

MITIGATION MONITORING AND REPORTING PROGRAM

1705 Berryessa Road Gas Station Project

File Nos.: PDC15-027

CITY OF SAN JOSE
February 2017



P R E F A C E

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

The Initial Study/Mitigated Negative Declaration prepared for the 1705 Berryessa Road Gas Station Project concluded that the implementation of the project could result in significant effects on the environment and mitigation measures were incorporated into the proposed project or are required as a condition of project approval. This Mitigation Monitoring and Reporting Program addresses those measures in terms of how and when they will be implemented.

This document does *not* discuss those subjects for which the Initial Study/Mitigated Negative Declaration concluded that the impacts from implementation of the project would be less than significant.

I, NARESH GOYAL the applicant, on the behalf of Air Energy, LLC, hereby agree to fully implement the Mitigation Measures described below which have been developed in conjunction with the preparation of an Initial Study/Mitigated Negative Declaration 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.

Project Applicant's Signature N. Goyal
Date 4/14/2017
Managing Member

MITIGATIONS		MONITORING AND REPORTING PROGRAM				
Adopted Mitigation Measures	Documentation of Compliance [Project Applicant/Proponent Responsibility]	Timing of Compliance	Oversight Responsibility	Actions/Reports	Monitoring Timing or Schedule	
	Method of Compliance or Mitigation Action					
Air Quality Impact AQ-1: The use of various diesel-powered vehicles and equipment during project construction could expose adjacent sensitive receptors to substantial toxic air contaminants.						
MM-AQ-1.1: Diesel-fueled construction equipment used onsite for more than two days shall meet EPA Tier 2 emission standards. The project applicant shall submit, for review and approval, a construction operations plan that includes a list of equipment to be used more than two days during construction, specifications of the equipment to be used during construction and a letter signed by a qualified air quality specialist, verifying that the equipment included in the plan meets the standards set forth in this mitigation measure to the Director of the Department of Planning, Building, and Code Enforcement prior to issuance of a grading or demolition permit. The plan shall demonstrate compliance with the Tier 2 emissions standards.	The project applicant shall submit a construction operations plan that includes specifications of the equipment to be used during construction and a letter signed by a qualified air quality specialist, verifying that the equipment included in the plan meets the standards set forth in this mitigation measure.	Prior to issuance of any grading or demolition permit.	Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement	Review construction operations plan and ensure a qualified air quality specialist has confirmed equipment included in the plan meets the standards set forth in this mitigation measure	Prior to issuance of any grading or demolition permit.	
Biological Resources Impact BIO-1: Demolition and construction activities, including the removal of trees from the project site, could impact nesting migratory birds.						

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<p>MM-BIO-1.1 If feasible, construction shall be scheduled between September 1 and January 31 (inclusive) to avoid the nesting season. If this is not feasible, pre-construction surveys for nesting raptors and other migratory breeding birds (including yellow warblers) shall be conducted by a qualified ornithologist to identify active nests that may be disturbed during project implementation on-site and within 250 feet of the site. Between February 1 and April 30 (inclusive) pre-construction surveys shall be conducted no more than 14 days prior to initiation of construction activities (including any ground-disturbing activities) or tree removal. Between May 1 and August 31 (inclusive), pre-construction surveys shall be conducted no more than 30 days prior to initiation of these activities. The surveying ornithologist shall inspect all trees in and immediately adjacent (within 250 feet) to the construction area for nests.</p> <p>If an active nest is found in or close enough to the construction area to be disturbed by these activities,</p>	<p>Avoidance of construction activities during nesting seasons</p> <p>If avoidance of construction activities during nesting seasons is not feasible, a pre-construction nesting bird survey shall be conducted by a qualified biologist and construction-free buffer zones shall be designated around any discovered nest.</p> <p>Following completion of the preconstruction survey, the project applicant shall prepare a report to document the results of the survey and any designated</p>	<p>Prior to issuance of any grading, demolition, and/or building permit.</p>	<p>Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement.</p>	<p>Confirm that demolition and construction activities are scheduled outside of the avian nesting season.</p> <p>Review the preconstruction survey report indicating the results of the survey and any designated buffer-zones.</p>	<p>Prior to issuance of any grading, demolition, and/or building permit.</p>

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					Actions/Reports	Monitoring Timing or Schedule
<p>the ornithologist shall, in consultation with the California Department of Fish and Wildlife, designate a construction-free buffer zone (typically 250 feet for raptors and 100 feet for other birds) around the nest, which shall be maintained until after the breeding season has ended and/or a qualified ornithologist has determined that the young birds have fledged.</p> <p>The project applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building, and Code Enforcement prior to issuance of any grading permits.</p>		<p>construction-free buffer zones.</p>				
Hazards and Hazardous Materials						
<p>Impact HAZ-1: Hazardous materials contamination on the site, if discovered in soil or groundwater, could pose a risk to construction workers and others on or around the project site.</p>						
<p>MM HAZ-1.1: Prior to the issuance of a demolition or grading permit, a site management plan (SMP) shall be prepared and submitted to the Santa Clara County Department of Environmental Health Hazardous Materials Compliance Division to</p>		<p>The project applicant shall submit the SMP to the Santa Clara County Department of Environmental Health</p>	<p>Prior to issuance of any grading or demolition permit.</p>	<p>Santa Clara County Department of Environmental Health</p>	<p>Confirm that project applicant has implemented the SMP.</p>	<p>Prior to issuance of any grading or demolition permit.</p>

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<p>address the impact of disturbance of any residual soil or groundwater contamination. Appropriate soil testing, characterization, storage, transportation, and disposal procedures shall be specified in the SMP. Contaminated soils shall be disposed of at a licensed facility in accordance with all applicable local, state, and federal regulations. The SMP shall be prepared by a qualified hazardous materials consultant and include the following:</p> <ul style="list-style-type: none"> • Management practices for handling contaminated soil or other materials if encountered during construction or cleanup activities and measures to minimize dust generation, stormwater runoff, and tracking of soil off-site. • Preliminary Remediation Goals for environmental contaminants of concern to evaluate the site conditions following SMP implementation. • A health and safety plan (HSP) for each contractor working at the site that addresses the safety and health hazards of each site operation 	<p>Hazardous Materials Compliance Division for review and approval. An approved copy shall then be submitted to the City of San José Department of Planning, Building, and Code Enforcement.</p>		<p>Hazardous Materials Compliance Division and Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement.</p>		

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<p>Adopted Mitigation Measures</p> <p>phase, including the requirements and procedures for employee protection. The HSP shall outline proper soil handling procedures and health and safety requirements to minimize work and public exposure to hazardous materials during construction.</p> <p>The SMP shall be reviewed and approved by the County of Santa Clara Department of Environmental Health and submitted to the City of San José Department of Planning, Building, and Code Enforcement prior to issuance of grading or building permits.</p>					

Source: *City of San José. 1705 Berryessa Road Gas Station Project Initial Study. February 2017.*