# Mitigation Monitoring and Reporting Program

## Introduction

The California Environmental Quality Act (CEQA) requires the adoption of feasible mitigation measures to reduce the severity and magnitude of significant environmental impacts associated with project development. The draft subsequent environmental impact report (draft SEIR) for the Milpitas Metro Specific Plan (Metro Plan) identified all feasible mitigation measures, subject to adoption by decision makers, to reduce the potential environmental effects of the Project.

The Mitigation Monitoring and Reporting Program (MMRP) is formulated based upon the findings of the draft SEIR. The MMRP, found in the table below, lists mitigation monitoring and implementation requirements. This MMRP has been prepared to comply with the requirements of CEQA (Public Resources Code Section 21081.6), which requires Lead Agencies making CEQA findings related to approval of a project for which an EIR was prepared/certified to adopt an MMRP when mitigation measures are required to avoid significant impacts. This MMRP contains mitigation measures that have been required in the Metro Plan to lessen significant effects. The MMRP is designed to aid the City of Milpitas in its implementation and monitoring of measures adopted from the certified SEIR.

The mitigation measures in this MMRP are assigned the same number they had in the SEIR. The MMRP is presented in table format and describes the actions that must take place to implement each mitigation measure, the timing of those actions, the entities responsible for implementing and monitoring the actions, and verification of compliance. Additional information is provided in the SEIR for the Metro Plan.

The MMRP is organized in a matrix format. The first two columns of the table identify the potential impact and corresponding mitigation measures. The third column, entitled “Implementing Party, Action” refers to the party responsible for implementing the mitigation measure and the action itself. The fourth column entitled “Timing,” refers to when monitoring will occur to ensure the mitigating action is completed. The fifth column, entitled “Monitoring Party, Verification,” refers to the party responsible for oversight or ensuring that the mitigation measure is implemented and how they can verify the action was implemented.

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| **Air Quality** | | | | |
| **AQ-1: Require at Least Tier 4 Final Engines on Construction Equipment**<br>All applicants proposing development of projects within the Metro Plan Area shall require their contractors, as a condition of contract, to further reduce construction-related exhaust emissions by ensuring that all off-road equipment greater than 50 horsepower (hp) and operating for more than 20 total hours over the entire duration of construction activities, shall operate on at least an Environmental Protection Act (EPA)-approved Tier 4 Final or newer engine. Exemptions can be made for specialized equipment where Tier 4 engines are not commercially available within 200 miles of the Metro Plan Area. The construction contract must identify these pieces of equipment, document their unavailability, and ensure that they operate on no less than an EPA-approved Tier 3 engine. | AQ-2a, AQ-3, C-AQ-1 | **Applicant/ applicant's contractor**<br>Provide documentation of use of Tier 4 engines or unavailability of pieces of equipment. | During all construction activities | **City of Milpitas**<br>Review documentation. |
| **AQ-2: Require Use of Diesel Trucks with 2010-Compliant Model Year Engines**<br>All applicants proposing development of projects within the Metro Plan Area shall require their contractors, as a condition of contract, to use diesel trucks that have 2010 model year or newer engines, but no less than the average fleet mix for the current calendar year as set forth in the CARB's EMFAC database. In the event that 2010 model year or newer diesel trucks cannot be obtained, the contractor must provide documentation to the City showing that a good faith effort to locate such engines was conducted. | AQ-2a, AQ-3, C-AQ-1 | **Applicant/ applicant's contractor**<br>Provide documentation of use of engines with 2010 model year or newer engine but no less than average fleet mix for current calendar year per CARB's EMFAC database. | During all construction activities | **City of Milpitas**<br>Review documentation. |

