

MITIGATION MONITORING AND REPORTING PROGRAM

BRANAGH SELF STORAGE **Exhibit 2**

April 2016

PREFACE

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

On April 13, 2015, the Initial Study/Mitigated Negative Declaration (IS/MND) was adopted for the Branagh Self Storage project. The IS/MND concluded that the implementation of the project could result in significant effects on the environment; therefore, mitigation measures were incorporated into the proposed project or are required as a condition of project approval. This Mitigation Monitoring and Reporting Program outlines these measures and how, when, and by whom they shall be implemented.

Mitigation Number	Mitigation Measure	Monitoring and Reporting Process	Monitoring Milestones	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
					Initials	Date	Remarks
AIR QUALITY							
AQ-1	<p>Prior to issuance of a Demolition Permit, the City Engineer and the Chief Building Official shall confirm that the Grading Plan, Building Plans, and specifications stipulate that in compliance with Bay Area Air Quality Management District's Basic Construction Mitigation Measures, the following basic construction mitigation measures shall be implemented:</p> <ul style="list-style-type: none"> • Water all active construction areas to maintain 12 percent soil moisture. • All grading shall be suspended when winds exceed 20 miles per hour. • All haul trucks transporting soil, sand, or other loose material off-site shall be covered. • Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites. • All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. Install sandbags or other erosion 	Grading Plan; Building Plan; Specifications; During Construction	Prior to Issuance of a Demolition Permit; During Construction	City Engineer; Chief Building Official			

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	<p>control measures to prevent silt runoff to public roadways.</p> <ul style="list-style-type: none"> • All vehicle speeds on unpaved roads shall be limited to 15 mph. • All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. • Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of the California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. • All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. • Post a publicly visible sign with the telephone number and person to contact at the City regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations. 						

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BIOLOGICAL RESOURCES							
BIO-1	<p>Prior to the issuance of a grading permit, the Applicant shall retain a qualified biologist to conduct a Suitability Assessment for the Burrowing Owl (<i>Athene cunicularia</i>). If the biologist determines that no suitable habitat, burrowing owl individuals, or sign (i.e., pellets, feathers, or white wash) are found on the project site during the suitability assessment, a final pre-construction burrowing owl clearance survey shall be conducted three (3) days prior to the start of site disturbance activities to ensure burrowing owl remain absent from the project site.</p> <p>However, if the biologist determines that, based on the Suitability Assessment, the project site has the potential to provide suitable habitat for burrowing owl or burrowing owl sign is observed, the biologist shall conduct a focused burrowing owl survey during the breeding season. The Protocol Survey shall be conducted in accordance with the current California Department of Fish and Wildlife or United States Fish and Wildlife Services survey protocols for the Burrowing Owl.</p>	Suitability Assessment; Protocol Survey, if necessary	Prior to Issuance of a Grading Permit; During Construction, if necessary	Director of Planning and Neighborhood Services; Applicant-retained Qualified Biologist			
BIO-2	<p>Prior to the approval of grading plans, the Applicant shall retain a Certified Consulting Arborist, as approved by the City of Milpitas, to identify Tree Protection Zones on project grading plans. The project grading plans shall note that trees proposed to be protected-in-place, as identified by the Consulting Arborist, shall be enclosed via six-foot high fencing in order to identify the Tree Protection Zone prior to demolition, grubbing, or grading. The Tree Protection Zone fencing shall allow for</p>	Identification of Tree Protection Zones	Prior to Issuance of a Grading Permit; During Construction	Director of Planning and Neighborhood Services; Applicant-retained Certified Consulting Arborist			

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	<p>pedestrian access. Fences shall remain in place until all grading and construction is completed.</p> <p>No grading, construction, demolition, or other work shall occur within the Tree Protection Zone, unless approved and monitored by the Consulting Arborist. Grading within the dripline of any tree shall be monitored by the Consulting Arborist. Any root pruning required for construction purposes shall receive the prior approval of, and be supervised by, the Consulting Arborist. Supplemental irrigation shall be applied as determined by the Consulting Arborist. If injury should occur to any tree during construction, it should be evaluated as soon as possible by the Consulting Arborist so that appropriate treatments can be applied. No excess soil, chemicals, debris, equipment, or other materials shall be dumped or stored within the Tree Protection Zone. Any additional tree pruning needed for clearance during construction must be performed by a Certified Arborist and not by construction personnel.</p>						
BIO-3	Prior to approval of Final Design Plans by the City of Milpitas, foundations, footings, and pavements on expansive soils near trees shall be designed to withstand differential displacement. These design features, if applicable, shall be noted on the Final Design Plans.	Final Design	Prior to Approval of Final Design Plans	Director of Planning and Neighborhood Services; Applicant-retained Geologist			
CULTURAL RESOURCES							
CUL-1	If evidence of subsurface archaeological resources is found during construction, excavation, trenching, and/or other construction activities in that area shall cease and the construction contractor shall contact	During Construction	During Construction	Director of Planning and Neighborhood Services;			

