

# ***Mitigation Monitoring and Reporting Program***

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Section 21081 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring or 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 or reporting program is to ensure compliance with the mitigation measures during project implementation.

The North Ventura Coordinated Area Plan Supplemental Environmental Impact Report (EIR) 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 mitigation measures would not be required to reduce significant impacts.

## MITIGATION MONITORING AND REPORTING PROGRAM

Environmental Impact	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Action	Monitoring Frequency
<b>Air Quality</b>						
<b>Impact AIR-1:</b> Build out of the NVCAP would increase VMT and daily trips by six and 12.2 percent, respectively, and increase the service population by 4.1 percent. Since the increase in population would be exceeded by the increase in VMT and daily trips, the NVCAP would have a significant criteria air pollutant emissions impact.	Comprehensive Plan Final EIR (FEIR) Mitigation measures AIR-2a, AIR-2b, AIR-2c, AIR-2d, and TRANS-1a and Trans 1b					
	<b>AIR-2a:</b> The City shall amend its local CEQA Guidelines and Municipal Code to require, as part of the City’s development approval process, that future development projects comply with the current Bay Area Air Quality Management District (BAAQMD) basic control measures for reducing construction emissions of PM <sub>10</sub> (Table 8-2, Basic Construction Mitigation Measures Recommended for All Proposed Projects, of the BAAQMD CEQA Guidelines).	City of Palo Alto Planning and Development Services (PDS) Department	During development approval process	City of Palo Alto PDS Department	Ensure future development complies with current BAAQMD basic control measures	As development applications are received
	<b>AIR-2b:</b> The City shall amend its local CEQA Guidelines to require that, prior to issuance of construction permits, development project applicants that are subject to CEQA and have the potential to exceed the BAAQMD screening-criteria listed in the BAAQMD CEQA Guidelines prepare and submit to the City of Palo Alto a technical assessment evaluating potential project construction-related air quality impacts. The evaluation shall be prepared in conformance with BAAQMD methodology in assessing air quality impacts. If construction-related criteria air pollutants are determined to have the potential to exceed the	City of Palo Alto PDS Department	During development approval process	City of Palo Alto PDS Department	Ensure that projects that exceed BAAQMD screening criteria prepare construction air quality assessments in conformance with BAAQMD	As development applications are received

**MITIGATION MONITORING AND REPORTING PROGRAM**

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	<p>BAAQMD thresholds of significance, as identified in the BAAQMD CEQA Guidelines, the City of Palo Alto shall require that applicants for new development projects incorporate mitigation measures (Table 8-3, Additional Construction Mitigation Measures Recommended for Projects with Construction Emissions Above the Threshold, of the BAAQMD CEQA Guidelines or applicable construction mitigation measures subsequently approved by BAAQMD) to reduce air pollutant emissions during construction activities to below these thresholds. These identified measures shall be incorporated into all appropriate construction documents (e.g., construction management plans) submitted to the City.</p>					
	<p><b>AIR-2c:</b> To ensure that development projects that have the potential to exceed the BAAQMD screening criteria air pollutants listed in the BAAQMD CEQA Guidelines reduce regional air pollutant emissions below the BAAQMD thresholds of significance, the proposed Plan shall include policies that require compliance with BAAQMD requirements, including BAAQMD CEQA Guidelines.</p>	City of Palo Alto PDS Department	During development approval process	City of Palo Alto PDS Department	Ensure that projects that exceed BAAQMD screening criteria prepare air quality assessments in conformance with BAAQMD	As development applications are received
	<p><b>AIR-2d:</b> Implement Mitigation Measures TRANS-1a and TRANS-1b. In addition, to reduce long-term air quality impacts by emphasizing walkable neighborhoods and supporting alternative modes of transportation, the proposed Plan shall include policies that achieve the following:</p> <ul style="list-style-type: none"> <li>▪ Enhanced pedestrian and bicycle connections between commercial and mixed-use centers.</li> </ul>	City of Palo Alto PDS Department	During development approval process	City of Palo Alto PDS Department	Ensure that Transportation Demand Management (TDM) Plans incorporate enhanced pedestrian and bicycle connections	As development applications are received
	<p><b>TRANS-1a:</b> Adopt a programmatic approach to reducing motor vehicle traffic, with the goal of achieving no net increase in peak-hour motor vehicle trips from new development, with an exception for uses that directly contribute to the neighborhood</p>	City of Palo Alto PDS Department	During development approval process	City of Palo Alto PDS Department	Require projects implement a TDM Plan to achieve established trip reductions.	As development applications are received