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| **AQ-3: Require Construction Fleet to Use Renewable Diesel**<br>All applicants proposing development of projects within the Metro Plan Area shall require their contractors, as a condition of contract, to reduce construction-related exhaust emissions by ensuring that all off-road equipment greater than 50 hp and operating for more than 20 total hours over the entire duration of construction activities shall operate on renewable diesel (such as high performance renewable diesel). | AQ-2a, AQ-3, C-AQ-1 | **Applicant/ applicant's contractor**<br>Provide contract language requiring use of renewable diesel. | During all construction activities | **City of Milpitas**<br>Review contract language. |
| **AQ-4: Require Low-VOC Coatings During Construction**<br>All applicants proposing development of projects within the Metro Plan Area shall require their contractors, as a condition of contract, to reduce construction-related fugitive ROG emissions by ensuring that low-VOC coatings that have a VOC content of 10 grams/liter (g/L) or less are used during construction. The project applicant will submit evidence of the use of low-VOC coatings to City prior to the start of construction. | AQ-2a, AQ-3, C-AQ-1 | **Applicant/ applicant's contractor**<br>Provide contract language requiring use of low-VOC coatings. | During all construction activities involving coatings | **City of Milpitas**<br>Review contract language. |
| **AQ-5: Require Fugitive Dust Best Management Practices**<br>All applicants proposing development of projects within the Metro Plan Area shall require their contractors, as a condition of contract, to reduce construction-related fugitive dust by implementing BAAQMD's basic control measures at all construction and staging areas. The following measures would be implemented.<br>• All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) will be watered two times per day.<br>• All haul trucks transporting soil, sand, or other loose material offsite will be covered. | AQ-2a, AQ-3, C-AQ-1 | **Applicant/ applicant's contractor**<br>Provide contract language requiring implementation of fugitive dust best management practices. | During all construction activities to which the basic control measures would apply | **City of Milpitas**<br>Review contract language. |

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| • All visible mud or dirt track-out onto adjacent public roads will be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.<br>• All vehicle speeds on unpaved roads, driveways, or driving surfaces shall be limited to 15 miles per hour (mph).<br>• All roadways, driveways, and sidewalks to be paved will be completed as soon as possible. Building pads will be laid as soon as possible after grading unless seeding or soil binders are used.<br>• A publicly visible sign will be posted with the telephone number and the name of the person to contact at the lead agency regarding dust complaints. This person will respond and take corrective action within 48 hours. The phone number of the BAAQMD will also be visible to ensure compliance. | | | | |
| **AQ-6: Purchase Mitigation Credits for Construction Emissions Exceeding BAAQMD's Daily Pollutant Thresholds**<br>Applicants proposing development of projects within the Metro Plan Area shall compare their project size with the BAAQMD screening sizes appropriate to their project for construction criteria pollutants found in Table 3-1 in BAAQMD's current CEQA guidelines (2017). The screening limit for general office buildings, office park, or government office building is 277,000 square feet. There are different screening limits for residential, retail, hotels, and other developments based off specific land use type (e.g., single-family housing, apartments, low-rise, hotels, strip malls). If the project is less than the screening limit for its project type, then applicants shall confirm to the City whether construction-related activities would include any of the following: | AQ-2a, AQ-3, C-AQ-1 | **Applicant**<br>Provide documentation that demonstrates the project is below the screening limit or an estimate of average emissions compared to BAAQMD thresholds. If above applicant must show documentation of coordination with a third-party or governmental | Estimates provided with application; payment (if required) is prior to construction, specifically prior to any year in which construction activity is estimated to result in an exceedance of thresholds | **City of Milpitas**<br>Review emissions calculations and, if necessary, review documentation of offset purchase. |

