



Montague Expressway Self-Storage Facility

INITIAL STUDY/
MITIGATED NEGATIVE DECLARATION



Prepared for:
City of Milpitas

Submitted by:



FINAL

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

**Montague Expressway
Self-Storage Facility**

LEAD AGENCY:

City of Milpitas

Planning & Neighborhood Services Department
455 East Calaveras Boulevard
Milpitas, California 95035
Contact: Ms. Bhavani Potharaju
408.586.3284

PREPARED BY:

Michael Baker International

14725 Alton Parkway
Irvine, California 92618
Contact: Mr. Eddie Torres
949.472.3505

March 18, 2016

JN 149001

This document is designed for double-sided printing to conserve natural resources.



TABLE OF CONTENTS

1.0	Introduction	1-1
2.0	Response to Comments.....	2-1
3.0	Mitigation Monitoring and Reporting Program.....	3-1



MONTAGUE EXPRESSWAY SELF-STORAGE FACILITY
Final Initial Study/Mitigated Negative Declaration

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1.0 INTRODUCTION

The proposed Montague Expressway Self-Storage Facility (project) site is located that the former Jones Chemical, Inc. (JCI) facility. JCI operated on-site until about 2000, at which time they vacated the property. The proposed project would involve the demolition of the former JCI facility and the construction a 171,924 square-foot self-storage facility in four new buildings. The storage facility would include 1,241 storage units (or 132,288 square feet of storage space), a customer service office, and other ancillary uses (i.e., restroom, elevator lobbies, trash room, janitor's closet, hallways, and stairwells). Rental units would range in size from 5-foot by 5-foot to 12-foot by 30-foot with an average unit size of 107 square feet. The floor area ratio (FAR) would be 0.86.

In accordance with the California Environmental Quality Act (CEQA) Guidelines, an Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared for the proposed Montague Expressway Self-Storage Facility.

The IS/MND was made available for public review and comment pursuant to CEQA Guidelines Section 15070. The public review commenced on February 10, 2016 and concluded on March 11, 2016. The IS/MND and supporting attachments were available for review by the general public at:

- Milpitas City Hall, Public Service County, 455 E. Calaveras Boulevard, Milpitas, CA 95035
- Milpitas Community Library, 160 N. Main Street, Milpitas, CA 95035
- City of Milpitas Website, www.ci.milpitas.ca.gov



MONTAGUE EXPRESSWAY SELF-STORAGE FACILITY
Final Initial Study/Mitigated Negative Declaration

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2.0 RESPONSE TO COMMENTS

During the public review period, comments were received on the IS/MND from certain interested public agencies and private parties. The following is a list of the persons, firms, or agencies that submitted comments on the IS/MND during the public review period:

Comment Letter No.	Person, Firm, or Agency	Letter Dated
1	Scott Morgan, Director State Clearinghouse and Planning Unit Governor's Office of Planning and Research	March 11, 2016
2	Samuel Yung, Associate Civil Engineer Community Projects Review Unit Santa Clara Valley Water District	March 11, 2016
3	Roy Molseed, Senior Environmental Planner Santa Clara Valley Transportation Authority	March 11, 2016

Although the CEQA Guidelines do not require a Lead Agency to prepare written responses to comments received (see CEQA Guidelines Section 15088), the City of Milpitas has elected to prepare the following written responses with the intent of conducting a comprehensive and meaningful evaluation of the proposed project. The number designations in the responses are correlated to the bracketed and identified portions of each comment letter.



MONTAGUE EXPRESSWAY SELF-STORAGE FACILITY
Final Initial Study/Mitigated Negative Declaration

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EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

March 11, 2016

Bhavani Potharaju
City of Milpitas
455 E. Calaveras Boulevard
Milpitas, CA 95035

Subject: Montague Expressway Self-Storage Facility
SCH#: 2016022033

Dear Bhavani Potharaju:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. The review period closed on March 10, 2016, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

A handwritten signature in cursive script that reads "Scott Morgan".

