

MITIGATION MONITORING OR REPORTING PROGRAM

Shoe Palace Expansion Project

SR#2018-0013/EA#2018-0009



October 2018

PREFACE

Section 21081 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring or Reporting Program whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the Mitigation Monitoring or Reporting Program is to ensure compliance with the mitigation measures during project implementation.

The Initial Study prepared for the Shoe Palace Expansion project concludes that proposed mixed-use development could result in significant effects on the environment; therefore, mitigation measures were incorporated into the proposed project. This Mitigation Monitoring or Reporting Program outlines these measures and how, when, and by whom they will be implemented.

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

**MITIGATION MONITORING OR REPORTING PROGRAM
SHOE PALACE EXPANSION PROJECT (SR#2018-0013/EA#2018-0009)**

Impact(s)	Mitigation and Avoidance Measures/Standard Measures	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
BIOLOGICAL RESOURCES				
<p>Impact BIO-1: Construction activities on the project site could result in the loss of raptor and/or migratory bird eggs or nestlings, either directly by destroying an active nest or indirectly by disturbing and causing the abandonment of an active nest.</p>	<p>MM BIO-1.1: Construction shall be scheduled to avoid the nesting season to the extent feasible. If construction can be scheduled to occur between September 1st and January 31st (inclusive) to avoid the raptor nesting season, no impacts will be expected. If construction will take place between February 1st and August 31st, then pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests will be disturbed during project implementation. Surveys will be completed within 30 days of the on-set of site clearing or construction activities. During this survey, the ornithologist will inspect all trees and other potential nesting habitats (e.g., trees, shrubs, buildings) onsite trees as well as all trees within 250 feet of the site for nests.</p> <p>MM BIO-1.2: If an active nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist will determine the extent of a disturbance-free buffer zone to be established around the nest (typically 250 feet for raptors and 50-100 feet for other species) that will remain off limits to construction until the nesting season is over, to ensure that no nests of species protected by the Migratory Bird Treaty Act and California Fish and Wildlife Code will be disturbed during project implementation. A report indicating the result of the survey and any designated buffer zones shall be submitted to the satisfaction of the Director of Community and Economic Development prior to the start of construction.</p>	<p>If construction cannot be scheduled to avoid the nesting season, then the pre-construction surveys for nesting birds shall be completed prior to the issuance of a grading permit and within 30 days of the on-set of site clearing or construction activities.</p>	<p>Measures shall be printed on all construction documents, contracts, and project plans.</p> <p>A report indicating the result of the survey and any designated buffer zones shall be submitted to the satisfaction of the of the Community Development Director</p>	<p>City of Morgan Hill Community Development Director</p>
<p>Impact BIO-2: The removal of 115 trees on-site would result in a significant impact.</p>	<p>MM BIO-2.1: Trees proposed for removal will be replaced consistent with the City of Morgan Hill's Tree Removal Controls.</p>	<p>Prior to issuance of grading permit</p>	<p>Final landscape plan shall be reviewed and approved by the</p>	<p>City of Morgan Hill Community Development Director</p>

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			City	
<p>Impact BIO-3: Project construction activities could adversely impact trees on-site.</p>	<p>MM BIO-3.1: The following measures shall be implemented throughout the entirety of the project:</p> <ol style="list-style-type: none"> 1. All Plan Sheets with work near any tree to be preserved, detailing any work near a tree, or where work occurs within the Tree Protection Zone (TPZ) will make reference to the project-specific Tree Inventory & Protection Plan bold so that it is clearly visible. 2. All Plan Sheets are to show accurate driplines in their entirety on all sheets where improvements and work is to occur in the TPZ 3. The General Notes sheet shall make reference to the Tree Protection Guidelines sheet. 4. The Project Arborist (PA) is to attend the preconstruction meeting. 5. The PA or contractor shall verify, in writing, that all preconstruction conditions have been met (tree protection fencing, erosion control, pruning, etc.). 6. The demolition, grading and underground contractors, subcontractors, construction superintendent and other pertinent personnel are required to meet with the PA at the site prior to beginning specific work in a TPZ to review procedures, tree protection measures, and to establish appropriate haul routes, staging, areas, contacts, watering, etc. to maintain tree preservation. 7. Prior to any grading or construction, the PA shall assist in the setup of the TPZ. 8. Fenced enclosures shall be erected around trees to be protected to achieve three primary goals: <ul style="list-style-type: none"> • To keep foliage crowns and branching structure of the trees to be preserved clear from contact by equipment, materials and activities; 	<p>During all phases of project construction and throughout project operation, as applicable</p>	<p>Measures shall be printed on all construction documents, contracts, and project plans.</p>	<p>City of Morgan Hill Community Development Director</p>

