

Table 5-1 Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing and Monitoring
Air Quality			
<p>Mitigation Measure 6-5a. During construction, the project contractor shall implement the following measures to reduce emissions of fugitive dust and engine exhaust DPM, subject to review and approval by the Community Development Director. These measures shall be included in the project plans, prior to issuance of a demolition permit:</p> <ul style="list-style-type: none"> a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered three (3) times per day and at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe; b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered; c. Avoid tracking visible soil material on to public roadways by employing the following measures if necessary: (1) Site accesses to a distance of 100 feet from public paved roads shall be treated with a 6 to 12-inch compacted layer of wood chips, mulch, or gravel and (2) washing truck tires and construction equipment prior to leaving the site; d. 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; e. All vehicle speeds on unpaved roads shall be limited to five (5) mph; f. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used; g. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five (5) minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points; h. 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; i. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph and visible dust extends beyond site boundaries; j. Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction adjacent to sensitive receptors. Wind breaks should have no greater than 50 percent air porosity; 	<p>Applicant requirement as a condition of approval</p>	<p>Director of Community Development</p>	<p>Ensure these measures are incorporated into project plans, prior to issuance of a demolition permit. Monitoring during construction.</p>

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<p>k. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established;</p> <p>l. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time; and</p> <p>m. Post a publicly visible sign with the telephone number and person to contact at the Town of Los Gatos regarding dust complaints. This person shall respond and take corrective action within 48 hours. The air district's phone number shall also be visible to ensure compliance with applicable regulations.</p>			
<p>Mitigation Measure 6-5b. Prior to the issuance of the demolition permit, the project developer shall prepare, and the project contractor shall implement, a demolition and construction emissions avoidance and reduction plan demonstrating a 25 percent reduction of infant/child cancer risk and a 60 percent reduction of PM2.5 exposures at the MEI to meet the air district's risk thresholds.</p> <p>The plan shall be prepared prior to the issuance of a demolition permit and shall be reviewed and approved by the Community Development Director. The plan shall be accompanied by a letter signed by a qualified air quality specialist, verifying the equipment included in the plan meets the standards set forth in this mitigation measure. The plan shall include the following measures:</p> <p>a. All mobile diesel-powered off-road equipment operating on-site for more than two days and larger than 50 horsepower shall, at a minimum, meet U.S. Environmental Protection Agency (EPA) particulate matter emissions standards for Tier III engines or better. Prior to the issuance of any demolition permits, the project applicant shall submit specifications of the equipment to be used during construction and confirmation this requirement is met;</p> <p>b. Use alternatively fueled equipment or equipment with zero emissions (i.e., aerial lifts, forklifts, and air compressors, etc., shall be either electrified or fueled by liquefied natural gas/propane);</p> <p>c. Provide line power to the site during the early phases of construction to minimize the use of diesel-powered stationary equipment, such as generators; and</p> <p>d. Other demonstrable measures identified by the developer that reduce emissions and avoid or minimize exposures to the affected sensitive receptors.</p>	Applicant requirement as a condition of approval	Director of Community Development	Ensure these measures are incorporated into project plans, prior to issuance of a demolition permit. Monitoring during construction.
Biological Resources			
<p>Mitigation Measure 7-2. Prior to issuance of a grading permit, a qualified biologist shall conduct pre-construction surveys for woodrat middens within the development footprint and fire defensible space. These surveys shall be conducted no more than 15 days prior to the start of construction. In the event that construction activities are suspended for 15 consecutive days or longer, these surveys shall be repeated. All woodrat middens shall be flagged for avoidance of direct construction impacts and fire defensible space where feasible. If impacts cannot be avoided, woodrat middens shall be dismantled no</p>	Applicant requirement as a condition of approval	Director of Community Development	Ensure these measures are incorporated into project plans, prior to issuance of a grading permit.

