESD and the Director of PBCE or the Director's designee and attached as a condition	Prior to and during any ground-disturbing activities	Director of PBCE or the Director's designee, ESD Environmental Compliance Officer, and any applicable oversight regulatory agency (if regulatory	Review and approve Health and Safety Plan and confirm its attachment to relevant grading, construction, and/or demolition permits	Prior to the issuance of grading, construction, and/or demolition permits

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
or the Director's designee, the Environmental Services Department Municipal Environmental Compliance Officer, and any applicable oversight regulatory agency (if regulatory oversight is required) for review before the start of demolition and construction activities and as a condition of the grading, construction, and/or demolition permit(s). The HSP shall include, but not be limited to, the following elements: • Designation of a trained, experienced site safety and health supervisor who has the responsibility and authority to develop and implement the site HSP. • A summary of all potential risks to demolition and construction workers and maximum exposure limits for all known and reasonably foreseeable site chemicals. • Specified personal protective equipment and decontamination procedures, if needed. • The requirement to prepare documentation showing that HSP measures have been implemented during construction (e.g., tailgate safety meeting notes with signup sheet for attendees). • A requirement specifying that any site worker who identifies hazardous materials has the authority to stop work and notify the site safety and health supervisor. • Emergency procedures, including the route to the nearest hospital. • Procedures to follow if evidence of potential soil or groundwater contamination is encountered (such as soil staining, noxious odors, debris or buried storage containers). These procedures shall be followed in accordance with hazardous waste operations regulations and specifically include, but not be limited to, immediately stopping work in the vicinity of the unknown hazardous materials release; notifying the PBCE and the regulatory agency overseeing site cleanup, if any; and retaining a qualified environmental firm to perform sampling and remediation. **This mitigation measure applies to Impact HA-2, Impact HA-3, Impact C-HA-1, Impact HY-1, Impact C-HY-1, and Impact C-BI-1.**	of the relevant grading, construction, and/or demolition permits.		oversight is required)		
Mitigation Measure HA-3c: Site Management Plan In support of the health and safety plans described in Mitigation Measure HA-3b, the project applicant for the specific work proposed shall develop and require that its contractor(s) develop and implement site management plans (SMPs) for the	Contract a qualified environmental professional to prepare and implement Site Management Plans	SMP shall be submitted for review and approval prior to issuance of permits for any ground-disturbing	Director of PBCE or the Director's designee, ESD Municipal	Review and approve Site Management Plans and confirm attachment to	Prior to issuance of permits for any ground-disturbing activities (grading,

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
management of soil, soil gas, and groundwater before any ground-disturbing activity for all parcels with land use limitations and parcels with known or suspected contamination. SMPs may be prepared for the entire project site or for groups of parcels, or for individual parcels. In any case, all such parcels shall be covered by an SMP. Each SMP shall include the following, at a minimum: • Site description, including the hazardous materials that may be encountered. • Roles and responsibilities of on-site workers, supervisors, and the regulatory agency. • Training for site workers focused on the recognition of and response to encountering hazardous materials. • Protocols for the materials (soil and/or dewatering effluent) testing, handling, removing, transporting, and disposing of all excavated materials and dewatering effluent in a safe, appropriate, and lawful manner. • Reporting requirement to the overseeing regulatory agency and the Director of PBCE, documenting that site activities were conducted in response to encountering hazardous materials. SMPs for parcels with soil, soil gas, and/or groundwater above environmental screening levels for the proposed land use shall be submitted to the regulatory agency with jurisdiction (i.e., Department of Toxic Substance Control [DTSC], the San Francisco Regional Water Quality Control Board, or the SCCDEH), for review, and to the Director of PBCE, or the Director's designee, and the Environmental Services Department (ESD) Municipal Environmental Compliance Officer to inform their permit approval process before the start of demolition and construction activities and as a condition of the grading, construction, and/or demolition permit(s). The overseeing regulatory agency, if it accepts oversight, will require enrolment in its cleanup program and payment for oversight. The contract specifications shall mandate full compliance with all applicable federal, state, and local regulations related to the identification, transportation, and disposal of hazardous materials. For work at parcels that would encounter groundwater, as part of the SMPs, contractors shall include a groundwater dewatering control and disposal plan specifying how groundwater (dewatering effluent), if encountered, will be handled and disposed of in a safe, appropriate, and lawful manner. The groundwater portion of the SMPs shall include the following, at a minimum: • The locations at which groundwater dewatering is likely to be required.	which shall be submitted to ESD and the Director of PBCE or the Director's designee and regulatory agencies with jurisdiction (if any) and attached as a condition of the relevant grading, construction, and/or demolition permits.	activities (grading, demolition, or building permits)	Environmental Compliance Officer, and any applicable oversight regulatory agency (if regulatory oversight is required)	relevant grading, construction, and/or demolition permits	demolition, or building permits)

