

MITIGATION MONITORING OR REPORTING PROGRAM

Santa Clara University Five-Year Master Plan

CITY OF SANTA CLARA

July 2016

P R E F A C E

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 monitoring or reporting program is to ensure compliance with the mitigation measures during project implementation.

The Environmental Impact Report 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 or 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 Environmental Impact Report concluded that the impacts from implementation of the project would be less than significant.

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Impact	Mitigation	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
CULTURAL RESOURCES				
<p>Impact CUL-1: Redevelopment of project site 1 would result in the exposure and possible destruction of third Mission and American Period resources.</p>	<p>MM CUL-1.1: The final site plan for project site 1, including building foundations and utility trenches, will be designed to avoid disturbance of identified significant architectural resources associated with the third Mission to allow for preservation in place. All non-architectural Mission Period and all American Period features shall be avoided to the extent possible. Final design to avoid significant subsurface features will be based on diagrams of the identified features prepared by the project archaeologist. Design features could include:</p> <ul style="list-style-type: none"> • Shallow foundation footings and/or rerouting of utility lines to avoid significant archaeological features. • Incorporation of greenspace preserves to protect significant archaeological features from development. • Covering archaeological features with a layer of chemically stable soil before building hardscape over identified features. • <p>The final site plan must be approved by the Planning Department prior to issuance of grading permits.</p> <p>MM CUL-1.2: For resources where preservation in place is not feasible, data recovery will occur consistent with the requirements of the <i>Master Cultural Resources Treatment Plan for the Santa Clara University 2020 Plan</i> (July 2015).</p> <p>MM CUL-1-3: Upon completion of all field work, but before completion of the Findings Report, a preliminary report outlining the data recovery work on the site shall be submitted to the Director of Planning and Inspection for review and approval prior to issuance of building permits.</p>	<p>Prior to issuance of grading permits</p>	<p>Project Applicant</p>	<p>Director of Community Development (previously Director of Planning and Inspection)</p>

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CULTURAL RESOURCES				
<p>Impact CUL-2: Future development under the proposed project could result in the exposure or destruction of as yet unrecorded subsurface prehistoric and historic archaeological artifacts and possibly human remains.</p>	<p>MM CUL-2.1: After completion of final building design for each of the proposed development sites, a site-specific cultural resources treatment plan shall be prepared and approved by the Director of Planning and Inspection prior to issuance of any of demolition permits. The treatment plans will tier off the <i>Master Cultural Resources Treatment Plan for the Santa Clara University 2020 Plan</i> (July 2015) and will conform to all requirements outlined in the <i>Master Cultural Resources Treatment Plan</i>. Specific elements of the treatment plans are outlined below.</p> <p><u>Investigation – Resource Identification</u></p> <p>A combined program of archaeological investigation (testing and data recovery) will focus on the proposed area of disturbance on the project sites. Because construction of the project is currently expected to occur over five years, the archaeological investigations will be phased to fit the project schedule. Specific activities include:</p> <ul style="list-style-type: none"> • Identification of archaeological resources through mechanical area exposure. A trained archaeological monitor will direct mechanical excavation of select regions within the project site area. Depending on the sensitivity of each site, some projects will require excavation of the entire site and some will require excavation of only certain areas. This step will occur after demolition, but before construction grading. • Upon identification of a feature, removal of overburden using hand excavation techniques. • Archaeological investigation of areas exposed. 	<p>Prior to issuance of demolition permits for each individual project site.</p>	<p>Project Applicant</p>	<p>Director of Community Development (previously Director of Planning and Inspection)</p>

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	<ul style="list-style-type: none"> • Identification of resources for data recovery. <p>Archaeological investigation will include the following guidelines and actions:</p> <ul style="list-style-type: none"> • Archaeologists will direct the stripping away of asphalt, base rock, fill, disturbed soils, and modern intrusions to expose historic ground surfaces in areas that will be disturbed during project construction. This will help determine the kinds and number of archaeological resources present. • Archaeologists will investigate features to determine their potential significance. In consultation with the SCU Assistant Campus Archaeologist and Operations staff, decisions will be made about which features will be subject to archaeological data recovery. • Determination of significance of historic archaeological property types is tied directly to their historical context and relevance to research themes further discussed below. Usefulness of a property type (feature) with regard to relevant research themes determines the legal importance of that resource. Also germane to the importance of property types are assessments of integrity, land use history, and comparison with other known similar property types. Especially relevant here are issues that cannot be addressed using data from other sources. The purpose of identifying relevant research themes is to help predict areas of special concern, given expected property types. Determination of relevance to research themes is critical to the identification of significant features in the field. • If data recovery is determined to be appropriate, excavation will target recovery of an appropriate amount of information from archaeological deposits to determine potential of the resource to address specific research questions. If it occurs, data recovery will 			