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	<ul style="list-style-type: none"> • Preserve roots intact and maintain proper soil conditions in a non-compacted state and; • To identify the TPZ in which no soil disturbance is permitted and activities are restricted. <p>MM BIO-3.2: A tree protection zone (TPZ) shall be established during all phases of construction. Each tree to be preserved shall have a designated TPZ identifying the area sufficiently large enough to protect the tree and roots from disturbance. The recommended TPZ can be determined by the canopy footprint. All work that occurs in the dripline would be considered as being within the TPZ, which would require involvement of the qualified project arborist (PA). Direct involvement requires the PA to be on site for all work in the dripline to provide direction when tree roots are encountered. Improvements or activities such as paving, utility, and irrigation trenching and other ancillary activities shall occur outside the TPZ, unless authorized by the PA. Unless otherwise specified, the protective fencing shall serve as the TPZ boundaries. At no time shall tree protection be encroached without the directive of the PA or City Arborist (CA).</p> <p>MM BIO-3.3: Any tree that will have numerous improvements very close to the trunks and well within the driplines will require all work in the TPZ to utilize boring (for utilities and storm drains), pneumatic or hydraulic tools.</p> <p>MM BIO-3.4: The project shall prohibit the following activities within the TPZ:</p> <ul style="list-style-type: none"> • Storage or parking vehicles, building materials, refuse, excavated spoils or dumping of poisonous materials on or around trees and roots. Poisonous materials include, but are not limited to, paint, petroleum products, concrete or stucco mix, dirty water or any other material 			

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	<p>which may be deleterious to tree health.</p> <ul style="list-style-type: none"> • The use of tree trunks as a winch support, anchorage, as a temporary power pole, sign posts or other similar function. • Cutting of tree roots by utility trenching, foundation digging, placement of curbs and trenches and other miscellaneous excavation without prior approval of the PA. • Soil disturbance or grade/drainage changes • Materials must not be stored, stockpiled, dumped, or buried inside the dripline of trees. • Excavated soil must not be piled or dumped, even temporarily, inside the TPZ of protected trees. <p>MM BIO-3.5: All trees to be preserved shall be protected with six (6) foot high fences. Fencing is to be mounted on two-inch diameter galvanized iron posts, driven into the ground to a depth of at least two (2) feet at no more than ten (10) foot spacing. For trees located directly adjacent to hardscape, instead of driving the posts into the ground they can be mounted to portable stanchions. The stanchions shall be held down with rebar staples in order to avoid easy movement by equipment and construction personnel. A closeable 36-inch entry section for servicing the TPZ shall be provided. In addition, the trunks of the trees to be preserved are to be wrapped with brightly colored snow fencing, which will provide a visual reminder to workers that the trees are protected.</p> <p>Initial installation of the TPZ will require the following dimensions:</p> <ul style="list-style-type: none"> • The fences shall enclose the entire area under the canopy dripline or designated TPZ of the tree(s) to be saved throughout the life of the project, or until final improvement work within the area is required, typically near the end of the project. 			