## MITIGATION MONITORING AND REPORTING PROGRAM

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	<p>character and diversity of Palo Alto (such as ground-floor retail and below-market-rate housing). The program should, at a minimum, require new development projects above a specific size threshold to prepare and implement a Transportation Demand Management (TDM) Plan to achieve the following reduction in peak-hour motor vehicle trips from the rates included in the Institute of Transportation Engineers' <i>Trip Generation Manual</i> for the appropriate land use category and size. These reductions are deemed aggressive, yet feasible, for the districts indicated.</p> <ul style="list-style-type: none"> <li>▪ 45 percent reduction in the Downtown district</li> <li>▪ 35 percent reduction in the California Avenue area</li> <li>▪ 30 percent reduction in the Stanford Research Park</li> <li>▪ 30 percent reduction in the El Camino Real Corridor</li> <li>▪ 20 percent reduction in other areas of the city</li> </ul> <p>TDM Plans must be approved by the City and monitored by the property owner or the project proponent on an annual basis. The Plans must contain enforcement mechanisms or penalties that accrue if targets are not met and may achieve reductions by contributing to citywide or employment district shuttles or other proven transportation programs that are not directly under the property owner's control.</p>					
	<p><b>TRANS-1b:</b> Require new development projects to pay a Transportation Impact Fee for all those peak-hour motor vehicle trips that cannot be reduced via TDM measures. Fees collected would be used for capital improvements aimed at reducing motor vehicle trips and motor vehicle traffic congestion.</p>	City of Palo Alto PDS Department	At the building permit issuance	City of Palo Alto PDS Department	Collect Transportation Impact Fees for peak-hour trips that cannot be reduced.	As development applications are received

**MITIGATION MONITORING AND REPORTING PROGRAM**

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	<p><b>AIR-3a:</b> The City of Palo Alto shall update its CEQA Procedures to require that future non-residential projects within the city that: 1) have the potential to generate 100 or more diesel truck trips per day or have 40 or more trucks with operating diesel-powered TRUs, and 2) are within 1,000 feet of a sensitive land use (e.g., residential, schools, hospitals, nursing homes), as measured from the property line of a proposed project to the property line of the nearest sensitive use, shall submit a health risk assessment (HRA) to the City of Palo Alto prior to future discretionary project approval or shall comply with best practices recommended for implementation by the BAAQMD.</p> <p>The HRA shall be prepared in accordance with policies and procedures of the State Office of Environmental Health Hazard Assessment and the Bay Area Air Quality Management District. If the HRA shows that the incremental cancer risk exceeds the BAAQMD significance thresholds, the applicant will be required to identify and demonstrate that mitigation measures are capable of reducing potential cancer and noncancer risks to an acceptable level, including appropriate enforcement mechanisms.</p> <p>Mitigation measures and best practices may include but are not limited to:</p> <ul style="list-style-type: none"> <li>▪ Restricting idling on-site beyond Air Toxic Control Measures idling restrictions, as feasible.</li> <li>▪ Electrifying warehousing docks.</li> <li>▪ Requiring use of newer equipment and/or vehicles.</li> <li>▪ Restricting off-site truck travel through the creation of truck routes.</li> </ul>	City of Palo Alto PDS Department	During development approval process	City of Palo Alto PDS Department	Ensure that projects that have the potential to generate 100 or more diesel truck trips per day or have 40 or more trucks with operating diesel-powered TRUs, and are within 1,000 feet of a sensitive land use (e.g., residential, schools, hospitals, nursing homes), as measured from the property line of a proposed project to the property line of the nearest sensitive use, prepare and submit a health risk assessment (HRA)	As development applications are received