Scott Morgan
Director, State Clearinghouse

1-1

**Document Details Report
State Clearinghouse Data Base**

SCH# 2016022033
Project Title Montague Expressway Self-Storage Facility
Lead Agency Milpitas, City of

Type MND Mitigated Negative Declaration

Description The project site was developed in the early 1960's by Jones Chemical, Inc. (JCI) for chemical storage, repackaging, and distribution. JCI operated on-site until about 2000, at which time JCI vacated the property. The proposed project would involve the demolition of the former JCI facility and the construction a 171,924 sq. ft. self-storage facility in four new buildings. The storage facility would include 1,241 storage units (or 132,288 sq. ft. of storage space), a customer service office, and other ancillary uses (i.e. restroom, elevator lobbies, trash room, janitor's closet, hallways, and stairwells). Rental units would range in size from 5 foot by 5 foot to 12 foot by 30 foot with an average unit size of 107 sq. ft. The floor area ratio (FAR) would be 0.86.

Lead Agency Contact

Name Bhavani Potharaju
Agency City of Milpitas
Phone 408-586-3284 **Fax**
email
Address 455 E. Calaveras Boulevard
City Milpitas **State** CA **Zip** 95035

Project Location

County Santa Clara
City Milpitas
Region
Lat / Long 37° 24' 50.31" N / 121° 53' 12.3" W
Cross Streets Montague Expressway and S. Milpitas Blvd.
Parcel No. 086-32-020-00, SR-247
Township 6S **Range** 1E **Section** 17 **Base** MDBM

Proximity to:

Highways I-680, I-880, Hwy 101
Airports
Railways Bay Area Rapid Transit
Waterways Berryessa Creek
Schools Various
Land Use Manufacturing and Warehousing (MW) by Milpitas General Plan, and Heavy Industrial (M2) by Milpitas Municipal Code

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Landuse; Cumulative Effects; Other Issues

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 3; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 4; Air Resources Board; Regional Water Quality Control Board, Region 2; Native American Heritage Commission; Public Utilities Commission

Date Received 02/10/2016 **Start of Review** 02/10/2016 **End of Review** 03/10/2016



Response No. 1

Mr. Scott Morgan, Director
State Clearinghouse and Planning Unit
Governor's Office of Planning and Research
March 11, 2016

- 1-1 The commenter indicates that the State Clearinghouse submitted the IS/MND to selected state agencies for review, and that the comment period for the Draft IS/MND concluded on March 10, 2016 for State agencies. The comment indicates that the lead agency complied with the review requirements for draft environmental documents pursuant to CEQA. It also provides a summary of information contained within the State Clearinghouse's database for the proposed project. As such, the comment does not provide specific comments regarding information presented in the IS/MND and no further response is necessary.



MONTAGUE EXPRESSWAY SELF-STORAGE FACILITY
Final Initial Study/Mitigated Negative Declaration

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File: 07248
Berryessa Creek

March 11, 2016

Ms. Bhavani Potharaju
Planning Division
City of Milpitas
455 East Calaveras Boulevard
Milpitas, CA 95035

Subject: Montague Expressway Self Storage Facility Initial Study/Mitigated Negative Declaration 985 Montague Expressway, Milpitas

Dear Ms. Potharaju:

The Santa Clara Valley Water District (District) has reviewed the draft Initial Study / Mitigated Negative Declaration (IS/MND) for the demolition of the former Jones Chemical, Inc. (JCI) facility and the construction of a 17,924 square foot self storage facility consisting of four buildings located at 985 Montague Expressway, in Milpitas.

The following are our comments:

- Located adjacent to the project site is Berryessa Creek which is operated and maintained by the District. Given the proximity of the site to the creek, the IS/MND should note that the project should be designed consistent with the 'Guidelines and Standards for Land Use Near Streams', which was developed by the Water Resources Protection Collaborative and adopted by the City of Milpitas April 3, 2007.
- The United States Army Corps of Engineers (Corps), with the District as the local sponsor, has plans to improve Berryessa Creek. When completed along with the downstream reaches, the creek improvements should provide a 100 year level of flood protection. With construction expected to begin this summer, the Corps/District project will require that the owners modify their outfalls in order to conform to the new creek geometry. To avoid duplicative work, it is our understanding that the project proponent would be agreeable to reimburse the District so that the modifications to the existing outfall and the removal of the unused outfall would be incorporated into the Corps/District project. In the event the property owner decides to modify the outfall separate from the Corps/District project, this should be discussed in the IS/MND.
- Section 4.8 (Historical On-Site Activities) of the IS/MND noted that the San Francisco Bay Area Regional Water Quality Control Board (RWQCB) required JCI to remediate the area down gradient of the project site as a result of the unintended release of chlorinated solvents into Berryessa Creek. Part of the remedial efforts includes the installation of monitoring wells within Berryessa Creek. With the Corps/District project imminent, the project proponent has been notified to remove and destroy these monitoring wells in accordance with District Ordinance 90-1. The removal of the monitoring wells should be