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	<ul style="list-style-type: none"> • For trees situated directly adjacent to a curb edge, along said curb edge and around the dripline shall be enclosed with the required chain link protective fencing in order to keep the street open for public use. • If the fencing must be relocated on paving or sidewalk for final improvements, the posts may be supported by an appropriate stanchions. • A warning sign a minimum of 8.5X11-inches shall be prominently displayed on each fence. <p>MM BIO-3.6: <u>Pruning, Surgery, and Removal.</u> Prior to construction, trees will require that branches be pruned clear from structures, activities, building encroachment or will need to be strengthened by means of mechanical support (cabling) or surgery. This should be performed under the direction of the PA. Such pruning, surgery or the removal of trees shall adhere to the following standards:</p> <p align="center"><u>Pruning Limitations</u></p> <ul style="list-style-type: none"> • <u>Minimum Pruning.</u> If the PA recommends that trees be pruned, and the type of pruning is left unspecified, the standard pruning shall consist of ‘crown cleaning’ as defined by ISA Pruning Guidelines. Trees shall be pruned to reduce hazards and develop a strong, safe framework. Prune any desiccated material from the crown. • <u>Maximum Pruning.</u> Maximum pruning should only occur in the rarest situation approved by the PA. No more than one-fourth (1/4) of the functioning leaf and stem area may be removed within one (1) calendar year of any tree, or removal of foliage so as to cause the unbalancing of the tree. It must be recognized that trees are individual in form and structure, and that pruning needs may not always fit strict rules. The PA shall assume all responsibility for special pruning practices that vary 			

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	<p>from the standards outlined in this document.</p> <ul style="list-style-type: none"> • <u>Tree Workers</u>. Pruning shall not be attempted by construction or contractor personnel, but shall be performed by a qualified tree care specialist or certified tree worker under the direction of a certified arborist. 			
CULTURAL RESOURCES				
N/A	<p>SM CUL-1: In the event any prehistoric or significant historic era cultural materials are encountered during subsurface construction, all construction within a radius of 50 feet of the find shall be halted, the Director of the Community Development Department would be notified, and an archaeologist shall be retained to examine the find to make appropriate recommendations.</p>	During construction activity.	Incorporation of required measures on all project construction documents, contracts, and plans.	Community Development Director
N/A	<p>SM CUL-2: If human remains are discovered, the Santa Clara County Coroner shall be notified. The Coroner shall determine whether or not the remains were Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission, who shall identify the Most Likely Descendant (MLD) of the deceased Native American.</p> <p>If the Director of the Community Development Department finds that the cultural resource find is not a significant resource, work shall resume only after the submittal of a preliminary report and after provisions for reburial and ongoing monitoring are accepted. Provisions for identifying descendants of a deceased Native American and for reburial shall follow the protocol set forth in the CEQA Guidelines. If the site is found to be a significant archaeological site, a mitigation program shall be prepared and submitted to the Director of the Community Development Department for</p>	During construction activity	Incorporation of required measures on all project construction documents, contracts, and plans.	Community Development Director.

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	consideration and approval, in conformance with the protocol set forth in the CEQA Guidelines.			
GEOLOGY AND SOILS				
N/A	<p>SM GEO-1: To avoid or minimize potential damage from seismic shaking, the proposed development shall be built using standard engineering and seismic safety design techniques. Building design and construction at the site shall be completed in conformance with the recommendations of a design-level geotechnical investigation, which will be included in a report to the City. The structural designs for the proposed development will account for repeatable horizontal ground accelerations. The report shall be reviewed and approved by the City of Morgan Hill Building Division prior to issuance of a building permit. The buildings will be required to meet the requirements of applicable Building and Fire Codes, including the 2017 California Building Code Chapter 16, Section 1613, as adopted or updated by the City. The project will be designed to withstand soil hazards identified on the site and the project shall be designed to reduce the risk to life or property to the extent feasible and in compliance with the Building Code.</p>	The applicant shall submit the report to the City of Morgan Hill Building Division prior to issuance of a building permit	<p>Review and approval of design-level geotechnical investigation by Building Division City staff.</p> <p>Incorporation of required measures on all project construction documents, contracts, and plans.</p>	Building Division City staff .
GREENHOUSE GAS EMISSIONS				
<p>Impact GHG-1: Operation of the proposed project would generate GHG emissions resulting in a cumulatively considerable</p>	<p>MM GHG-1: The following mitigation measure would reduce GHG operational emissions to a less than significant level:</p> <ul style="list-style-type: none"> The applicant shall develop a GHG reduction plan that includes the proper elements that would reduce emissions from project implementation and demonstrate that GHG emission from the 	The applicant shall submit the carbon offset program for review and approval, prior to issuance of a building permit.	Purchase of carbon credits would be verified with provisions of evidence of payments to be	City of Morgan Hill Community Development Director