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	<p>emphasize understanding of the archaeological deposit's structure, including features and stratification, horizontal and vertical extent, and content including the nature and quantity of artifacts.</p> <p><u>Reporting</u></p> <p>The findings reports will follow the outline below and will focus on particular finds encountered during the excavation. All reports will at a minimum meet the <i>Secretary of the Interior's Standards for Archaeological Documentation</i>. The report will be submitted to the applicant and all reviewing agencies, and will ultimately be filed with the Northwest Information Center at Sonoma State University.</p> <p>The technical report on project results may address the following elements:</p> <ul style="list-style-type: none"> • executive summary; • statement of scope, including project location and setting; • background contexts or summaries; • summary of previous research, historical and archaeological; • research goals and themes; • field and laboratory methodologies; • descriptions of recovered materials; • findings and interpretations, referencing research goals; • conclusions; 			

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	<ul style="list-style-type: none"> • references cited; and • appendices such as artifact catalogs, special studies, and other information relevant to the project and findings. <p><u>Discovery of Human Remains</u></p> <p>Procedures for the treatment of human remains are well defined in various California laws and codes. The Heritage Commission acts as a central point of contact for notification of Native Americans, and arbitration between the Native American representative and the property owner (who is also the owner of the remains) and any associated archaeological materials. These procedures are set forth in the California Public Resources Code 5097.9, specifically 5097.98 <i>Notification of discovery of Native American human remains, descendants, disposition of human remains and associated grave goods.</i> NAHC guidelines have changed over time and SCU will follow NAHC recommendations and Public Resource Codes current at the time of the discovery.</p> <p>Discovery. When human remains are discovered (in either an archaeological or construction context), SCU will notify the Santa Clara County Coroner who will determine if the remains are or are suspected to be of Native American origin (cf. Section 7050.5c of the Health and Safety Code). This is often done in consultation with the archaeological investigator or on occasion in consultation with a forensic or physical anthropologist. If this determination is made, the Coroner will notify the Heritage Commission.</p>			

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	<p>Notification of Most Likely Descendent (MLD). The Heritage Commission will notify those persons it believes are most likely descended from the deceased Native American. This is usually a single individual although for a number of reasons, the Heritage Commission may assign more than one MLD. The MLD will likely be on the original consultation list; however, this is not always the case, as some individuals have removed themselves from the general consultation list due to the number of requests for comments.</p> <p>Inspection and Recommendations. The MLD will have 48 hours to inspect the finds and make recommendations to the University regarding the disposition of the remains. If the MLD fails to make a recommendation or the MLD and the University fail to come to an agreement (with mediation provided by the NAHC) the University will respectfully reinter the remains and associated artifacts in a safe place on University property.</p> <p>MM CUL-2.2: Upon completion of all field work for each individual treatment plan, but before completion of the Findings Report (outlined in MM CUL-2.1), a preliminary report outlining the data recovery work on the site(s) shall be submitted to the Director of Planning and Inspection for review and approval prior to issuance of building permits for each of the proposed development sites.</p>			

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CULTURAL RESOURCES				
<p>Impact CUL-3: Implementation of the proposed Master Plan would result in the demolition of one building and could result in physical damage to five buildings which are listed or eligible for listing on the CRHR and the City’s Historic Resources Inventory. Demolition and/or damage to one of more historic structures would constitute a significant impact.</p>	<p>MM CUL-3.1: As mitigation for the demolition of one historic structure on the project site and possible physical damage to five buildings, the project proposes to document these six structures in accordance with Historic American Building Survey (HABS) guidelines.</p> <p><u>Documentation:</u> The historic structures will be documented in accordance with the guidelines established for the HABS and shall consist of the following components:</p> <ol style="list-style-type: none"> 1. Drawings – Prepare sketch floor plans. 2. Photographs – Digital photographic documentation of the interior, exterior, and setting of the buildings in compliance with the National Register Photo Policy Fact Sheet. Photos must have a permanency rating of approximately 75 years. 3. Written Data – HABS written documentation in short form. [Please note that the historic evaluation completed for the proposed project can be used for this task. No additional written documentation is necessary to meet this mitigation requirement.] <p>MM CUL-3.2: <u>Salvage:</u> Bergin Hall will be made available to salvage companies facilitating the reuse of historic building materials.</p> <p>MM CUL-3.3: As a condition of approval, the City will require the following measures:</p> <p><u>Documentation:</u> A Secretary of the Interior qualified historian will prepare an oral history of the project area. The oral history will take the form of a written report with transcribed interviews of former residents and photographs, to the extent that they are available. The final report</p>	<p>Prior to issuance of demolition permits for each individual project site.</p>	<p>Project Applicant</p>	<p>Director of Community Development (previously Director of Planning and Inspection)</p>