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| • Demolition.<br>• Simultaneous occurrence of more than two construction phases (e.g., paving and building construction would occur simultaneously) or construction would occur simultaneous with other Metro Plan development.<br>• Simultaneous construction of more than one land use type (e.g., project would develop residential and commercial uses on the same site) (not applicable to high density infill development).<br>• Extensive site preparation (i.e., greater than default assumptions used by the CalEEMod model for grading, cut/fill, or earth movement).<br>• Extensive material transport (e.g., greater than 10,000 cubic yards of soil import/export) requiring a considerable amount of haul truck activity.<br>If the project is less than the screening limit for the project type and construction would involve none of the five conditions above, no further action is required.<br>Project applicants not excluded by the conditions above shall estimate annual average emissions for each year of construction and compare the annual average emissions for each year of construction to the applicable BAAQMD thresholds at the time of analysis. The emissions estimate shall be provided as part of the project's initial application to the City. The City will review the estimate and confirm whether offsets are required for construction. Should the City-confirmed estimate indicate that the proposed development estimate would not result in construction emissions exceeding BAAQMD's daily pollutant thresholds, no further action will be required.<br>For proposed developments that are estimated to result in exceedances of thresholds, the applicants shall coordinate with a third-party (e.g., Bay Area Clean Air Foundation) or governmental entity to pay for criteria pollutant offsets for | | entity for purchase of construction offsets. | | |

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| every year in which construction emissions are estimated to exceed the BAAQMD thresholds. If the estimate shows exceedances of multiple criteria pollutants above the BAAQMD thresholds, then offsets must be obtained to address each pollutant above the thresholds. Emission reduction projects and fee will be determined in consultation between the applicant and the third-party or governmental entity and will include offset provider administrative costs. The agreement that specifies fees and timing of payment shall be provided to the City for review and signed by the applicant and the third-party or governmental entity. The emission reductions shall be secured prior to any year in which construction activity is estimated to result in an exceedance. The payment for the emissions can either be on an annual basis or done once upfront, prior to construction.<br>To qualify under this mitigation measure, the specific emissions reduction project(s) must result in emission reductions in the SFBAAB that are real, surplus, quantifiable, and enforceable, and that would not otherwise be achieved through compliance with existing regulatory requirements of any other legal requirement. | | | | |
| **AQ-7: Restrict Use of Natural Gas in New Development**<br>Future development within the Metro Plan Area shall utilize electric space and water heating to the maximum extent feasible or to the extent required by existing or future local building regulations. Natural gas infrastructure and appliances shall not be installed to the extent feasible as determined by the availability and capacity of electrical power distribution infrastructure. | AQ-2b, AQ-7, C-AQ-1 | **Applicant**<br>Provide design documentation that demonstrates exclusion of natural gas from new development or documentation it is infeasible. | During project design and operation | **City of Milpitas**<br>Review documentation. |
| **AQ-8: Purchase Mitigation Credits for Operational Emissions Exceeding BAAQMD's Daily Pollutant Thresholds** | AQ-2b, AQ-8, C-AQ-1 | **Applicant**<br>Provide documentation that | Estimates provided with application; payment (if | **City of Milpitas**<br>Review documentation |

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| Applicants proposing development of projects within the Metro Plan Area shall compare their project size with the BAAQMD screening sizes appropriate to their project for operational criteria pollutants found in Table 3-1 in BAAQMD's current CEQA guidelines (2017). The screening limit for general office buildings, office park, or government office building is 346,000 square feet, 323,000 square feet, and 61,000 square feet, respectively. There are different screening limits for residential, retail, hotels, and other developments based off specific land use type (e.g., single-family housing, apartments, low-rise, hotels, strip malls)<br>If the project is less than the screening limit for the project type, then no further action is required.<br>Project applicants not excluded by the condition above shall estimate annual average operational emissions for each operational year over the life of the project (20 years) and compare the annual average emissions for each year of operations to the BAAQMD thresholds used in the EIR for criteria pollutants. The emissions estimate shall be provided as part of the project's initial application to the City for the project. The City will review the estimate and confirm whether offsets are required for operation. Should the City-confirmed estimate indicate that the proposed development estimate would not result in operational emissions exceeding BAAQMD's daily pollutant thresholds, no further action is required.<br>For proposed developments that are estimated to result in exceedances of thresholds during any year of the project's life, the applicants shall coordinate with a third-party (e.g., Bay Area Clean Air Foundation) or governmental entity to pay for criteria pollutant offsets for every year in which operational emissions are estimated to exceed the BAAQMD thresholds. If the estimate shows exceedances of multiple criteria pollutants above the BAAQMD thresholds, | | demonstrates the project is below the screening limit or an estimate of average emissions compared to BAAQMD thresholds. If above applicant must c show documentation of coordination with a third-party or governmental entity for operations offsets. | required) is prior to operation or annually during project operation | and, if necessary, review documentation of offset purchase. |