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
• Test methods to analyze groundwater for hazardous materials. • Appropriate treatment and/or disposal methods. • Discussion of discharge to a publicly owned treatment works or the stormwater system, in accordance with any regulatory requirements the treatment works may have, if this effluent disposal option is to be used. • The groundwater dewatering control and disposal plan shall provide a detailed analysis of construction dewatering, including estimating dewatering volumes/durations and evaluating related impacts if volumes are expected to be significant. The dewatering system shall be designed such that the volume and duration of dewatering are minimized to the greatest extent possible. • The geotechnical investigation for those parcels that may require dewatering shall identify the foundation design and waterproofing to minimize the need for permanent dewatering after construction is complete. **This mitigation measure applies to Impact HA-2, Impact HA-3, Impact C-HA-1, Impact HY-1, and Impact C-HY-1.**					
Mitigation Measure HA-3d: Vapor Mitigation To mitigate exceedances of indoor air standards, the project applicant shall incorporate at least one or more of the vapor mitigation methods listed below on each parcel known to have soil gas concentrations above soil gas screening levels or identified to have concentrations above screening levels as a result of Phase II investigations included in Mitigation Measure HA-3c. The proposed work-specific vapor mitigation, if not in compliance with then-current guidance, must be pre-approved by the applicable regulatory oversight agency (e.g., DTSC, the San Francisco Regional Water Quality Control Board, or the SCCDEH): • Excavate and remove contaminated materials (soil and, if needed, groundwater), to levels where subsequent testing verifies that soil gas levels are below screening levels. This approach would remove the source of soil gas and would not require a physical barrier such as a high-density polyethylene vapor barrier. • Install a physical vapor barrier (e.g., liner) beneath the structure foundation that prevents soil gas from seeping into breathing spaces inside the structure. • Install a passive or powered vapor mitigation system layer that draws soil gas out of the under-foundation base rock and directs that soil gas to a treatment system to prevent people from being exposed outdoors.	Incorporate at least one or more of the vapor barrier methods listed as described in Mitigation Measure HA-3d: Vapor Mitigation on project plans for parcels with soil gas concentrations in excess of screening levels. Prepare a report documenting the testing results and installed vapor mitigation method and submit the report to the regulatory agency with jurisdiction (e.g. DTSC) with a copy to ESD and the Director of	Indicate vapor mitigation on project plans and Implement vapor mitigation during construction on parcels with soil gas concentrations that exceed screening levels Provide report documenting effectiveness of the vapor mitigation after construction	Director of PBCE or the Director's designee, ESD Environmental Compliance Officer, and any applicable oversight regulatory agency (if regulatory oversight is required)	Review and approve vapor mitigation design and documentation prior to issuance of building permits for construction Receive and review final report regarding implemented requirements	Vapor mitigation and design must be approved prior to issuance of building permits. Report documenting effectiveness prior to building occupancy

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
Upon completion, the project applicant shall prepare a report documenting the testing results and installed vapor mitigation method and submit the report to the regulatory agency with jurisdiction (i.e., DTSC, SCCDEH or the San Francisco Regional Water Quality Control Board). A copy of the report shall be provided to the Director of PBCE, or the Director's designee, and the Environmental Services Department Municipal Environmental Compliance Officer to inform them of compliance with this requirement. The implemented mitigation measure shall result in indoor air concentrations that do not exceed the screening levels provided in the above-referenced DTSC HHRA Note 3. **This mitigation measure applies to Impact HA-3 and Impact C-HA-1.**	PBCE or the Director's designee.				
3.8 Hydrology and Water Quality					
Mitigation Measure HY-1: Water Quality Best Management Practices during Construction Activities in and near Waterways To avoid and/or minimize potential impacts on water quality (and jurisdictional waters) for project activities that would be conducted in, over, or within 100 feet of waterways, the project applicant shall implement the following standard construction Best Management Practices (BMPs), applicable to project construction activities in, near, or over waterways, to prevent releases of construction materials or hazardous materials and to avoid other potential environmental impacts: • If the project includes activities such as debris removal or pier/pile demolition, the project applicant for the specific work proposed shall be required to submit a notice of intent to comply with waste discharge requirements and conditions identified by the San Francisco Bay Regional Water Quality Control Board. No debris, rubbish, soil, silt, sand, cement, concrete, or washings thereof, or other construction-related materials or wastes, oil, or petroleum products shall be allowed to enter jurisdictional waters, or shall be placed where it would be subject to erosion by rain, wind, or waves and enter into jurisdictional waters, except as permitted by the San Francisco Bay Regional Water Quality Control Board under an approved waste discharge requirement permit condition. Staged construction materials with the potential to be eroded/entrained during a rainfall event shall be covered every night and during any rainfall event (as applicable). • Instream construction shall be scheduled during the summer low-flow season to the extent feasible to minimize impacts on aquatic resources.	Implement standard construction BMPs as required in Mitigation Measure HY-1, applicable to project construction activities for project activities that would be conducted in, over, or within 100 feet of waterways and include as conditions on relevant grading and building permits. For activities such as debris removal or pier/pile demolition, submit a notice of intent to comply with waste discharge requirements and conditions identified by the San Francisco Bay Regional Water Board.	Prior to any ground-disturbing and during construction activities within 100 feet of waterways	Director of PBCE or the Director's designee and RWQCB	Review and approve BMPs on grading and building plans. Monitor construction	Prior to issuance of grading, building, or other permits for construction activities within 100 feet of waterways.

