

MITIGATION MONITORING AND REPORTING PROGRAM

Wat Khmer Kampuchea Krom Temple Project
File No. SP20-024
August 2022



PREFACE

Section 21081.6 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring and Reporting Program (MMRP) 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 and reporting program is to ensure compliance with the mitigation measures during project implementation.

The Environmental Impact Report (EIR) prepared for the Wat Khmer Kampuchea Krom (WKKK) Temple Project 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 MMRP addresses those measures in terms of how and when they will be implemented.

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

I, _____, the applicant, on the behalf of _____, hereby agree to implement the mitigation measures described below which have been developed in conjunction with the preparation of an EIR for my proposed project. I understand that these mitigation measures or substantially similar measures will be adopted as conditions of approval with my development permit request to avoid or significantly reduce potential environmental impacts to a less than significant level.

Project Applicant's Signature _____

Date _____

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AIR QUALITY					
Impact AIR-1: The construction of the proposed project would result in nearby sensitive receptors being exposed to toxic air contaminant emissions of 77.22 cases per million people and 1.45 µg/m ₃ , which is in excess of BAAQMD threshold for cancer risk and annual PM _{2.5} of 10 cases per million people and 0.3 µg/m ₃ respectively.					
<p>MM AIR-1.1: Prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest), the project applicant shall submit a construction operations plan to the Director of Planning, Building and Code Enforcement or Director’s designee that includes specifications of the equipment to be used during construction and that outlines how the mitigation measure shall be achieved. The plan shall be accompanied by a letter signed by an air quality specialist, verifying that the equipment included in the plan meets the standards set forth below.</p> <p>All diesel-powered off-road equipment (larger than 25 horsepower) operating on-site for more than two days continuously (or 20 hours total) shall, at a minimum, meet U.S. Environmental Protection Agency (EPA) Tier 4 emission standards for particulate matter. If this is not feasible, the following measures would apply:</p> <ul style="list-style-type: none"> If Tier 4 equipment is not commercially available, all construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA emission standards for Tier 3 engines and include particulate matter emissions control equivalent to CARB Level 3 verifiable diesel emission control devices 	<p>Submit a construction operations plan to the Director of Planning, Building and Code Enforcement or Director’s designee</p> <p>Submit a letter signed by an air quality specialist, verifying that the equipment included in the plan meets the standards set to the Director of Planning, Building and Code Enforcement or Director’s designee</p>	<p>Prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest)</p>	<p>Director of Planning, Building and Code Enforcement or Director’s designee</p>	<p>Review construction operations plan and equipment letter</p>	<p>Prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest)</p>

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<p>that altogether achieves an 88 percent reduction in particulate matter exhaust.</p> <ul style="list-style-type: none"> • Provide line power to the site to minimize the use of diesel-powered stationary equipment, such as generators. • Stationary cranes shall be powered by electricity. • Install electric line power during early construction phases to avoid use of diesel portable equipment, such as air compressors, concrete saws, and welders. <p>Implementation of the above mitigation measure(s) will avoid or reduce the potential environmental impact stated above to a less than significant level.</p>					
BIOLOGICAL RESOURCES					
Impact BIO-1: Development of the proposed project would result in impacts to nesting birds, if present on or near the site at the time of construction.					
<p>MM BIO-1.1: The project applicant shall schedule any construction activities, including tree removals, to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st (inclusive).</p> <p>If demolition and construction cannot be scheduled between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation.</p>	<p>Avoid construction during nesting season</p> <p>Or</p> <p>A qualified ornithologist shall complete bird surveys and submit a report indicating the results of the survey and any designated buffer zones</p>	<p>Prior to any tree removal, or approval of any grading or demolition permits; during Construction</p> <p>Or</p> <p>Prior to any tree removal, or</p>	<p>Director of Planning, Building and Code Enforcement or Director’s designee</p> <p>CDFW</p>	<p>Review report indicating the results of the survey and any designated buffer zones</p>	<p>Prior to any tree removal, or approval of any grading or demolition permits.</p>