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| then offsets must be obtained to address each pollutant above the thresholds. Emission reduction projects and fee will be determined in consultation between the applicant and the third-party or governmental entity and will include offset provider administrative costs. The agreement that specifies fees and timing of payment shall be provided to the City for review and signed by the applicant and the third-party or governmental entity. The emission reductions shall be secured prior to any year in which operational activity is estimated to result in an exceedance. The payment for the emissions can either be on an annual basis or done once upfront prior to operation.<br>To qualify under this mitigation measure, the specific emissions reduction project(s) must result in emission reductions in the SFBAAB that are real, surplus, quantifiable, and enforceable, and that would not otherwise be achieved through compliance with existing regulatory requirements of any other legal requirement. | | | | |
| **AQ-9: Prepare a Health Risk Assessment**<br>All applicants proposing development of projects in the Metro Plan Area within 1,000 feet of existing sensitive receptors, as defined by BAAQMD (e.g., residential), shall prepare a site-specific construction and operational Health Risk Assessment (HRA). The HRA shall include all reasonably foreseeable sources of TAC, consistent with BAAQMD guidelines. If the HRA demonstrates, to the satisfaction of the City, that the health risk exposures or PM2.5 concentrations for adjacent receptors would be less than BAAQMD project-level thresholds, then additional mitigation would be unnecessary. However, if the HRA demonstrates that health risks or PM2.5 concentrations would exceed BAAQMD project-level thresholds, additional feasible on- and offsite mitigation would be analyzed by the applicant to help reduce risks to the greatest extent | AQ-3, C-AQ-1 | **Applicant**<br>Prepare HRA. If health risk is over BAAQMD threshold, analyze mitigation to reduce risks. | With project application | **City of Milpitas**<br>Review HRA and, if necessary, mitigation measures. |

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| practicable. Mitigation may include installation of indoor air filters (MERV 13 or higher) at sensitive receptor locations and planting of vegetation and trees as pollution buffers. | | | | |
| **Greenhouse Gases** | | | | |
| **GHG-1: Require Implementation of BAAQMD-Recommended Construction Best Management Practices**<br>All applicants within the Metro Plan Area shall require their contractors, as a condition of contracts, to reduce construction-related GHG emissions by implementing BAAQMD's recommended BMPs, including the following measures (based on BAAQMD's 2017 CEQA Guidelines):<br>• Ensure alternative fueled (e.g., biodiesel, electric) construction vehicles/equipment make up at least 15 percent of the fleet.<br>• Use at least 10 percent local building materials (sourced from within 100 miles of the Metro Plan Area).<br>• Recycle and reuse at least 50 percent of construction waste or demolition materials. | GHG-1, C-GHG-1 | **Applicant/ applicant's contractor**<br>Provide contract language requiring implementation of fugitive dust best management practices. | During all construction activities | **City of Milpitas**<br>Review contract language. |
| **GHG-2: Implement Operational GHG Reduction Measures or Their Equivalent**<br>Applicants of future projects within the Metro Plan Area shall implement the following operational GHG emissions reduction strategies where feasible or demonstrate why a measure is not feasible, and implement equivalent GHG reductions to the foregone measure, or pay a mitigation fee per Mitigation Measure GHG-3 (see below) to compensate for any foregone GHG reductions not implemented. Applicants of future projects that do not propose to implement all of the strategies described below shall prepare a feasibility study outlining why the declined strategies were not implemented (e.g., feasibility, not | GHG-1, C-GHG-1 | **Applicant**<br>Provide documentation of integration or reduction strategies into project design and operational plans or demonstrating infeasibility and alternative measures. | With project application, prior to issuance of building permits | **City of Milpitas**<br>Review project designs and, as needed, documentation of infeasibility or alternative measures. |