## MITIGATION MONITORING AND REPORTING PROGRAM

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	Mitigation measures identified in the project-specific HRA shall be identified as mitigation measures in the environmental document and/or incorporated into the site development plan as a component of a proposed project.					
	<b>AIR-3b:</b> To ensure that new industrial and warehousing projects with the potential to generate new stationary and mobile sources of air toxics that exceed the BAAQMD project-level and/or cumulative significance thresholds for toxic air contaminants and PM <sub>2.5</sub> listed in the BAAQMD CEQA Guidelines reduce emissions below the BAAQMD thresholds of significance, amend the City’s CEQA guidelines to require compliance with BAAQMD requirements.	City of Palo Alto PDS Department	During development approval process	City of Palo Alto PDS Department	Ensure that new industrial and warehousing projects are evaluated against BAAQMD thresholds and comply with BAAQMD requirements	As development applications are received
	<b>AIR-3c:</b> The proposed Plan shall include policies to mitigate potential sources of toxic air contaminants through siting or other means to reduce human health risks and meet the Bay Area Air Quality Management District’s applicable threshold of significance. Policies shall also require that new sensitive land use projects (e.g., residences, schools, hospitals, nursing homes, parks or playgrounds, and day care centers) within 1,000 feet of a major stationary source of TACs and roadways with traffic volumes over 10,000 vehicles per day consider potential health risks and incorporate adequate precautions, such as high-efficiency air filtration, into project design.	City of Palo Alto PDS Department	During development approval process	City of Palo Alto PDS Department	Ensure that new sensitive land uses are evaluated in conformance with BAAQMD’s health risk thresholds.	As development applications are received
	<b>AIR-4:</b> To reduce odor impacts, the proposed Plan shall include policies requiring: <ul style="list-style-type: none"> <li>▪ Buffers, mechanical, and other mitigation methods to avoid creating a nuisance.</li> </ul>	City of Palo Alto PDS Department	During development approval process	City of Palo Alto PDS Department	Ensure that new development provides adequate buffers and/or incorporates other methods to avoid creating odor nuisances.	As development applications are received
<b>Biological Resources</b>						

**MITIGATION MONITORING AND REPORTING PROGRAM**

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<p><b>Impact BIO-1:</b> Construction activities associated with build out of the NVCAP could result in the loss of fertile eggs, nesting raptors or other migratory birds, or nest abandonment.</p>	<p><b>MM BIO-1.1</b> Construction During Migratory Bird and Raptor Nesting Season. To the extent feasible, construction activities shall be scheduled to avoid the nesting season. If construction activities are scheduled to take place outside the nesting season, all impacts to nesting birds protected under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code shall be avoided. The nesting season for most birds in Santa Clara County extends from February 1 through August 31.</p>	<p>City of Palo Alto PDS Department</p>	<p>Prior to the issuance of any tree removal or grading permits</p>	<p>City of Palo Alto PDS Department</p>	<p>Ensure that the projects either avoid the nesting season or conduct pre-construction surveys for nesting migratory birds.</p>	<p>Prior to the issuance of any tree removal or grading permit</p>
	<p>If initial site disturbance activities, including tree, shrub, or vegetation removal, are to occur during the bird breeding season (February 1 through August 31), a qualified biologist shall conduct a pre-construction survey for nesting migratory birds and raptors. The survey for nesting migratory birds shall cover the project site itself and the immediate vicinity of the site, with the survey for nesting raptors encompassing the site and surrounding lands within 250 feet, where accessible. The survey shall occur within seven days prior to the onset of ground disturbance.</p>					
	<p>If active nests are detected, appropriate construction-free buffers shall be established. The buffer sizes shall be determined by the project biologist based on species, topography, and type of activity occurring in the vicinity of the nest. Typical buffers are 25 to 50 feet for passerines<sup>1</sup> and up to 250 feet for raptors. The project buffer shall be monitored periodically by the project biologist to ensure compliance. After the nesting is completed,</p>					

<sup>1</sup> Refers to smaller perching birds.