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
• To the maximum extent practicable, construction materials, wastes, debris, sediment, rubbish, trash, fencing, etc., shall be removed from the project site's riparian areas daily during construction, and thoroughly at the completion of the project. Debris shall be transported to a pre-designated upland disposal area. • Protective measures shall be used to prevent accidental discharges of oils, gasoline, or other hazardous materials to jurisdictional waters during fueling, cleaning, and maintenance of equipment, as outlined in the project's soil and groundwater management plan. Well-maintained equipment shall be used to perform construction work, and except in the case of failure or breakdown, equipment maintenance shall be performed off-site, to the extent feasible. Crews shall check heavy equipment daily for leaks; if a leak is discovered, it shall be immediately contained and use of the equipment shall be suspended until repaired. The source of the leak shall be identified, material shall be cleaned up, and the cleaning materials shall be collected and properly disposed. • Vehicles and equipment used during construction shall be serviced off-site, as feasible, or in a designated location a minimum of 100 feet from waterways. Fueling locations shall be inspected after fueling to document that no spills have occurred. Any spills shall be cleaned up immediately. • The project applicant shall submit a copy of the BMPs to the Director of PBCE or Director's designee for review and approval prior to the issuance of any demolition or grading permits. **This mitigation measure applies to Impact HY-1, Impact HY-3, Impact HY-4, and Impact C-HY-1.**					
Mitigation Measure HY-3a: Flood Risk Analysis and Modeling Once final design is complete and prior to issuance of any building permit for any portion of the project potentially subject to flooding according to the best available data from the City or Valley Water, the project applicant for the specific work proposed shall conduct a hydrologic analysis of the final project design to address flood risks. The project applicant shall prepare a thorough hydrologic technical evaluation and demonstrate that the project poses minimal flood risk to occupants, residents, visitors, and surrounding properties. The project design shall be modified to minimize the impacts of the proposed development and shall be submitted to the City for review and approval. The design shall ensure that new structures are	Prepare and submit a hydrologic analysis of the final project design for any portion of the project subject to flooding according to FEMA flood maps and/or the best available data from the City or Valley Water to address flood risks and submit a copy to Public	Prior to the issuance of any building permit for any portion of the project potentially subject to flooding according to FEMA flood maps and/or City or Valley Water data	Director of PBCE or the Director's designee, and Director of the Department of Public Works or the Director's designee.	Review and approve the hydrologic technical evaluation and associated design measures	Prior to the issuance of any building permit for any portion of the project potentially subject to flooding according to FEMA flood maps and/or City or Valley Water data

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
elevated or flood-proofed above the 1 percent (100-year) base flood elevation, consistent with the City's adopted performance standards[4] that limit development within a special flood hazard area (Zone A) unless demonstrated that the cumulative effect of the proposed development would not increase the water surface elevation of the base flood more than 1 foot at any point within the City of San José. The hydrologic technical evaluation shall demonstrate that after construction of the new structure(s), floodplain encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge for existing adjacent structures or, for those structures located in the 100-year floodplain under existing conditions, the project shall not result in increases in the base flood elevation of more than one foot, consistent with the City's adopted performance standard. Final design measures shall be developed in consultation with Valley Water, subject to review and approval by the City Department of Public Works and Department of Planning, Building and Code Enforcement. Measures could include any of the following: • Use instream and associated floodplain restoration strategies in the riparian corridor to expand a greenway along Los Gatos Creek and conduct associated floodplain restoration. • Remove existing obstructions to flood conveyance, such as existing support structures within the floodway. • Upgrade the City's storm drain network. • Install protective infrastructure for subsurface structures to reduce the risk of inundation. • Raise the level of the project's structures (or flood proof to the same elevation) to minimize risks to occupants and the surrounding community. • Flood-proof project structures with, including but not limited to, permanent or removable standing barriers, garage flood gates, or automated flip-up barriers. **This mitigation measure applies to Impact HY-3, Impact HY-4, Impact HY-5, and Impact C-HY-3.**		Works and the Director of PBCE or the Director's designee. Reflect results of the technical evaluation in project designs as specified.			