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| applicable, etc.), estimating the foregone GHG reductions, and identifying any equivalent GHG reduction measures proposed (or proposal to pay a mitigation fee instead) for the City's review and concurrence prior to the issuance of building permits.<br>• **LEED Certification.** The United States Green Building Council (USGBC) is a private 501(c)3, non-profit organization that promotes sustainability in building design, construction, and operation. The USGBC developed the LEED program, which provides a rating system that awards points for new construction based on energy use, materials, water efficiency, and other sustainability criteria. LEED has certification systems for both commercial and residential use.<br>While LEED allows some flexibility in choice of measures to meet LEED criteria, new construction shall be required to include specific committed measures in use of recycled and sustainable materials in construction, water efficiency, and efficiency of energy use. New development in the Metro Plan Area shall be required to achieve LEED Silver certification or equivalent, or a higher certification, or provide equivalent GHG reductions through proposed new measures or payment of a fee per Mitigation Measure GHG-3.<br>• **Natural Gas Infrastructure.** Future development within the Metro Plan Area shall utilize electric space and water heating to the maximum extent feasible or to the extent required by existing or future regulations. Natural gas infrastructure and appliances shall not be installed to the extent feasible as determined by the availability and capacity of electrical power distribution infrastructure.<br>• **Solar Roofs.** Mounted rooftop electricity-generating solar panels convert solar energy to electricity for use in commercial and residential buildings. | | | | |

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| • New construction in the Metro Plan Area shall be required to either employ solar roofs on at least 30 percent of roof square footage or provide equivalent GHG reductions through proposed new measures or pay a mitigation fee per Mitigation Measure GHG-3. The inclusion of solar roofs may be part of meeting LEED Silver or equivalent requirements.<br>• **Waste Minimization Programs.** For waste that is generated by non-residential uses, recycling, composting of food waste and other organics, and the use of reusable products instead of disposal products diverts solid waste from the landfill stream.<br>New non-residential uses in the Metro Plan Area shall be required to implement recycling (including organics recycling) and reusable product use programs or provide equivalent GHG reductions through proposed new measures or pay a mitigation fee per Mitigation Measure GHG-3. The inclusion of these measures may be part of meeting LEED Silver or equivalent requirements. | | | | |
| **GHG-3: Purchase GHG Mitigation Credits**<br>Where a future project in the Metro Plan Area does not propose to implement all of the GHG reduction measures in Mitigation Measure GHG-2 and does not propose equivalent reduction measures to compensate for the measures not implemented, the project applicant shall be required to pay on a pro rata basis for net operational GHG emissions to compensate for emissions foregone from not implementing all measure in Mitigation Measure GHG-2 or providing equivalent reductions.<br>Applicants may purchase GHG credits from a voluntary GHG credit provider that has an established protocol that requires projects generating GHG credits to demonstrate that the reduction of GHG emissions are real, permanent, quantifiable, verifiable, enforceable, and additional (per the | GHG-1, C-GHG-1 | **Applicant**<br>Provide documentation of GHG mitigation credit purchase. | With project application, and then prior to January 1 of each calendar year for the following year for up to 30 years of operations | **City of Milpitas**<br>Review documentation. |