## MITIGATION MONITORING AND REPORTING PROGRAM

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	<p>as determined by the biologist, the buffer shall no longer be required.</p> <p>Following the conclusion of nesting activity and removal of the construction buffers, a report shall be submitted to the City summarizing the results of the survey including identifying any buffer zones, and outlining measures implemented to prevent impacts to nesting birds.</p>					
<b>Cultural Resources</b>						
<b>Impact CUL-1:</b> Future projects proposed under the North Ventura Coordinated Area Plan could result in the demolition of historic buildings, including yet identified historic resources as defined in CEQA Guidelines Section 15064.5.	<b>MM CUL-1.1:</b> Prior to project approval, future development projects that would demolish a potential historic resource shall be required to prepare a Historic Resource Evaluation (HRE) to evaluate whether the property is eligible for inclusion into the City’s Historic Resources Inventory, CRHR, and NRHP. The HRE shall address the feasibility of avoiding adverse impacts through project redesign, rehabilitation, or reuse of the resource. Preservation in place is always the preferred measure for mitigating direct impacts to historic resources. If the resource is to be preserved on the property, specific measures to protect the integrity of the structure and its setting shall be identified.	City of Palo Alto PDS Department	During development approval process	City of Palo Alto PDS Department	Ensure that projects that would demolish a potential historic resource prepare and submit a Historic Resource Evaluation (HRE)	Prior to project approval
	<b>MM CUL-1.2:</b> If impacts to the historic resource cannot be avoided, all feasible measures are required to be implemented to reduce the magnitude of the impact. At a minimum, the City shall require “Documentation” and “Commemoration” efforts in accordance with the guidelines established for Historic American Building Survey (HABS) consistent with the Secretary of Interior’s Standards for Architectural and Engineering Documentation. Additional measures	City of Palo Alto PDS Department	“Documentation” to be provided prior to issuance of demo permits; “Commemoration” to be provided prior to issuance of occupancy permits.	City of Palo Alto PDS Department	If impacts to historic resources cannot be avoided, ensure that “Documentation” and “Commemoration” efforts are done in accordance with the guidelines established for Historic American Building Survey (HABS) consistent with the Secretary of Interior’s Standards for Architectural and Engineering Documentation.	Prior to project approval



**MITIGATION MONITORING AND REPORTING PROGRAM**

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	<p>could include relocation, incorporation of the resources into the project, and/or salvage. The documentation shall be completed by a qualified architectural historian or historian who meets the Secretary of the Interior’s Professional Qualification Standards for History and/or Architectural History.</p>					
<b>Noise</b>						
<p><b>Impact NOI-1:</b> Construction activities associated with build out of the NVCAP could generate groundborne vibration capable of causing cosmetic or worse building damage or adversely affecting nearby sensitive receptors.</p>	<p><b>MM NOI-1.1:</b> Applicants for projects within the North Ventura Coordinated Area Plan area shall obtain a groundborne vibration study prior to the issuance of any discretionary permits that would allow the use of construction equipment within 22 feet or pile driving within 101 feet of existing structures. The study shall be prepared by a qualified professional in accordance with industry-accepted methodology, which include the recommended vibration assessment procedure and thresholds provided by public agencies such as Caltrans and the Federal Highway Administration. The study should identify necessary construction vibration controls to reduce both human annoyance and the possibility of cosmetic damage. Controls shall include, but not be limited to, the following measures:</p> <ul style="list-style-type: none"> <li>A list of all heavy construction equipment to be used for this project known to produce high vibration levels (tracked vehicles, vibratory compaction, jackhammers, hoe rams, etc.) shall be submitted to the City 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 for reducing vibration levels below the thresholds.</li> </ul>	<p>City of Palo Alto PDS Department</p>	<p>Prior to the issuance of discretionary permits for construction</p>	<p>City of Palo Alto PDS Department</p>	<p>Ensure that projects prepare and submit a groundborne vibration study by a qualified professional</p>	<p>Prior to project approval</p>

## MITIGATION MONITORING AND REPORTING PROGRAM

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	<ul style="list-style-type: none"> <li>Place operating equipment on the construction site as far as possible from vibration-sensitive receptors.</li> <li>Use smaller equipment to minimize vibration levels below the limits.</li> <li>Avoid using vibratory rollers and tampers near sensitive areas.</li> <li>Select demolition methods not involving impact tools.</li> <li>Modify/design or identify alternative construction methods to reduce vibration levels below the limits.</li> <li>Avoid dropping heavy objects or materials.</li> </ul>					
<b>Tribal Cultural Resources</b>						
<b>Impact TCR-1:</b> Future projects proposed under the North Ventura Coordinated Area Plan could potentially result in impacts to undiscovered tribal cultural resources.	<b>MM TCR-1.1: Cultural Sensitivity Training.</b> Prior to issuance of any grading permit, the project applicant shall be required to submit evidence that a Cultural Awareness Training program has been provided to construction personnel. The training shall be facilitated by a qualified archaeologist in collaboration with a Native American representative registered with the Native American Heritage Commission for the City of Palo Alto and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3.	City of Palo Alto PDS Department	Prior to the issuance of any grading permit	City of Palo Alto PDS Department	Ensure that projects submit evidence that a Cultural Awareness Training program has been provided to construction personnel.	Prior to issuance of any grading permit
	<b>MM TCR-1.2: Sub-Surface Monitoring.</b> Prior to issuance of any tree removal, grading, demolition, and/or building permits or activities, the applicant shall notify the Director of Planning, of grading and construction dates and activities that require a qualified archeologist and Native American monitor to be present on the project site. The City shall then notify the tribe via email correspondence 10 days prior to any grading or construction activities. If the	City of Palo Alto PDS Department	Prior to the issuance of any tree removal, grading, demolition, and/or building permits or activities	City of Palo Alto PDS Department	Ensure that projects incorporate a qualified archaeologist and Native American monitor to be present during earthmoving activities including, trenching, initial or full grading, scraping or blading, lifting of foundation, boring, drilling, or major landscaping.	Prior to issuance of any grading permit