2-1

2-2

2-3

Ms. Bhavani Potharaju
Page 2
March 11, 2016

discussed with the RWQCB in order to determine if alternative remedial efforts will be necessary.

2-3

- The District has an easement approximately 10 foot wide on the west side of the project site. Per the District's Water Resource Protection Ordinance any proposed work which may impact or modifies a District facility or work that takes place within the District's right of way (easement & fee title) will require a District permit.

2-4

If you have any questions or comments, you can contact me at (408) 630-3174 or at syung@valleywater.org.

Sincerely,

for 
Samuel Yung
Associate Civil Engineer
Community Projects Review Unit

cc: S. Tippets, C. Hakes, J. Nam, M. Martin, S. Yung, File

7248_58340sy03-11



Response No. 2

Mr. Samuel Yung, Associate Civil Engineer
Community Projects Review Unit
Santa Clara Valley Water District
March 11, 2016

2-1 As discussed on page 2-16 of the Draft IS/MND, the proposed project would be required to obtain a City of Milpitas Site Development Permit, which would include verification that the project meets the City's standards and regulations, including the *Guidelines and Standards for Land Use Near Streams*, as adopted by the City (Municipal Code Section XI-16-12, *Watercourse Protection*).

Implementation of the proposed project would not result in any site disturbance activities within Berryessa Creek and no riparian vegetation is located within or along Berryessa Creek within the project vicinity.

Erosion Potential as a Result of Irrigation Runoff

Per the Streamside Resource Protection Questions identified in the *Guidelines and Standards for Land Use Near Streams*, the proposed project would not result in irrigation runoff that would cause erosion along Berryessa Creek. As discussed on Draft IS/MND page 4.9-4, the proposed irrigation would runoff to the on-site storm drainage system and then to one of six proposed on-site biotreatment ponds, prior to discharge into Berryessa Creek. This condition already occurs as a result of the former on-site JCI facility.

Proposed Water Conservation Measures

The proposed project would install drought tolerant plants and use water conservations measures. As discussed on Draft IS/MND page 4.9-6, the project would be compliant with the City of Milpitas Municipal Code Section VIII-6-3.00, *Restrictions*, and Section VIII-6-5.00, *Supplemental Water Use Restrictions*, which promotes the values and benefits of conservation and efficient use of potable water. In addition, the project would utilize reclaimed water for irrigation as it becomes available. The irrigation system would be designed in accordance with local health codes.

Proposed Maintenance Measures

Use of pesticides would be conducted as required by law and consistent with the City's laws and regulations. Alternative methods for pest reduction methods would be employed to limit the usage of pesticides, including the incorporation of planting materials. As the project site is not located on Santa Clara Valley Water District (SCVWD) property, maintenance activities along Berryessa Creek would continue similar to existing conditions. The project also proposes a 10-foot SCVWD Easement on the western-most boundary of the project site, along Berryessa



Creek. This easement would be landscaped with mulch in order to adequately provide access to Berryessa Creek by the SCVWD, as well as allow low maintenance requirements.

Proposed Water Quality Measures

As discussed on Draft IS/MND page 4.9-4, the project proposes an on-site storm drainage system that would discharge to six on-site biotreatment ponds, three of which would be situated along the project's western boundary along Berryessa Creek. The treatment ponds would consist of depressed landscaping areas that allow the collection of stormwater runoff to percolate through a sandy loam soil into an under-drain, thereby promoting pollutant removal. All proposed planting materials, including planting of the biotreatment ponds, are on the SCVWD's approved plant list. Storm water inlets would have metal badges installed with the logo "No Dumping - Flows to Bay". This educational measure is intended to prevent unlawful dumping of waste materials such as motor oil or trash into the inlets. No loading docks or chemical storage areas are proposed by the project. Trash enclosures would be enclosed inside of Building D, greater than approximately 160 feet from top of back (on the eastern portions of the project site).