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| definition in California Health and Safety Code Sections 38562(d)(1) and (2)). Definitions for these terms are as follows.<br>• **Real:** Estimated GHG reductions should not be an artifact of incomplete or inaccurate emissions accounting. Methods for quantifying emission reductions should be conservative to avoid overstating a project's effects. The effects of a project on GHG emissions must be comprehensively accounted for, including unintended effects (often referred to as "leakage"). To ensure that GHG reductions are real, the reduction must be a direct reduction within a confined project boundary.<br>• **Additional:** GHG reductions must be additional to any that would have occurred in the absence of the Climate Action Reserve, or of a market for GHG reductions generally. "Business as usual" reductions (i.e., those that would occur in the absence of a GHG reduction market) should not be eligible for registration.<br>• **Permanent:** To function as offsets to GHG emissions, GHG reductions must effectively be "permanent." This means, in general, that any net reversal in GHG reductions used to offset emissions must be fully accounted for and compensated through the achievement of additional reductions.<br>• **Quantifiable:** GHG reductions or GHG removal enhancements must be able to be accurately measured and calculated relative to a project baseline in a reliable and replicable manner for all GHG emission sources, GHG sinks, or GHG reservoirs included within the offset project boundary, while accounting for uncertainty and activity-shifting leakage and market-shifting leakage.<br>• **Verified:** GHG reductions must result from activities that have been verified. Verification requires third-party | | | | |

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| review of monitoring data for a project to ensure the data are complete and accurate.<br>• **Enforceable:** The emission reductions from offset must be backed by a legal instrument or contract that defines exclusive ownership and the legal instrument can be enforced within the legal system in the country in which the offset project occurs or through other compulsory means. Please note that per this mitigation measure, only credits originating within the United States are allowed.<br>GHG credits must also meet the following requirements:<br>• GHG credits may be in the form of GHG offsets for prior reductions of GHG emissions verified through protocols or forecasted mitigation units for future committed GHG emissions meeting protocols.<br>• All credits shall be documented per protocols functionally equivalent in terms of stringency to CARB's protocol for offsets in the cap and trade program. The applicant must provide the protocols from the credit provider and must document why the protocols are functionally equivalent.<br>• Applicants shall identify GHG credits in geographies closest to Santa Clara County first and only turn to larger geographies (i.e., California, United States, global) if adequate credits cannot be found in closer geographies, or the procurement of such credits would create an undue financial burden. Applicants shall provide the following justification for not using credits in closer geographies in terms of either availability or cost prohibition:<br>○ Lack of enough credits available in closer geographies.<br>○ Prohibitively costly credits in closer geographies are defined as credits costing more than 300 percent the | | | | |

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| amount of the current costs of credits in the regulated CARB offset market.<br>○ Documentation submitted supporting GHG credit proposals shall be prepared by individuals qualified in GHG credit development and verification and such individuals shall certify the following: (1) proposed credits meet the definitions for the criteria provided in this measure; and (2) the protocols used for the credits meet or exceed the standards for stringency used in CARB protocols for offsets under the California cap-and-trade system.<br>This mitigation includes the following specific requirements for applicants of future projects within the Metro Plan Area:<br>• Applicants shall provide the City with a 30-year operational GHG emissions estimate for the final design that includes two scenarios: (1) project operations including all Mitigation Measure GHG-2 reduction measures; and (2) project operations only including those Mitigation Measure GHG-2 reduction measures the applicant proposes to implement and any alternative GHG reduction measures proposed by the applicant. The emissions estimate can be focused exclusively on the sectors where Mitigation Measure GHG-2 measures will not be fully implemented. The difference between the Scenario 1 and Scenario 2 operational emissions will define the amount of needed annual GHG reductions to be addressed through purchase of GHG mitigation credits. The City shall review the emission estimates to ensure they are representative and determine the total amount of annual GHG emissions required to be addressed through purchase of mitigation credits.<br>• Applicants shall purchase GHG mitigation credits meeting the above requirements and provide | | | | |