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	<p>will be provided to the City and will also be distributed to Santa Clara libraries and historical organizations in Santa Clara.</p> <p><u>Salvage:</u> The time frame available for salvage will be established by the City. The applicant must provide evidence to City staff that this condition has been met prior to the issuance of demolition permits.</p> <p>MM CUL-3.4: A historical architect with a minimum of five years of experience in the rehabilitation and restoration of historic buildings, as well as meeting the Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation, Professional Qualifications Standards shall be engaged to prepare protection plans for the historic resources adjacent to proposed demolition and new construction activities.</p> <ol style="list-style-type: none"> 1. Prior to the start of the project, the historical architect shall undertake an existing condition study of the affected historic resources. The purpose of the study would be to establish the baseline condition of the buildings prior to construction, including the location and extent of any visible cracks or spalls. The documentation shall take the form of written descriptions and photographs, and shall include those physical characteristics of the resources that convey their historic significance and that justify their inclusion on, or eligibility for inclusion on, the California Register of Historical Resources and local register. The documentation shall be reviewed and approved by the staff to the City of Santa Clara’s Historical and Landmarks Commission, or equivalent. 2. The historical architect shall prepare designs and specifications for protective barriers required to protect the historic resources from potential damage caused by demolition and new construction 			

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	<p>activities. All documents prepared in accordance with MM CUL-2.2 shall be reviewed and approved by the staff to the City of Santa Clara’s Historical and Landmarks Commission, or equivalent.</p> <p>3. The historical architect shall establish a training program for construction workers involved in the projects that emphasizes the importance of protecting historic resources. This program shall include information on recognizing historic fabric and materials, and directions on how to exercise care when working around and operating equipment near the historic structures, including storage of materials away from historic buildings. It shall also include a reporting program for any potential problems that could affect the historic resources in the area. A provision for establishing this training program shall be incorporated into the contract, and the contract provisions shall be reviewed and approved by the staff to the City of Santa Clara’s Historical and Landmarks Commission, or equivalent.</p> <p>4. The historical architect shall periodically monitor the historic resources during construction. Any changes to existing conditions will be reported, including, but not limited to, expansion of existing cracks, new spalls, or other exterior deterioration. Monitoring reports shall be submitted to the Director of Planning and Inspection, or equivalent on a periodic basis. If in the opinion of the historical architect, substantial adverse impacts to historic resources related to construction activities are found during construction, the historical architect shall so inform the project sponsor, or sponsor’s designated representative responsible for construction activities, as well as the Director of Planning and Inspection, or equivalent. The project sponsor shall adhere to the monitoring team’s reasonable recommendations for corrective measures. The Director of Planning and Inspection, or equivalent, shall establish the frequency of monitoring and reporting.</p>			

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AIR QUALITY				
<p>Impact AIR -1: Construction of multiple projects simultaneously that equate to more than 277,000 square feet could exceed construction emission thresholds.</p>	<p>MM AIR 1-1: If the University files for building permits where total construction projects occurring simultaneously would be equal to or greater than 277,000 square feet, the total combined emissions of the projects shall be calculated by a qualified air quality consultant to identify mitigation measures that may be necessary to ensure average daily emissions do not exceed significance thresholds. The findings of the analysis shall be provided to the Director of Planning and Inspection prior to the issuance of building permits. If the combined emissions are below established thresholds, no additional actions are required.</p> <p>If the combined emissions exceed established thresholds, emission control measures must be identified to reduce emissions below the thresholds. The University must show qualitative proof of the effectiveness of the control measures prior to issuance of building permits or reduce the amount of development proposed. Measures that may be required to ensure emissions do not exceed significance thresholds include the following:</p> <ul style="list-style-type: none"> • Use of construction equipment that meets U.S. EPA Tier 3 emissions standards and where necessary, U.S. EPA Tier 4 emission standards, if commercially available; • Use of alternative fuels that have lower emissions or electric-powered equipment in lieu of diesel powered equipment; and • Scheduling of activities to reduce emissions, such as extending the construction period to avoid intensive periods that produce high emissions. 	<p>Prior to issuance of building permits.</p>	<p>Project Applicant</p>	<p>Director of Community Development (previously Director of Planning and Inspection)</p>

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AIR QUALITY				
<p>Impact AIR -2: Construction of the proposed project would result in a temporary community risk (TAC) impact</p>	<p>MM AIR 2-1: All diesel-powered off-road equipment larger than 50 horsepower and operating at the site for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 2 engines or equivalent.</p>	<p>During all phases of construction</p>	<p>Project Applicant</p>	<p>Director of Community Development (previously Director of Planning and Inspection)</p>