Stationary Noise Sources

Stationary noise producing mechanical equipment would include heating, ventilation, and air conditioning (HVAC) units. These units would be located atop the proposed Buildings A and D. HVAC units would be approximately 55 A-weighted decibel scale (dBA) at a distance of 50 feet and would be situated greater than 50 feet from top of bank. As the project is situated within an urban area and other structures in the vicinity of the site also have HVAC units, the proposed units would not be louder than that currently experienced in the area. Impact in this regard would be less than significant.

Impacts to Riparian Vegetation, Bank Stability, and Flood Zone

As no riparian vegetation is associated with Berryessa Creek in the vicinity of the project, no lighting impacts to riparian areas would result. Implementation of the proposed project would not result in bank stability issues and no improvements within the top of bank are proposed. As discussed on Draft IS/MND pages 4.9-6 and 4.9-7, the project site is not located within a 100-year flood zone.

Soil Erosion Potential

As discussed on Draft IS/MND page 4.9-2, since the project site is larger than one acre (i.e., 4.5 acres), the project Applicant would be required to prepare a Notice of Intent (NOI) for submittal to the San Francisco Bay Area Regional Water Quality Control Board (RWQCB) providing notification of intent to comply with the General Construction Permit. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP would contain a site map(s) which shows the construction site perimeter, existing and proposed buildings, lots, roadways, storm water collection and discharge points, general topography both before and after construction, and drainage patterns across the project. The SWPPP would list Best Management Practices (BMPs) the discharger would use



to protect storm water runoff and the placement of those BMPs. These BMPs would include measures to contain runoff from vehicle washing at the construction site, prevent sediment from disturbed areas from entering the storm drain system using structural controls (i.e., sand bags at inlets), and cover and contain stockpiled materials to prevent sediment and pollutant transport. Implementation of the BMPs would ensure runoff and discharges during the project's construction phase would not violate any water quality standards. The SWPPP would contain a visual monitoring program, and a chemical monitoring program for "non-visible" pollutants to be implemented if there is a failure of BMPs. It is noted that and a sediment monitoring plan for the project is not required as part of the SWPPP, as the site would not discharge directly to a water body listed on the 303(d) list for sediment.¹ The SWPPP would be required to be reviewed/approved by the City (or designee), for water quality construction activities on-site. A copy of the SWPPP would be made available and implemented at the construction site at all times. Compliance with the NPDES requirements would reduce short-term construction-related impacts to water quality to a less than significant level.

Proposed Discharge

As discussed on Draft IS/MND page 2-15, the project proposes new 12-inch storm drain lines that would connect to the existing 15-inch storm drain and associated outfall structure located at the western project boundary, near the southwestern portion of the project site. The proposed project would not result in modification to the existing outfall structure. However, it is understood that future changes to the outfall structure and associated rip rap armoring is proposed as part of a separate project proposed by the SCVWD Berryessa Creek Improvement Project. As part of this separate project, the Applicant would be required to pay applicable fair share payment for these off-site improvements.

Thus, in conclusion, of the proposed project would be developed consistent with the *Guidelines and Standards for Land Use Near Streams*. No new impacts have been identified and no new mitigation measures are required.

- 2-2 Refer to Response 2-1.
- 2-3 Remediation activities are ongoing as part of the RWQCB Order No. 90-072, between JCI and the RWQCB. JCI currently maintains on- and off-site monitoring wells and would be responsible for removal per the RWQCB's regulations. **NOTE TO CITY: Please confirm this statement is correct.**
- 2-4 As discussed on Draft IS/MND page 2-16, it is understood that the project Applicant would be required to obtain a permit from SCVWD as a result of the access easement.

¹ California State Water Resources Control Board, Impaired Water Bodies, Final 2012 California Integrated Report (Clean Water Act Section 303(d) List / 305(b) Report), http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2012.shtml, accessed January 13, 2016.