4 City of San José, City of San José Code of Ordinances, Title 17, Buildings and Construction; Chapter 17.08, Special Flood Hazard Areas; Part 5, Requirements; Section 17.08.640, New Developments. Available at https://library.municode.com/ca/san_jose/codes/code_of_ordinances?nodeId=TIT17BUCO_CH17.08SPFLHAARRE_PT5RESPFLHAAR_17.08.640NEDE. Accessed January 15, 2020.

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
Mitigation Measure HY-3b: Plan for Ongoing Creek Maintenance In the event that the project includes channel rehabilitation, prior to commencement of the initial restoration program within Los Gatos Creek, the project applicant shall submit a plan for ongoing maintenance of the affected reach of Los Gatos Creek to Valley Water and to the Director of PBCE, or Director's designee, for review and approval. The plan shall be consistent with the conditions in the existing permits for Valley Water's ongoing stream maintenance program and/or shall be subject to its own project-specific permitting regime, subject to jurisdictional agency review and approval. **This mitigation measure applies to Impact HY-3, Impact HY-4, Impact HY-5, Impact HY-6, and Impact C-HY-3.**	Prepare and submit plan for ongoing maintenance of the affected reach of Los Gatos Creek if the project includes channel rehabilitation.	Prior to commencement of the initial restoration program within Los Gatos Creek	Director of PBCE or the Director's designee, Valley Water, regulatory agencies with jurisdiction	Review and approve maintenance plan	Following receipt of plan provided prior to commencement of the initial restoration program within Los Gatos Creek
3.10 Noise and Vibration					
Mitigation Measure NO-1a: Operational Noise Performance Standard Prior to the issuance of any building permits, the project applicant shall ensure that all mechanical equipment is selected and designed to reduce impacts on surrounding uses by meeting the performance standards of Chapters 20.20 through 20.50 of the San José Municipal Code, limiting noise from stationary sources such as mechanical equipment, loading docks, and central utility plants to 55 dBA, 60 dBA, and 70 dBA at the property lines of residential, commercial, and industrial receivers, respectively. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance has been verified by the City. Methods of achieving these standards include using low-noise-emitting HVAC equipment, locating HVAC and other mechanical equipment within a rooftop mechanical penthouse, and using shields and parapets to reduce noise levels to adjacent land uses. For emergency generators, industrial-grade silencers can reduce exhaust noise by 12 to 18 dBA, and residential-grade silencers can reduce such noise by 18 to 25 dBA.[5] Acoustical screening can also be applied to exterior noise sources of the proposed central utility plants and can achieve up to 15 dBA of noise reduction.[6] An acoustical study shall be prepared by a qualified acoustical engineer during final building design to evaluate the potential noise generated by building mechanical	Ensure that all mechanical equipment is selected and designed to reduce impacts on surrounding uses to meet the performance standards of Chapters 20.20 through 20.50 of the San José Municipal Code, and shall so specify on building plans. Prepare an acoustical study during final building design to evaluate the potential noise generated by building mechanical equipment and to identify the necessary	Prior to the issuance of any building permits	Director of PBCE or the Director's designee	Review and approve final building plans and acoustical study	Prior to the issuance of any building permits

5 American Society of Heating, Refrigeration, and Air Conditioning Engineers, Technical Committee on Sound and Vibration, *Generator Noise Control—An Overview*, 2006.
6 Environmental Noise Control, Product Specification Sheet, ENC STC-32 Sound Control Panel System, 2014.