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NOISE				
<p>Impact NOI-1: Construction of the proposed student housing could expose future residents in units facing The Alameda to interior noise levels in excess of acceptable City and State standards for residential development.</p> <p>Impact NOI-2: Ground-borne vibration resulting from construction activities associated with implementation of the Master Plan could cause structural damage to nearby buildings.</p>	<p>MM NOI-1.1: Forced air mechanical ventilation, satisfactory to the local building official, shall be incorporated into all residential units facing The Alameda to allow occupants the option of keeping windows closed to control noise intrusion.</p> <p>MM NOI-2.1: Heavy vibration-generating construction equipment, such as vibratory rollers or clam shovel drops, are prohibited within 25 feet of any historic buildings or campus residences.</p>	<p>Prior to issuance of occupancy permits.</p> <p>During all phases of construction.</p>	<p>Project Applicant</p> <p>Project Applicant</p>	<p>Director of Community Development (previously Director of Planning and Inspection)</p> <p>Director of Community Development (previously Director of Planning and Inspection)</p>

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GEOLOGY AND SOILS				
<p>Impact GEO-1: Future development under the proposed Master Plan could interfere with the shallow groundwater table.</p>	<p>MM GEO-1.1: To account for seasonal variations in the groundwater level, the following measures shall be implemented:</p> <ul style="list-style-type: none"> • Excavate an additional 12 to 18 inches below subgrade, place a layer of stabilization fabric at the bottom, and backfill with clean crushed rock. • Dewatering shall adhere to all applicable laws and regulations. 	<p>During all phases of construction</p>	<p>Project Applicant</p>	<p>Director of Community Development (previously Director of Planning and Inspection)</p>

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BIOLOGICAL RESOURCES				
<p>Impact BIO-1: Construction activities associated with the proposed project could result in the loss of fertile eggs, nesting raptors or other migratory birds, or nest abandonment.</p>	<p>MM BIO-1.1: Construction shall be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1 through August 31.</p> <p>MM BIO-1.2: If it is not possible to schedule demolition and construction between September and January, pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests will be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1 through April 30) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1 through August 31). During this survey, the ornithologist will inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with California Department of Fish and Wildlife, will determine the extent of a construction-free buffer zone to be established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests will not be disturbed during project construction.</p>	<p>No more than 14 days prior to initiation of construction activities.</p>	<p>Project Applicant</p>	<p>Director of Community Development (previously Director of Planning and Inspection)</p> <p>Department of Fish and Wildlife</p>

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BIOLOGICAL RESOURCES				
<p>Impact HAZ-1: Implementation of the proposed project could expose construction workers to residual soil contamination from two recorded LUSTs located adjacent to Building 601.</p>	<p>MM HAZ-1.1: Pursuant to the requirements of the case closure, the County shall be notified prior to any changes in land use, grading activities, excavation, and installation of water wells in the identified contamination area adjacent to Building 601.</p> <p>MM HAZ-1.2: After County notification and prior to issuance of grading permits, soil samples shall be taken to the depth of planned excavation around the area of the previous USTs adjacent to Building 601 to determine if contaminated soil is located on-site with concentrations above established construction/trench worker thresholds. The soil sampling plan must be reviewed and approved by the Santa Clara Fire Chief prior to initiation of work.</p> <p>MM HAZ-1.3: Once the soil sampling analysis is complete, a report of the findings will be provided to the Santa Clara Fire Chief, Director of Planning and Inspection, and other applicable City staff for review.</p> <p>MM HAZ-1.4: If contaminated soils are found in concentrations above established thresholds a Site Management Plan (SMP) will be prepared and implemented (as outlined below) and any contaminated soils found in concentrations above established thresholds shall be removed and disposed of according to California Hazardous Waste Regulations. The contaminated soil removed from the site shall be hauled off-site and disposed of at a licensed hazardous materials disposal site.</p> <p>The SMP will be prepared to establish management practices for handling impacted soil material that may be encountered during site</p>	<p>Prior to issuance of grading or excavation permits.</p>	<p>Project Applicant</p>	<p>Director of Community Development (previously Director of Planning and Inspection)</p> <p>Santa Clara County</p> <p>Santa Clara Fire Chief</p>

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	<p>development and soil-disturbing activities. Components of the SMP will include: a detailed discussion of the site background; preparation of a Health and Safety Plan by an industrial hygienist; notification procedures if previously undiscovered significantly impacted soil or free fuel product is encountered during construction; on-site soil reuse guidelines based on the California Regional Water Quality Control Board, San Francisco Bay Region’s reuse policy; sampling and laboratory analyses of excess soil requiring disposal at an appropriate off-site waste disposal facility; soil stockpiling protocols; and protocols to manage groundwater that may be encountered during trenching and/or subsurface excavation activities. Prior to issuance of grading permits, a copy of the SMP must be approved by the City’s Director of Planning and Inspection, and the Santa Clara Fire Chief.</p>			

SOURCE: City of Santa Clara, **Santa Clara University Five-Year Master Plan Environmental Impact Report**, May 2016.