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<p>contribution to global climate change.</p>	<p>project would be reduced by a sufficient amount to achieve the 2020 or 2030 standard, based on when the project would become operational. If the project is operational prior to 2021, the project would require reductions of at least 2,145 MT of CO₂e/ year based on a service population of 300 employees that would generate 1,380 MT of CO₂e/ year. If the project is operational after 2020, this would require reductions of at least 2,489 MT of CO₂e/ year based on a service population of 300 employees that would generate 780 MT of CO₂e/ year. Elements of this plan may include, but would not be limited to, the following:</p> <ul style="list-style-type: none"> ○ Installation of solar power systems or other renewable electric generating systems that provide electricity to power on-site equipment and possibly provide excess electric power; ○ Construct onsite or fund off-site carbon sequestration projects (such as a forestry or wetlands projects for which inventory and reporting protocols have been adopted). If the project develops an off-site project, it must be registered with the Climate Action Reserve or otherwise approved by the BAAQMD in order to be used to offset Project emissions; ○ Purchase of carbon credits to offset Project annual emissions. Carbon offset credits must be verified and registered with The Climate Registry, the Climate Action Reserve, or another source approved by the California Air Resources Board or BAAQMD. The preference for offset carbon credit purchases include those that can be achieved as follows: 1) within the City; 2) within the San Francisco Bay Area Air Basin; 3) within the State of California; then 4) elsewhere in 		<p>overseen by the City</p>	

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	<p>the United States. Provisions of evidence of payments, and funding of an escrow-type account or endowment fund would be overseen by the City;</p> <ul style="list-style-type: none"> ○ Develop and implement a transportation demand management (TDM) program to reduce mobile GHG emissions. 			

HYDROLOGY AND WATER QUALITY

N/A	<p>SM HYD-1: As required by the State Water Resources Control Board (SWRCB) Order No. 99-08-DWQ, construction activity resulting in a land disturbance of one acre or more of soil, or whose projects are part of a larger common plan of development that in total disturbs more than one (1) acre, are required to obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for Discharges of Storm Water Associated with Construction Activity (General Permit). To be permitted with the SWRCB under the General Permit, owners must file a complete Notice of Intent (NOI) package and develop a Storm Water Pollution Prevention Plan (SWPPP) Manual in accordance with Section A, B, and C of the General Permit prior to the commencement of soil disturbing activities. A NOI Receipt Letter assigning a Waste Discharger Identification number to the construction site will be issued after the State Water Resource Control Board (SWRCB) receives a complete NOI package (original signed NOI application, vicinity map, and permit fee); copies of the NOI Receipt Letter and SWPPP shall be forwarded to the Building and Public Works Department review. The SWPPP shall be made a part of the improvement plans. (SWRCB NPDES General Permit CA000002).</p>	<p>The applicant shall provide the NOI Receipt Letter and SWPPP prior to issuance of a Grading Permit or a building permit.</p>	<p>Obtainment of the NOI Receipt Letter and SWPPP, and incorporation of required measures on all project construction documents, contracts, and plans.</p>	<p>Community Development Director</p>
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SOURCE: City of Morgan Hill. *Shoe Palace Expansion Project Initial Study*. October 2018.