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<p>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 1st through April 30th inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st inclusive). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests.</p> <p>If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with the California Department of Fish and Wildlife (CDFW), shall 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 shall not be disturbed during project construction.</p> <p>Prior to any tree removal, or approval of any grading or demolition permits (whichever occurs first), the ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement Department or Director’s designee.</p> <p>Implementation of the above mitigation measure(s) will avoid or reduce the potential environmental impact stated above to a less than significant level.</p>		<p>approval of any grading or demolition permits.</p> <p>Surveys shall be no more than 14 days prior to the initiation of demolition/construction activities during the early part of the breeding season (February 1st through April 30th, inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st, inclusive)</p>			

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HAZARDOUS MATERIALS					
Impact HAZ-1: Development of the proposed project could result in impacts to construction workers, neighboring properties, future site occupants and the environment from exposure to hazardous soil containing pesticides from prior land uses.					
<p>MM HAZ-1.1: Prior to issuance of any grading permits, the project applicant shall complete a site cleanup program with an oversight agency such as Santa Clara County Department of Environmental Health (SCCDEH), or equivalent (i.e. Department of Toxic Substance Control [DTSC]). The project applicant shall meet with the oversight agency and may be required to perform additional soil, soil gas and/or groundwater sampling and testing to adequately define the known and suspected contamination from past agricultural use and any other past uses of concern. A Site Management Plan (SMP), Corrective Action Plan, Remedial Action Plan, or other equivalent plan shall be prepared and submitted to the SCCDEH for their approval. The Plan shall include a Health & Safety Plan (HASP) and shall establish remedial measures and/or soil management practices to ensure construction worker safety and the health of future workers and visitors. The Plan and evidence of regulatory oversight shall be provided to the Supervising Environmental Planner of the City of San José Planning, Building, and Code Enforcement, and the Environmental Compliance Officer in the City of San José’s Environmental Services Department.</p> <p>Implementation of the above mitigation measure(s) will avoid or reduce the potential environmental impact stated above to a less than significant level.</p>	<p>Complete a site cleanup program</p> <p>AND</p> <p>Prepare a Site Management Plan (SMP), Corrective Action Plan, Remedial Action Plan, or other equivalent plan shall be prepared</p>	<p>Prior to issuance of any grading permits</p>	<p>Santa Clara County Department of Environmental Health (SCCDEH), or equivalent (i.e. Department of Toxic Substance Control [DTSC])</p> <p>Supervising Environmental Planner of the City of San José Planning, Building, and Code Enforcement, and the Environmental Compliance Officer in the City of San José’s Environmental Services Department</p>	<p>Review Cleanup program and Management Plan</p>	<p>Prior to issuance of any grading permits</p>

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NOISE					
Impact NOI-1: Construction noise levels would potentially exceed the General Plan thresholds of 60 dBA at adjacent residential buildings within 25 feet of the project site for more than 12 months.					
<p>MM-NOI-1.1: Construction-related Noise: Prior to issuance of any grading, building or demolition permits, the project applicant shall prepare and implement a noise logistics plan that includes measures to minimize construction noise impacts on adjacent residential land uses. Noise minimization measures include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Pursuant to General Plan Policy EC-1.7, project construction operations shall use best available noise suppression devices and techniques including, but not limited to the following: <ul style="list-style-type: none"> ○ Pile driving is prohibited. ○ Limit construction to the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific “construction noise mitigation plan” and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses. 	<p>Prepare and implement noise logistics plan. Submit a copy of the plan to the Director of Planning, Building and Code Enforcement.</p> <p>Comply with Policy EC-1.7 noise suppression measures</p>	<p>Prior to issuance of any grading, building or demolition permits</p> <p>During construction</p>	<p>Director of Planning, Building and Code Enforcement or Director’s designee</p>	<p>Receive copy of noise logistics plan.</p> <p>Ensure compliance with noise suppression devices and techniques through review of documentation provided by applicant.</p>	<p>Prior to issuance of any grading, building or demolition permits</p> <p>Documentation of compliance provided monthly during construction</p>

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<ul style="list-style-type: none"> ○ Construct solid plywood fences around ground level construction sites adjacent to operational business, residences, or other noise-sensitive land uses. ○ Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment. ○ Prohibit unnecessary idling of internal combustion engines over 15 minutes. ○ Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors such as occupied residential buildings. Construct temporary noise barriers to scree stationary noise-generating equipment when located near adjoining sensitive land uses including but not limited to occupied residential buildings. ○ Utilize “quiet” air compressors and other stationary noise sources where technology exists. ○ Control noise from construction workers’ radios to a point where they are not audible at existing residences bordering the project site. 					