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| documentation to the City of how the credits meet the above requirements. Applicants shall provide the City with documentation of the retirement of sufficient GHG credits to meet the annual GHG reduction amount prior to January 1 of each calendar year for the following year. This requirement shall apply to operations for up to 30 years. Applicants may purchase credits up front or in advance as they choose. | | | | |
| **Noise** | | | | |
| **NOI-1: Mechanical Equipment Noise Reduction Plan**<br>To reduce potential noise impacts resulting from mechanical equipment (including but not limited to HVAC equipment and emergency generators), the applicants of future projects under the Metro Plan shall conduct a noise analysis to estimate noise levels of project-specific mechanical equipment. The noise analysis shall be based on the selected equipment models and design features. The applicant for the project shall create a Noise Reduction Plan to ensure noise levels of equipment, once installed, are below the applicable criteria described below.<br>The Noise Reduction Plan shall include any necessary noise reduction measures required to reduce project-specific mechanical equipment noise to a less-than-significant level. The plan shall also demonstrate that with the inclusion of selected measures, noise from equipment would be below the significance thresholds. Feasible noise reduction measures to reduce noise below the significance thresholds include, but are not limited to, selecting quieter equipment, utilizing silencers and acoustical equipment at vent openings, siting equipment farther from the roofline, and/or enclosing all equipment in a mechanical equipment room designed to reduce noise. Regarding emergency generators, additional noise reduction options include, but are not limited to, installing quieter model generators, | NOI-2, C-NOI-1 | **Applicant**<br>Prepare a noise analysis for mechanical equipment and a Noise Reduction Plan with reduction measures to reduce project noise to below a level of significance. | During project design | **City of Milpitas**<br>Review noise analysis and Noise Reduction Plan. |

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| incorporating noise-reducing emergency generator weather enclosures, and installing exhaust mufflers or silences. The results of the noise analysis and the final Noise Reduction Plan shall be provided to the City prior to the issuance of building permits.<br>The noise analysis and Noise Reduction Plan shall be prepared by persons qualified in acoustical analysis and/or engineering. The Noise Reduction Plan shall demonstrate with reasonable certainty that noise from mechanical equipment selected for the project, including the attenuation features incorporated into the project design, will not exceed the City of Milpitas property plane thresholds of 55 dBA during daytime hours or 45 dBA during nighttime hours for nearby residential land uses.<br>The applicants of future projects under the Metro Plan shall incorporate all feasible methods to reduce noise and any other feasible recommendations from the acoustical analysis and Noise Reduction Plan into the building design and operations, as necessary, to ensure that noise sources meet applicable requirements of the respective noise ordinances at receiving properties. | | | | |
| **NOI-2: Protect Potentially Susceptible Structures from Construction-Generated Vibration**<br>If a future development project in the Metro Plan requires any of the following construction activities, then this measure would apply:<br>• Pile driving within approximately 100 feet of an existing structure.<br>• Construction with other ground-disturbing equipment (e.g., jackhammers, bulldozers, excavators, etc.) within 25 feet of an existing structure.<br>The construction contractor shall consult with the City to determine whether adjacent or nearby structures could be | NOI-3, C-NOI-1 | **Applicant/ applicant's contractor**<br>Consult with the City about potential impacts to nearby structure and implement measures to avoid damage to structures in coordination with the City. | During construction involving pile driving within 100 feet of a structure or other ground-disturbing equipment within 25 feet of a structure | **City of Milpitas**<br>Review documentation of consultation and that measures have been required, if needed, to reduce impacts. |