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	the Director of Planning and Neighborhood Services. With direction from the Director of Planning and Neighborhood Services, an archaeologist approved by the City of Milpitas shall be retained by the Applicant to evaluate the discovery prior to resuming grading in the immediate vicinity of the find. If warranted, the archaeologist shall collect the resource and prepare a technical report describing the results of the investigation. The test-level report shall evaluate the site including discussion of significance (depth, nature, condition, and extent of the resources), final mitigation recommendations, and cost estimates.			Contractor; Applicant-retained Archeologist, if necessary			
CUL-2	If evidence of subsurface paleontological resources is found during construction, excavation, trenching, and/or other construction activities in that area shall cease and the construction contractor shall contact the Director of Planning and Neighborhood Services. With direction from the Director of Planning and Neighborhood Services, a paleontologist approved by the City of Milpitas shall evaluate the find. If warranted, the paleontologist shall prepare and complete a standard Paleontological Resources Mitigation Program for the salvage and curation of identified resources.	During Construction	During Construction	Director of Planning and Neighborhood Services; Contractor; Applicant-retained Paleontologist, if necessary			
GEOLOGY AND SOILS							
GEO-1	Prior to issuance of a building permit, the City of Milpitas Building Official shall ensure that final engineering plans meet the design parameters for seismic safety identified in the Geotechnical Investigation (Friar Associates, Inc., April 30, 2015), and the latest version of the California Building Code.	Final Design	Prior to Issuance of Building Permit	City Engineer			

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HAZARDS AND HAZARDOUS MATERIALS							
HAZ-1	<p>Prior to and during site disturbance activities, the proposed project shall comply with the requirements set for by the Regional Water Quality Control Board (RWQCB) Order No. 90-072. The project shall implement a Site Management Plan (SMP), as enforced by the RWQCB, for site disturbance activities at the project site. In addition to the existing ongoing remediation activities associated with the 1982 former AST release, The Applicant shall also provide in writing verification to the RWQCB that the following former on-site activities have not resulted in exceedance of regulatory thresholds for hazardous substances for commercial uses:</p> <ul style="list-style-type: none"> • On-Site Fill Materials; • Miscellaneous Debris; • Former Underground Storage Tanks; • Former on-site rail spurs; • Former on-site sumps; and • Former activities associated with the northern storage area. <p>Should results indicate that elevated hazardous substances, exceeding applicable commercial use thresholds, are present, appropriate remediation activities shall be identified in the SMP, as reviewed and approved by the RWQCB.</p>	Site Management Plan	Prior to Issuance of Grading Permit; During Construction	RWQCB; Applicant			
HAZ-2	Prior to demolition activities, the Applicant shall retain an Asbestos Hazard Emergency Response Act (AHERA) and California Division of Occupational Safety and Health (Cal/OSHA)	Grading Plans	Prior to Demolition	City Building Official; Contractor; Applicant-retained Certified Building Inspector			

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	certified building inspector to conduct an asbestos survey to determine the presence or absence of asbestos containing-materials (ACMs). If ACMs are located, the abatement of asbestos shall be completed by the Applicant prior to any activities that would disturb ACMs or create an airborne asbestos hazard. Asbestos removal shall be performed by a State certified asbestos containment contractor in accordance with the Bay Area Air Quality Management District (BAAQMD) Rule Regulation 11, Rule 2. Contractors performing asbestos abatement activities shall provide evidence of abatement activities to the City Building Official.						
HAZ-3	If paint is separated from building materials (chemically or physically) during demolition of the structures, the paint waste shall be evaluated independently from the building material by a qualified Lead Specialist. If lead-based paint is found, the Applicant shall retain a qualified Lead Specialist to conduct abatement prior to any activities that would create lead dust or fume hazard. Lead-based paint removal and disposal shall be performed in accordance with California Code of Regulation Title 8, Section 1532.1, which specifies exposure limits, exposure monitoring and respiratory protection, and mandates good worker practices by workers exposed to lead. Contractors performing lead-based paint removal shall provide evidence of abatement activities to the City Building Official.	Grading Plans; During Construction	Prior to Demolition ; Demolition Activities	City Building Official; Contractor; Applicant-retained Qualified Lead Specialist			

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HAZ-4	Prior to issuance of a grading permit for the proposed project, the Applicant shall provide written verification (by a Phase II Site Characterization Specialist) to the Regional Water Quality Control Board that all imported soils are not contaminated above regulatory thresholds for commercial use. If soils are determined to be contaminated above regulatory thresholds, these soils shall not be used as fill material within the boundaries of the project site, unless otherwise specified the Regional Water Quality Control Board.	Grading Plans	Prior to Issuance of Grading Permit	RWQCB; Contractor; Applicant-retained Phase II/Site Characterization Specialist			
NOISE							
NOI-1	<p>Prior to Grading Permit issuance, the Applicant shall demonstrate, to the satisfaction of the Director and Planning and Neighborhood Services that the project complies with the following:</p> <ul style="list-style-type: none"> • Construction contracts specify that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other state required noise attenuation devices. • Construction haul routes shall be designed to avoid noise sensitive uses (e.g., residences, convalescent homes, etc.), to the extent feasible. • During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers. 	Grading/ Construction Plans; During Construction	Prior to Issuance of Grading Permit; During Construction	Director of Planning and Neighborhood Services; Applicant/Contractor			

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	<ul style="list-style-type: none"> Construction activities shall not take place outside of the allowable hours specified by the City of Milpitas Municipal Code Section V-213-3-3.05, <i>Site Construction Regulations</i> (7:00 a.m. and 7:00 p.m. on weekdays and weekends; construction activities are not permitted on New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day). 						

SOURCE: City of Milpitas, *Montague Expressway Self-Storage Facility Initial Study/Mitigated Negative Declaration*, March 2016.