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<ul style="list-style-type: none"> ○ Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of “noisy” construction activities to adjacent land uses and nearby residences. ○ If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket barrier along surrounding building facades that face the construction sites. ○ Designate a “disturbance coordinator” who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to current the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule. 					

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<p>Prior to issuance of any grading, building or demolition permits, the project applicant shall submit a copy of the noise logistic plan to the Director of Planning, Building and Code Enforcement.</p> <p>Implementation of the above mitigation measure(s) will avoid or reduce the potential environmental impact stated above to a less than significant level.</p>					
Impact NOI-2: Construction vibration levels would exceed the General Plan threshold of 0.2 in/sec PPV for adjacent residential buildings within 25 feet of the project site.					
<p>MM NOI-2.1: Prior to the issuance of any grading or demolition permits, whichever occurs first, the project applicant shall submit and implement a Construction Vibration Monitoring, Treatment, and Reporting Plan to document conditions prior to, during, and after vibration generating construction activities. The plan shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry-accepted standard methods. The vibration monitoring, treatment, and reporting plan shall be submitted to the Director of Planning, Building and Code Enforcement or Director’s designee prior to the issuance of any grading or demolition permits for review and approval.</p> <p>As part of the construction vibration monitoring, treatment, and reporting plan, construction activities for the proposed project shall include, but are not limited to, the following measures:</p>	<p>Prepare and a implement a Construction Vibration Monitoring Plan under the direction of a licensed Professional Structural Engineer in the State of California.</p> <p>Submit a copy of the plan to the Director of Planning, Building and Code Enforcement or the Director’s designee</p> <p>Submit post-construction survey to the Director of Planning, Building and Code Enforcement or the Director’s designee,</p>	<p>Prepare plan prior to issuance of any demolition, grading, or building permits.</p> <p>Implement Plan during and after vibration generating construction activities</p> <p>Before issuance of certificate of occupancy</p>	<p>Director of Planning, Building and Code Enforcement or the Director’s designee</p>	<p>Review and approve Construction Vibration Monitoring Plan</p> <p>Receive post-construction survey showing compliance with plan.</p>	<p>Prior to issuance of any demolition, grading, or building permits.</p> <p>Within 60 days after completion of the project</p>

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<ul style="list-style-type: none"> The report shall include a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations. A list of all heavy construction equipment to be used for this project and the anticipated time duration of using the equipment that is known to produce high vibration levels (clam shovel drops, vibratory rollers, hoe rams, large bulldozers, caisson drillings, loaded trucks, jackhammers, etc.) shall be submitted to the Director of Planning or Director's designee of the Department of Planning, Building and Code Enforcement by the contractor. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort required for continuous vibration monitoring. The contractor shall phase demolition, earth-moving, and ground impacting operations so as not to occur during the same time period. Prohibit pile driving. Where possible, use of the heavy vibration-generating construction equipment shall be prohibited within 20 feet of any adjacent building. Develop a vibration monitoring and construction contingency plan to identify structures where monitoring would be 	demonstrating compliance with plan.				

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<p>conducted, set up a vibration monitoring schedule, define structure-specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions. Construction contingencies shall be identified for when vibration levels approached the limits.</p> <ul style="list-style-type: none"> • At a minimum, vibration monitoring shall be conducted during demolition and excavation activities. • If vibration levels approach limits, suspend construction and implement contingency measures to either lower vibration levels or secure the affected structures. • Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site. • Conduct a post-construction survey on structures where either monitoring has indicated high vibration levels or complaints of damage has been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities. The survey shall be submitted to the Director of the Department of Planning, Building, and Code Enforcement. 					

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Source: City of San José. EIR. Wat Khmer Kampuchea Krom Temple Project. August 2022.