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
equipment and to identify the necessary design measures to be incorporated to meet the City's standards. The study shall be submitted to the Director of PBCE or the Director's designee for review and approval before the issuance of any building permit. **This mitigation measure applies to Impact NO-1a, and Impact C-BI-1.**	noise controls that are included in the design to meet the City's requirements. Submit to the Director of PBCE or the Director's designee.				
Mitigation Measure NO-1b: Traffic Noise Impact Reduction Prior to the issuance of any building permits, the project applicant shall implement the following measures to reduce roadside noise impacts at the following roadway segments: • *West San Fernando Street from South Montgomery Street to Delmas Avenue.* Prior to the issuance of any building permits for construction on this block, the project applicant for the construction work proposed shall prepare and submit to the Director of Planning, Building and Code Enforcement or the Director's designee, a site-specific acoustical study for review and approval. Upon approval of the site-specific acoustical study, the project applicant shall directly contact property owners of single-family residences to implement, with the owners' consent, reasonable sound insulation treatments such as replacing the existing windows and doors with sound-rated windows and doors and providing a suitable form of forced-air mechanical ventilation, that could reduce indoor noise levels up to 45 dBA DNL, as warranted by the study. • *Bird Avenue from West San Carlos Street to Auzerais Avenue.* Prior to the issuance of any building permits for construction on this block, the project applicant for the construction work proposed shall prepare and submit to the Director of PBCE, or the Director's designee, a site-specific acoustical study for review and approval. Upon approval of the site-specific acoustical study, the project applicant shall directly contact the property owners of single-family homes on Auzerais Avenue, within 200 feet of Bird Avenue, to implement, with the owners' consent, reasonable sound insulation treatments such as replacing the existing windows and doors with sound-rated windows and doors and providing a suitable form of forced-air mechanical ventilation, that could reduce indoor noise levels up to 45 dBA DNL, as warranted by the study. **This mitigation measure applies to Impact NO-1b.**	Prepare site-specific acoustical studies for new buildings along West San Fernando Street from South Montgomery Street to Delmas Avenue and Bird Avenue from West San Carlos Street to Auzerais Avenue and provide to the Director of PBCE or the Director's designee. Directly contact property owners to implement reasonable sound insulation treatments that could feasibly reduce indoor noise levels up to 45 dBA DNL, as warranted by the studies. If approved by the property owner, the project applicant shall be responsible for implementation of the sound insulation treatments.	Prior to the issuance of any building permit permits for new buildings at the specified locations.	Director of PBCE or the Director's designee	Review and approve acoustical study, evidence of outreach to property owners, and installation of sound insulation if agreed to by the property owners	Prior to the issuance of any building permits for new buildings at the specified locations.

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
Mitigation Measure NO-1c: Master Construction Noise Reduction Plan Prior to the issuance of the first demolition, grading or building permit for new construction within the project site or for any of the project's new public and private infrastructure, the project applicant shall prepare a Master Construction Noise Reduction Plan, to be implemented as development occurs throughout the project site to address demolition and construction within 500 feet of residential uses, or within 200 feet of commercial or office uses, or areas inside, or within 50 feet of, the Los Gatos Creek riparian corridor. The plan shall be submitted to the Director of PBCE, or the Director's designee, for review and approval, and implementation of the identified measures shall be required as a condition of each permit. This Master Construction Noise Reduction Plan shall include, at a minimum, the following noise reduction measures: 1. *Noise Monitoring:* The Master Construction Noise Reduction Plan shall include a requirement for noise monitoring of construction activity throughout the duration of project construction, at times and locations determined appropriate by the qualified consultant and approved by the Director of Planning, Building and Code Enforcement, or the Director's designee. 2. *Schedule:* Loud activities such as rock breaking and pile driving shall occur only between 8 a.m. and 4 p.m., every day (with pile driving and rock breaking to start no earlier than 9 a.m. on weekends). Similarly, other activities with the potential to create extreme noise levels exceeding 90 dBA shall be avoided where possible. (Extreme noise-generating activities consist of those activities that independently generate noise in excess of 90 dBA. These activities include impact pile driving, vibratory pile driving, deep dynamic compaction, rapid impact compaction, and the breaking of concrete using a hoe ram.) Where such activities cannot be avoided, they shall also occur only between 8 a.m. and 4 p.m. Any proposed nighttime (defined as 10 p.m. to 7 a.m.) construction activities such as nighttime concrete pours or other nighttime work necessary to achieve satisfactory results or to avoid traffic impacts shall undergo review, permitting, and approval by the Director of PBCE, or the Director's designee. 3. *Site Perimeter Barrier:* To reduce noise levels for work occurring adjacent to residences, schools, or other noise-sensitive land uses, and areas inside, or within 50 feet of, the Los Gatos Creek riparian corridor, a noise barrier(s) shall be constructed on the edge of the work site facing the receptor(s). Barriers shall be constructed either with two layers of 0.5-inch-thick plywood (joints staggered) and K-rail or other support, or with a limp mass barrier material weighing 2 pounds per square foot. If commercial barriers are employed, such	Prepare a Master Construction Noise Reduction Plan for implementation as development occurs within 500 feet of residential uses, or within 200 feet of commercial or office uses and submit to the Director of PBCE or the Director's designee. Separately obtain approval by the Director of PBCE or the Director's designee for nighttime construction activities	Prepare plan prior to the issuance of the first demolition, grading or building permit for new construction and implement plan during construction. Master Construction Noise Reduction Plan shall be included with subsequent grading, building, and demolition permits.	Director of PBCE or the Director's designee	Review and approve the Master Construction Noise Reduction Plan and any subsequent proposals for nighttime construction activities; observe compliance during construction; discuss any complaints received with the designated community liaison	Approve plan prior to the issuance of the first demolition, grading or building permit for new construction; ensure Master Construction Noise Reduction Plan is included in subsequent grading, building, and demolition permits; and monitor compliance during construction

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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

barriers shall be constructed of materials with a Sound Transmission Class rating of 25 or greater.

