

MITIGATION MONITORING AND REPORTING PROGRAM

Oakland Road Self-Storage File No. PDC15-017 November 2015



PREFACE

Section 21081.6 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring and Reporting Program whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the monitoring and reporting program is to ensure compliance with the mitigation measures during project implementation.

On _____, the Director of Planning accepted the EIR Addendum for the Oakland Road Storage project, which proposes construction of a self-storage facility (ministorage) within an approximately 74,640 square-foot building on a 1.2 gross acre site located at 1785 Oakland Road, about 1,200 feet north of Brokaw Road. The facility will include a 600 square foot office and a 1,150 square foot two-bedroom caretaker's apartment. The EIR Addendum concluded that the implementation of the project could result in significant impacts on the environment and mitigation measures were incorporated into the proposed project to ensure the impacts will be less-than-significant. The mitigation measures will be included as conditions of project approval. This Mitigation Monitoring and Reporting Program identifies the mitigation measures required for the project, responsibility for monitoring compliance, method of compliance, and timing of compliance.

In order to ensure the proposed project would not result in any new or more significant impacts than were previously identified in the NSJ FPEIR, the applicant must agree to include and implement the mitigation measures contained herein before a proposed EIR Addendum can be accepted in accordance with the CEQA Guidelines.

I, _____, the applicant, hereby agree to fully implement the mitigation measures described below that were developed in conjunction with the preparation of an initial study and EIR Addendum for my proposed project. I understand that these mitigation measures or substantially similar measures will be adopted as conditions of approval with my development permit request to avoid or significantly reduce potential environmental impacts to a less than significant level, where feasible.

Applicant's Signature _____

Date _____



Environmental Impacts	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
Biological Resources				
<p>BIO-1: Construction on the site during nesting season could result in the abandonment of active raptor nests and/or direct mortality to individual raptors.</p>	<p>BIO-1: If possible, construction should be scheduled between October and December (inclusive) to avoid the raptor nesting season. If this is not possible, pre-construction surveys for nesting raptors shall be conducted by a qualified ornithologist to identify active raptor nests that may be disturbed during project implementation. Between January and April (inclusive), pre-construction surveys shall be conducted no more than 14 days prior to the initiation of construction activities or tree relocation or removal. Between May and August (inclusive), pre-construction surveys shall be conducted no more than thirty (30) days prior to the initiation of these activities. The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area for raptor nests. If an active raptor nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist shall, in consultation with the CDFW, designate a construction-free buffer zone (typically 250 feet) around the nest. The applicant shall submit a report to the City's Environmental Senior Planner indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning prior to the issuance of any grading or building permit.</p>	<p>Project Sponsor.</p>	<p>During the months of January and April, conduct surveys no more than 14 days before the start of demolition, ground disturbance or tree removal.. During the months of May and August, conduct surveys no more than 14 days before the start of demolition, ground disturbance or tree removal.. Submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, prior to the issuance of a grading permit.</p>	<p>Prior to and during construction activities</p>



Environmental Impacts	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
Hazards and Hazardous Materials				
<p>HAZ-1: Onsite soils may contain pesticide residuals that could be encountered during site disturbance and construction activities, which could potentially expose construction workers to hazardous materials and chemical vapors.</p>	<p>HAZ-1: Prior to the issuance of grading permits for construction, the project proponent shall retain a qualified hazardous materials contractor to perform a soil investigation for the project site to characterize soil quality for residual pesticides. If residual pesticides are not detected and/or are found to be below screening levels for public health and the environment in accordance with Santa Clara County Department of Environmental Health (DEH) or the California Department of Toxic Substances Control (DTSC) requirements, no further mitigation is required. If residual pesticides are found and are above regulatory environmental screening levels for public health and the environment, the project proponent shall implement appropriate management procedures, such as removal and/or capping of the pesticide-contaminated soil and implementation of a Site Management Plan (SMP) under regulatory oversight from the Santa Clara County DEH or the DSTC. Copies of the environmental investigations shall be submitted to the Department of Planning, Building and Code Enforcement (PBCE) and the Environmental Services Department (ESD).</p>	<p>Project Sponsor.</p>	<p>Performance of soil investigation/ characterization by a qualified professional and submittal of reports to the Department of Planning, Building, and Code Enforcement and the Environmental Services Department. Enforcement and the Environmental Services Department.</p>	<p>Prior to the issuance of grading permits.</p>

¹ Also known as “North San Jose” within the NSJ FPEIR.



Environmental Impacts	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
Noise				
NOI-1: The caretaker's residential unit may be exposed to noise levels that exceed the City's noise standards for residential uses for interior uses.	NOI-1: Prior to issuance of a building permit, the project sponsor shall prepare final design plans that incorporate building design and acoustical treatments to ensure compliance with State Building Codes and City noise standards. A project-specific acoustical analysis shall be prepared to insure that the design incorporates controls to reduce interior noise levels to 45 dBA DNL or lower within the caretaker's apartment. Building sound insulation requirements shall include the provision of forced-air mechanical ventilation for the residential caretaker's apartment. Special building construction techniques may be required that can include sound rated windows and doors, sound rated wall constructions and acoustical caulking.	Project Sponsor, Acoustical Engineer, Contractors	Approval of building plans and submittal of a project-specific acoustical analysis to the satisfaction of the Director of Planning, Building and Code Enforcement.	Prior to issuance of a building permit
NOI-2: The caretaker's apartment may be subject to periodic groundborne vibration during train pass-bys on the adjacent UPRR line.	NOI-2: The project's final design plans shall incorporate building design measures to ensure compliance with FTA criterion for groundborne vibration impacts of less than 80 VdB for infrequent events (less than 30 per day). A vibration study shall be prepared to determine vibration levels and provide controls to reduce vibration levels to meet the FTA criterion. The results of the vibration study, including any needed vibration control measures, shall be submitted to the City along with the building plans for review and approval prior to issuance of a building permit.	Project sponsor and Vibration Contractor	Approval of building plans and submittal of a project-specific vibration analysis to the satisfaction of the Director of Planning, Building and Code Enforcement.	Prior to issuance of a building permit



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<p>NOI-3: Construction of the project will temporarily elevate noise levels in the immediate project area from the use of construction equipment.</p>	<p>NOI-3: The following mitigation measure shall be included in all construction projects to reduce the impact to a less-than-significant level:</p> <ul style="list-style-type: none"> • The project sponsor shall limit construction to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific construction noise mitigation plan and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses. • The contractor shall use “new technology” power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poor maintained engines or other components. • Locate stationary noise generating equipment as far as possible from sensitive receptors. Staging areas shall be located a minimum of 200 feet from noise sensitive receptors, such as residential uses. 	<p>Project sponsor.</p>	<p>Approval of building plans by the Director of Planning, Building and Code Enforcement</p>	<p>Prior to issuance of a building permit.</p>