**MITIGATION MONITORING AND REPORTING PROGRAM**

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	<p>tribe chooses not to send a monitor or does not respond within the 10 days, work shall continue without the monitor.</p>					
	<p>A qualified archaeologist and a Native American monitor, registered with the Native American Heritage Commission for the City of Palo Alto and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, shall be present during earthmoving activities including, trenching, initial or full grading, scraping or blading, lifting of foundation, boring, drilling, or major landscaping. The qualified archaeologist and Native American monitor shall have the authority to halt construction activities in the event any cultural materials are encountered during ground-disturbing construction activities. The qualified archeologist and Native American monitor shall keep a daily monitoring log on days that monitoring occurs documenting construction activities that were monitored, location of the monitoring, and any cultural materials identified. These daily monitoring logs shall be made available to the City upon request.</p>					
	<p><b>MM TCR-1.3: Treatment Plan.</b> In the event any significant cultural materials are encountered during construction, construction within a radius of 50 feet of the find would be halted, the Director of Planning shall be notified, and the on-site qualified archaeologist shall examine the find and make appropriate recommendations regarding the significance of the find and the appropriate treatment of the resource.</p>	<p>City of Palo Alto PDS Department</p>	<p>During construction</p>	<p>City of Palo Alto PDS Department</p>	<p>Ensure that the qualified archaeologist’s recommendations are incorporated into the treatment plan for any encountered cultural materials.</p>	<p>At the time of the find.</p>
	<p>The qualified archeologist in collaboration with a Native American monitor, registered with the Native</p>					

## MITIGATION MONITORING AND REPORTING PROGRAM

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	<p>American Heritage Commission for the City of Palo Alto and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, shall prepare and implement a treatment plan that reflects permit-level detail pertaining to depths and locations of excavation activities. The treatment plan shall contain, at a minimum:</p> <ul style="list-style-type: none"> <li>Identification of the scope of work and range of subsurface effects (including location map and development plan), including requirements for preliminary field investigations.</li> <li>Description of the environmental setting (past and present) and the historic/prehistoric background of the parcel (potential range of what might be found).</li> <li>Monitoring schedules and individuals.</li> <li>Development of research questions and goals to be addressed by the investigation (what is significant vs. what is redundant information).</li> <li>Detailed field strategy to record, recover, or avoid the finds and address research goals.</li> <li>Analytical methods.</li> <li>Report structure and outline of document contents.</li> <li>Disposition of the artifacts.</li> <li>Security approaches or protocols for finds.</li> <li>Appendices: all site records, correspondence, and consultation with Native Americans, etc.</li> </ul> <p>The treatment plan shall utilize data recovery methods to reduce impacts on subsurface resources. The treatment plan must be reviewed and approved by the Director of Planning, or the Director's designee prior to implementation of the plan.</p>					
	<p><b>MM TCR-1.4: Evaluation.</b> The project applicant shall notify the Director of Planning, Native American</p>	City of Palo Alto PDS Department	During construction	City of Palo Alto PDS Department	Ensure that any historic or prehistoric material identified in	At the time of the find.

**MITIGATION MONITORING AND REPORTING PROGRAM**

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	<p>Monitor, and Archeological Monitor, of any finds during grading or other construction activities. Any historic or prehistoric material identified in the project area during excavation activities shall be evaluated for eligibility for listing in the California Register of Historic Resources as determined by the California Office of Historic Preservation. Data recovery methods may include, but are not limited to, backhoe trenching, shovel test, hand auguring, and hand-excavation. The techniques used for data recovery shall follow the protocols identified in the approved treatment plan. Data recovery shall include excavation and exposure of features, field documentation, and recordation. All documentation and recordation shall be submitted to the Northwest Information Center, and the Director of Planning.</p>				<p>the project area during excavation activities shall be evaluated for eligibility for listing in the California Register of Historic Resources as determined by the California Office of Historic Preservation.</p>	

**MITIGATION MONITORING AND REPORTING PROGRAM**