MONTAGUE EXPRESSWAY SELF-STORAGE FACILITY
Final Initial Study/Mitigated Negative Declaration

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March 11, 2016

City of Milpitas
Planning Division
455 East Calaveras Boulevard
Milpitas, CA 95035-5479

Attention: Bhavani Potharaju

Subject: Montague Expressway Self Storage Facility

Dear Ms. Potharaju:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the Negative Declaration for a 171,924-square foot self-storage facility at the northeast corner of Montague Expressway and S. Milpitas Boulevard. We have the following comments.

VTA Construction Coordination

VTA requests that the developer coordinate with VTA and the Montague Reconstruction Project (C640) Contractor regarding access and site security through C640's Temporary Construction Easement area prior to start of Montague Storage construction, scheduled for June 2016

Thank you for the opportunity to review this project. If you have any questions, please call me at (408) 321-5784.

Sincerely,

A handwritten signature in blue ink, appearing to read "Roy Molseed", is written over a faint, larger version of the same signature.

Roy Molseed
Senior Environmental Planner

cc: Patricia Maurice, Caltrans
Brian Ashurst, Caltrans

ML1403

3-1

VTA Development Review Program Contact List

Last Updated: 12/18/2015

Please route development referrals to:

Environmental (CEQA) Documents, Site Plans, other miscellaneous referrals

Roy Molseed – Roy.Molseed@vta.org – 408.321.5784

Transportation Impact Analysis (TIA) Reports and Notification Forms:

Robert Cunningham – Robert.Cunningham@vta.org – 408.321.5792

Eugene Maeda – Eugene.Maeda@vta.org – 408.952.4298

Electronic/email referrals are preferred, but please mail any hardcopy documents to:

[Name of recipient(s) as detailed above, depending on type of document]

Planning & Program Development Division

3331 North First Street, Building B-2

San Jose, CA 95134-1906

Contacts for specific questions related to VTA comments on a referral are below by topic area:

Transportation Impact Analysis (TIA) Guidelines (General Questions)

Robert Swierk – Robert.Swierk@vta.org – 408.321.5949

Robert Cunningham – Robert.Cunningham@vta.org – 408.321.5792

Auto LOS Methodology

VTA Highway Projects & Freeway Ramp Metering

Shanthi Chatradhi – Shanthi.Chatradhi@vta.org – 408.952.4224

VTA Transit Service, Ridership & Bus Stops

Rodrigo Carrasco – Rodrigo.Carrasco@vta.org – 408.952.4106

Nicholas Stewart – Nicholas.Stewart@vta.org – 408.321.5939

TDM Programs

Congestion Management Program (CMP)

VTA Eco Pass Program Questions Before Project Approval (e.g. when writing Conditions of Approval)

Robert Cunningham – Robert.Cunningham@vta.org – 408.321.5792

VTA Eco Pass Program Questions After Project Approval (e.g. Program Implementation)

Dino Guevarra – Dino.Guevarra@vta.org – 408.321.5572

BART Silicon Valley Extension

Kevin Kurimoto – Kevin.Kurimoto@vta.org – 408.942.6126

VTA Bicycle & Pedestrian Projects

Lauren Ledbetter – Lauren.Ledbetter@vta.org – 408.321.5716

VTA Real Estate

Jennifer Rocci – Jennifer.Rocci@vta.org – 408.321.5950

VTA Permits (Construction Access Permit, Restricted Access Permit)

Victoria King-Dethlefs – Victoria.King-Dethlefs@vta.org – 408-321-5824

Cheryl D. Gonzales – Cheryl.gonzales@vta.org – 408-546-7608

Other Topics and General Questions about VTA Comments

Roy Molseed – Roy.Molseed@vta.org – 408.321.5784



MONTAGUE EXPRESSWAY SELF-STORAGE FACILITY
Final Initial Study/Mitigated Negative Declaration

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Response No. 3

Mr. Roy Molseed, Senior Environmental Planner
Santa Clara Valley Transportation Authority
March 11, 2016

- 3-1 The Santa Clara Valley Transportation Authority (VTA) has requested that the Applicant coordinate with the VTA as well as the Montague Reconstruction Project (C640) Contractor regarding access and site security through the C640's Temporary Construction Easement area prior to start of construction. A VTA contact list was provided. As such, the commenter does not provide specific comments regarding information presented in the Draft IS/MND and no further response is necessary.