4. *Stationary-Source Equipment Placement:* Stationary noise sources, such as generators and air compressors, shall be located as far from adjacent properties as possible, and no closer than 50 feet from the Los Gatos Creek riparian corridor. These noise sources shall be muffled and enclosed within temporary sheds, shall incorporate insulation barriers, or shall use other measures as determined by the Director of PBCE, or the Director's designee to provide equivalent noise reduction.
5. *Stationary-Source Equipment Local Barriers:* For stationary equipment, such as generators and air compressors, that will operate for more than one week within 500 feet of a noise-sensitive land use, and areas inside, or within 50 feet of, the Los Gatos Creek riparian corridor, the project contractor shall provide additional localized barriers around such stationary equipment that break the line of sight to neighboring properties.
6. *Temporary Power:* The project applicant shall use temporary power poles instead of generators, where feasible.
7. *Construction Equipment:* Exhaust mufflers shall be provided on pneumatic tools when in operation for more than one week within 500 feet of a noise-sensitive land use, and areas inside, or within 50 feet of, the Los Gatos Creek riparian corridor. All equipment shall be properly maintained.
8. *Truck Traffic:* The project applicant shall restrict individual truck idling to no more than two minutes per trip end. Trucks shall load and unload materials in the construction areas, rather than idling on local streets. If truck staging is required, the staging area shall be located along major roadways with higher traffic noise levels or away from the noise-sensitive receivers.
9. *Methods:* The construction contractor(s) shall consider means to reduce the use of heavy impact tools, such as pile driving, and shall locate these activities away from the property line, as practicable. Alternative methods of pile installation, including drilling, could be employed if noise levels are found to be excessive. Piles could be pre-drilled as feasible and a wood block placed between the hammer and pile to reduce metal-to-metal contact noise and "ringing" of the pile.
10. *Noise Complaint Liaison:* A noise complaint liaison shall be identified to field complaints regarding construction noise and interface with the project construction team. Contact information including a telephone number (including

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
for text messages, if feasible) and e-mail address shall be distributed to nearby noise-sensitive receivers. Signs that include contact information shall be posted at the construction site. 11. *Notification and Confirmation:* Businesses and residents within 500 feet shall be notified by certified mail at least one month before the start of extreme noise-generating activities (to be defined in the Construction Noise Reduction Plan). The notification shall include, at a minimum, the estimated duration of the activity, construction hours, and contact information. 12. *Nighttime Construction:* If monitoring confirms that nighttime construction activities substantially exceed the ambient noise level (to be defined for receptors near each nighttime construction area in the site-wide Master Construction Noise Reduction Plan) and complaints occur regularly (generally considered to be two or more per week), additional methods shall be implemented, such as installing additional storm windows in specific residences and/or constructing additional local barriers. The specific approach shall be refined as the construction activities and noise levels are refined. 13. *Complaint Protocol:* Protocols shall be implemented for receiving, responding to, and tracking received complaints. A noise complaint liaison shall be designated by the applicant and shall be responsible for responding to any local complaints about construction noise. The community liaison shall determine the cause of the noise complaint and require that measures to correct the problem be implemented. Signage that includes the community liaison's telephone number shall be posted at the construction site and the liaison's contact information shall be included in the notice sent to neighbors regarding the construction schedule. **This mitigation measure applies to Impact NO-1c, and Impact C-NO-1.**					
Mitigation Measure NO-2a: Master Construction Vibration Avoidance and Reduction Plan Prior to the issuance of the first building permit for the project, the project applicant shall prepare a Master Construction Vibration Avoidance and Reduction Plan. The plan shall be implemented by the applicant as development occurs throughout the project site to address demolition and construction activity that involves impact or vibratory pile driving or use of a tunnel boring machine within 75 feet of conventionally constructed buildings. The plan shall be submitted to the Director of PBCE, or the Director's designee, for review and approval before the issuance of	Prepare and implement a Construction Vibration Avoidance and Reduction Plan for each individually contracted development in the project area that involves impact or vibratory pile driving or use of a tunnel boring	Submit plan prior to the issuance of the first building permit and implement during demolition and construction that involves impact or vibratory pile driving or use of a tunnel boring machine within 75 feet	Director of PBCE or the Director's designee	Review and approve the Construction Vibration Avoidance and Reduction Plan; observe compliance with plan and construction vibration monitoring plan before, during,	Review report prior to issuance of the first building permit. Ensure measures in Construction Vibration Avoidance and Reduction Plan shall be included in subsequent building,