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| adversely affected by construction-generated vibration. If buildings adjacent to construction activity are identified that could be adversely affected, the project applicant will incorporate into construction specifications for their project a requirement that the construction contractor(s) use all feasible means to avoid damage to adjacent and nearby buildings. Such methods to help reduce vibration-related damage effects may include maintaining a safe distance between the construction site and the potentially affected building (e.g., at least 100 feet for "historic and some old buildings") or using "quiet" pile-driving technologies (such as predrilling piles or using sonic pile drivers).<br>Should pile driving be required within 100 feet of a building in the "historic or some old building" category, within 75 feet of buildings in the "older residential structures" category, and within 55 feet of buildings in the "modern industrial/commercial" category, the City will work with the construction contractor to implement a monitoring program to minimize damage to adjacent buildings and ensure that any such damage is documented and repaired. If required, the monitoring program will include the following components:<br>• Prior to the start of any ground-disturbing activity, the project applicant will engage a historic architect or qualified historic preservation professional to undertake a preconstruction survey of nearby affected buildings that may be considered historic. For buildings that are not potentially historic, a structural engineer or other professional with similar qualifications will document and photograph the existing conditions of potentially affected buildings within 100 feet of pile-driving activity.<br>• Based on the construction and condition of the resource(s), the consultant will also establish a standard | | | | |

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| maximum vibration level that will not be exceeded at any building, based on existing conditions, character-defining features, soil conditions, and anticipated construction practices. Common standards are a peak particle velocity of 0.25 inch per second for "historic and some old buildings," a peak particle velocity of 0.3 inch per second for "older residential structures," and a peak particle velocity of 0.5 inch per second for "new residential structures" and "modern industrial/commercial buildings," as shown in Table 3.4-2.<br>• To ensure that vibration levels do not exceed the established standard, the project applicant will monitor vibration levels at each structure and prohibit vibratory construction activities that generate vibration levels in excess of the standard.<br>• Should vibration levels be observed in excess of the selected standard, construction will be halted, and alternative construction techniques put in practice, to the extent feasible (e.g., predrilled piles could be substituted for driven piles, if feasible, based on soil conditions, or smaller, lighter equipment could be used in some cases).<br>• The historic preservation professional (for effects on historic buildings) and/or structural engineer (for effects on non-historic structures) will conduct regular periodic inspections (every 3 months) of each building during ground-disturbing activity on the project site. Should damage to any building occur, the building(s) will be remediated to their preconstruction condition at the conclusion of ground-disturbing activity on the site. | | | | |
| **NOI-3: Implement Nighttime Construction Vibration Control Plan to Reduce Vibration-Related Annoyance Impacts on Adjacent Land Uses**<br>Should vibration-generating construction activities for future development under the Metro Plan be proposed | NOI-3, C-NOI-1 | **Applicant/ applicant's contractor**<br>Develop a nighttime | Prior to and during vibration-generating construction activities outside of | **City of Milpitas**<br>Review nighttime construction vibration control plan. |

**Milpitas Metro Specific Plan**
**Mitigation Monitoring and Reporting Program**

| Mitigation Measure | Impacts | Implementing Party, Action | Timing | Monitoring Party, Verification |
|---|---|---|---|---|
| outside of the daytime hours of 7:00 a.m. to 7:00 p.m., and should non-pile driving equipment be proposed within 25 feet of occupied residences or buildings where people sleep, the construction contractor for a project in the Metro Plan Area shall develop a nighttime construction vibration control plan. In addition, should nighttime pile driving activities be proposed within 100 feet of such buildings, the construction contractor for a project in the Metro Plan Area shall similarly develop a nighttime construction vibration control plan. The construction vibration control plan shall demonstrate that vibration levels at the residential land uses during nighttime hours will not exceed 0.1 PPV in/sec. In addition, the construction contractor will appoint a project vibration coordinator who will serve as the point of contact for vibration-related complaints during project construction. The contact information for the project vibration coordinator shall be posted at the project site and on a publicly available project website for future development projects under the Metro Plan. Should residents in the project area submit complaints to the project vibration coordinator for nighttime construction vibration concerns, the project vibration coordinator shall work with the construction team to adjust activities to reduce vibration or to reschedule activities for a less sensitive time. | | construction vibration control plan. | daytime hours within 100 feet of residences/ sleeping quarters (pile driving) or 25 feet of residences/ sleeping quarters (non-pile driving) | |