MONTAGUE EXPRESSWAY SELF-STORAGE FACILITY
Final Initial Study/Mitigated Negative Declaration

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3.0 MITIGATION MONITORING AND REPORTING PROGRAM

The California Environmental Quality Act (CEQA) requires that when a public agency completes an environmental document which includes measures to mitigate or avoid significant environmental effects, the public agency must adopt a reporting or monitoring plan. This requirement ensures that environmental impacts found to be significant will be mitigated. The reporting or monitoring plan must be designed to ensure compliance during project implementation (*Public Resources Code* Section 21081.6).

In compliance with *Public Resources Code* Section 21081.6, the attached *Mitigation Monitoring and Reporting Program* has been prepared for the proposed Montague Expressway Self-Storage Facility. This *Mitigation Monitoring and Reporting Program* is intended to provide verification that all mitigation measures identified in the Initial Study prepared for the project are monitored and reported. Monitoring will include 1) verification that each mitigation measure has been implemented; 2) recordation of the actions taken to implement each mitigation; and 3) retention of records in the project file.

This *Mitigation Monitoring and Reporting Program* delineates responsibilities for monitoring the project, but also allows the City of Milpitas flexibility and discretion in determining how best to monitor implementation. Monitoring procedures will vary according to the type of mitigation measure. Adequate monitoring consists of demonstrating that monitoring procedures took place and that mitigation measures were implemented.

Reporting consists of establishing a record that a mitigation measure is being implemented, and generally involves the following steps:

- The City distributes reporting forms to the appropriate entities for verification of compliance.
- Departments/agencies with reporting responsibilities will review the Initial Study/Mitigated Negative Declaration, which provides general background information on the reasons for including specified mitigation measures.
- Problems or exceptions to compliance will be addressed to the City as appropriate.
- Periodic meetings may be held during project implementation to report on compliance of mitigation measures.
- Responsible parties provide the City with verification that monitoring has been conducted and ensure, as applicable, that mitigation measures have been implemented. Monitoring compliance may be documented through existing review and approval programs such as field inspection reports and plan review.
- The City prepares a reporting form periodically during the construction phase and an annual report summarizing all project mitigation monitoring efforts.



MONTAGUE EXPRESSWAY SELF-STORAGE FACILITY

Final Initial Study/Mitigated Negative Declaration

- Appropriate mitigation measures will be included in construction documents and/or conditions of permits/approvals.

Minor changes to the *Mitigation Monitoring and Reporting Program*, if required, would be made in accordance with CEQA and would be permitted after further review and approval by the City. Such changes could include reassignment of monitoring and reporting responsibilities, plan redesign to make any appropriate improvements, and/or modification, substitution or deletion of mitigation measures subject to conditions described in *CEQA Guidelines* Section 15162. No change will be permitted unless the *Mitigation Monitoring and Reporting Program* continues to satisfy the requirements of *Public Resources Code* Section 21081.6.



MITIGATION MONITORING AND REPORTING CHECKLIST

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			



Mitigation Number	Mitigation Measure	Monitoring and Reporting Process	Monitoring Milestones	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
					Initials	Date	Remarks
	<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. 						



Mitigation Number	Mitigation Measure	Monitoring and Reporting Process	Monitoring Milestones	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
					Initials	Date	Remarks
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			



Mitigation Number	Mitigation Measure	Monitoring and Reporting Process	Monitoring Milestones	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
					Initials	Date	Remarks
	<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;			



Mitigation Number	Mitigation Measure	Monitoring and Reporting Process	Monitoring Milestones	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
					Initials	Date	Remarks
	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			



Mitigation Number	Mitigation Measure	Monitoring and Reporting Process	Monitoring Milestones	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
					Initials	Date	Remarks
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			



Mitigation Number	Mitigation Measure	Monitoring and Reporting Process	Monitoring Milestones	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
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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			



Mitigation Number	Mitigation Measure	Monitoring and Reporting Process	Monitoring Milestones	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
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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			



MONTAGUE EXPRESSWAY SELF-STORAGE FACILITY
Final Initial Study/Mitigated Negative Declaration

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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). 						



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