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
the initial grading or building permit. The plan shall include, at a minimum, the following vibration avoidance and reduction measures: • Neighbors within 500 feet of the construction site shall be notified of the construction schedule and that noticeable vibration levels could result from pile driving. • Foundation pile holes shall be pre-drilled to minimize the number of impacts required to seat the pile. • Piles shall be jetted[7] or partially jetted into place to minimize the number of impacts required to seat the piles. • A construction vibration monitoring plan shall be implemented to document conditions before, during, and after pile driving and use of the tunnel boring machine. All plan tasks shall be undertaken under the direction of a Professional Structural Engineer licensed in the State of California, in accordance with industry-accepted standard methods. The construction vibration monitoring plan shall include the following tasks: – Identify the sensitivity of nearby structures to groundborne vibration. A vibration survey (generally described below) would need to be performed. – Perform a pre-construction photo survey, elevation survey, and crack monitoring survey for each of these structures. Surveys shall be performed before any pile driving activity, at regular intervals during pile driving, and after completion. The surveys shall include monitoring for internal and external cracks in structures, settlement, and distress, and shall document the condition of foundations, walls, and other structural elements in the interior and exterior of the structures. – Develop a vibration monitoring and construction contingency plan. The plan shall identify structures where monitoring is to be conducted, establish a vibration monitoring schedule, define structure-specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document conditions before and after pile driving. – Identify alternative construction methods for when vibration levels approach the limits stated in the General Plan, such as in Policy EC-2.3.	machine within 75 feet of conventionally constructed buildings.	of conventionally constructed buildings. Measures in Construction Vibration Avoidance and Reduction Plan shall be included in subsequent building, grading, and demolition permits. Implement a construction vibration monitoring plan before, during, and after pile driving and use of the tunnel boring machine; provide a final report within one month of substantial completion of each phase of development.		and after pile driving and use of the tunnel boring machine. Receive final report.	grading, and demolition permits. Observe compliance before, during, and after pile driving and use of the tunnel boring machine. Receive final report within one month of substantial completion of each phase of development.

7 "Pile jetting" is a technique that is frequently used in conjunction with, or separate from, pile driving equipment for pile placement. Pile jetting uses a carefully directed and pressurized flow of water to assist in pile placement. This greatly decreases the bearing capacity of the soils below the pile tip, causing the pile to descend toward its final tip elevation with much less soil resistance, largely under its own weight.

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
– If vibration levels approach the limits, suspend construction and implement alternative construction methods to either lower vibration levels or secure the affected structures. – Conduct a post-construction survey on structures where either monitoring has indicated high vibration levels or complaints have been received regarding damage. Where damage has resulted from construction activities, make appropriate repairs or provide compensation. – Within one month after substantial completion of each phase identified in the project schedule, summarize the results of all vibration monitoring in a report and submit the report for review by the Director of PBCE or the Director's designee. The report shall describe measurement methods and equipment used, present calibration certificates, and include graphics as required to clearly identify the locations of vibration monitoring. An explanation of all events that exceeded vibration limits shall be included together with proper documentation supporting any such claims. – Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site. **This mitigation measure applies to Impact NO-2 and Impact CU-4.**					
Mitigation Measure NO-2b: Master Construction Vibration Avoidance from Compaction The project applicant shall also prepare a Master Construction Vibration Avoidance and Reduction Plan for construction activities that will not involve impact or vibratory pile driving but will employ a vibratory roller as a method of compaction. The plan shall be implemented by the applicant as development occurs throughout the project site to address construction activity occurring within 25 feet of conventionally constructed buildings. The plan shall be submitted to the Director of PBCE or the Director's designee for review and approval before the issuance of any grading or building permit. The plan shall include, at a minimum, the following vibration avoidance and reduction measures: • Contractors shall use non vibratory, excavator mounted compaction wheels and small smooth drum rollers for final compaction of asphalt base and asphalt concrete, if within 50 feet of a historic structure or 25 feet of a conventionally constructed structure. If needed to meet compaction requirements, smaller	Prepare a Construction Vibration Avoidance and Reduction Plan for implementation during construction activities that will not involve impact or vibratory pile driving but will employ a vibratory roller as a method of compaction within 25 feet of conventionally constructed buildings.	Submit plan prior to the issuance of any building permit and implement during construction involving vibratory rollers within 25 feet of conventionally constructed buildings,	Director of PBCE or the Director's designee	Review and approve the Construction Vibration Avoidance and Reduction Plan; observe compliance during implementation	Review and approve the plan prior to issuance of any building permit for buildings at the specified locations; observe compliance during construction involving vibratory rollers within 25 feet of conventionally constructed buildings

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
vibratory rollers shall be used to minimize vibration levels during repaving activities where needed to meet vibration standards. • The use of vibratory rollers and clam shovel drops near sensitive areas shall be avoided. • Construction methods shall be modified, or alternative construction methods shall be identified, and designed to reduce vibration levels below the limits. **This mitigation measure applies to Impact NO-2.**					
Mitigation Measure NO-3: Exposure to Airport Noise Prior to approval of construction-related permits for residential and hotel structures on the easternmost blocks of the project site, which are located within the year 2027 65 dBA CNEL noise contour -- including Blocks E3, and C3 -- each project applicant for a residential or hotel structure shall submit a noise reduction plan prepared by a qualified acoustical engineer for review and approval by the Director of PBCE or the Director's designee. The noise reduction plan shall contain noise reduction measures (e.g., sound-rated window, wall, and door assemblies) to achieve an acceptable interior noise level in accordance with the land use compatibility guidelines of the General Plan's Noise Element for any and all proposed residential land uses within the 65 dBA CNEL noise contour for operations at Norman Y. Mineta San José International Airport. Exterior-to-interior noise reductions of 36 dBA have been demonstrated in modern urban residential uses, while attenuation of up to 45 dBA CNEL has been achieved at Airport hotels. Noise-reduction specifications shall be included on all building plans, and the construction contractor shall implement the approved plans during construction such that interior noise levels shall not exceed 45 dBA CNEL at these residential land uses. **This mitigation measure applies to Impact NO-3, Impact C-NO-3, Impact LU-2, Impact C-LU-2, Impact C-HA-2, and Impact HA-4.**	Contract a qualified acoustical engineer to prepare a noise reduction plan for residential structures on the easternmost parcels of the project site, which are located within the 2037 65 dBA CNEL noise contour for operations at Norman Y. Mineta San José International Airport and submit the plan to the City. Include recommendations of the plan on building plans demonstrating compliance with the land use compatibility guidelines of the General Plan's Noise Element for any and all proposed residential land uses within the 65 CNEL noise contour.	Prior to the issuance of any building permits for residential structures on the easternmost parcels of the project site, which are located within the year 2027 65 dBA CNEL noise contour, including Blocks E3 and C3	Director of PBCE or the Director's designee	Review and approve noise reduction plan and building plans for construction of residential buildings in the affected area	Review and approve plan prior to the issuance of any residential building permit in the affected area; review plan recommendation on building plans prior to permit issuance.

MONITORING AND REPORTING PROGRAM

Mitigation Measures	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**
Mitigation Measure C-NO-2: Cumulative Traffic Noise Impact Reduction Prior to the issuance of any building permits, the project applicant shall implement the following measures to reduce roadside noise impacts at the following roadway segment: North Montgomery Street from West Julian Street to St. John Street. Prior to the issuance of any building permits for construction on this block, the project applicant shall prepare and submit to the Director of PBCE, or the Director's designee, a site-specific acoustical study for review and approval. Upon approval of the site-specific acoustical study, the project applicant shall directly contact property owners of single-family homes on this stretch of North Montgomery Street to implement, with the owners' consent, reasonable sound insulation treatments. Treatments may include replacing the existing windows and doors with sound-rated windows and doors and providing a suitable form of forced-air mechanical ventilation, which could reduce indoor noise levels up to 45 dBA DNL, as warranted by the study. **This mitigation measure applies to Impact C-NO-2.**	Prepare and submit a site-specific acoustical study	Prior to the issuance of any building permits for construction on North Montgomery Street from West Julian Street to St. John Street	Director of PBCE or the Director's designee	Review and approve site-specific acoustical study	Prior to the issuance of any building permits for construction on North Montgomery Street from West Julian Street to St. John Street
	Contact property owners to implement, with the owners' consent, reasonable sound insulation treatments	Prior to the issuance of any building permits for construction on North Montgomery Street from West Julian Street to St. John Street	Director of PBCE or the Director's designee	Verify implementation of sound insulation treatments	Prior to the issuance of any building permits for construction on North Montgomery Street from West Julian Street to St. John Street

MONITORING AND REPORTING PROGRAM					
	Documentation of Compliance [Project Applicant/Proponent Responsibility]		Documentation of Compliance [Lead Agency Responsibility]		
Mitigation Measures	**Method of Compliance or Mitigation Action**	**Timing of Compliance**	**Oversight Responsibility**	**Actions/Reports**	**Monitoring Timing or Schedule**

This page intentionally left blank