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<p>more than three days prior to construction activities starting at each midden location. All vegetation and duff materials shall be removed from three feet around the midden prior to dismantling so that the occupants do not attempt to rebuild. Middens are to be slowly dismantled by hand in order to allow any occupants to disperse.</p> <p>Developers shall be responsible for implementation of this mitigation measure with oversight by the Town of Los Gatos. Compliance with this measure shall be documented by a qualified biologist and submitted to the Town, prior to issuance of a demolition and grading permit.</p>			<p>Monitoring during construction.</p>
<p>Mitigation Measure 7-3. Within 14 days prior to tree removal or other construction activities such as a demolition, the project developer shall retain a qualified biologist to conduct a habitat assessment for bats and potential roosting sites in trees to be removed, within structures proposed for demolition, and in trees and structures within 50 feet of the development footprint. In the event that construction activities are suspended for 15 consecutive days or longer, these surveys shall be repeated. These surveys shall include a visual inspection of potential roosting features (bats need not be present) and a search for presence of guano within and 50 feet around the project site. Cavities, crevices, exfoliating bark, and bark fissures that could provide suitable potential nest or roost habitat for bats shall be surveyed. Assumptions can be made on what species is present due to observed visual characteristics along with habitat use, or the bats can be identified to the species level with the use of a bat echolocation detector such as an “Anabat” unit. Potential roosting features found during the survey shall be flagged or marked. Locations off the site to which access is not available may be surveyed from within the site or from public areas.</p> <p>If no roosting sites or bats are found, a letter report confirming absence shall be submitted by the biologist to the Town of Los Gatos prior to issuance of tree removal and demolition permits and no further mitigation is required.</p> <p>If bats or roosting sites are found, a letter report and supplemental documents shall be provided by the biologist to the Town of Los Gatos prior to issuance of tree removal and demolition permits and the following monitoring, exclusion, and habitat replacement measures shall be implemented:</p> <p>a. If bats are found roosting outside of the nursery season (May 1 through October 1), they shall be evicted as described under (b) below. If bats are found roosting during the nursery season, they shall be monitored to determine if the roost site is a maternal roost. This could occur by either visual inspection of the roost bat pups, if possible, or by monitoring the roost after the adults leave for the night to listen for bat pups. If the roost is determined to not be a maternal roost, then the bats shall be evicted as described under (b) below. Because bat pups cannot leave the roost until they are mature enough, eviction of a maternal roost cannot occur during the nursery season. Therefore, if a maternal roost is present, a 50-foot buffer zone (or different size if determined in consultation with the California Department of Fish and Wildlife) shall be established around the roosting site within</p>	<p>Applicant requirement as a condition of approval</p>	<p>Director of Community Development</p>	<p>Within 14 days prior to tree removal or other construction activities, and prior to issuance of a tree removal permit and/or grading permit.</p> <p>Ensure these measures are incorporated into project plans.</p> <p>Monitoring prior to construction.</p>

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<p>which no construction activities including tree removal or structure disturbance shall occur until after the nursery season.</p> <p>b. If a non-breeding bat hibernaculum is found in a tree or snag scheduled for removal or on any structures within 50 feet of project disturbance activities, the individuals shall be safely evicted, under the direction of a qualified bat biologist. If pre-construction surveys determine that there are bats present in any trees or structures to be removed, exclusion structures (e.g. one-way doors or similar methods) shall be installed by a qualified biologist. The exclusion structures shall not be placed until the time of year in which young are able to fly, outside of the nursery season. Information on placement of exclusion structures shall be provided to the CDFW prior to construction. If needed, other removal methods could include: carefully opening the roosting area in a tree or snag by hand to expose the cavity and opening doors/windows on structures, or creating openings in walls to allow light into the structures. Removal of any trees or snags and disturbance within 50 feet of any structures shall be conducted no earlier than the following day (i.e., at least one night shall be provided between initial roost eviction disturbance and tree removal/disturbance activities). This action will allow bats to leave during dark hours, which increases their chance of finding new roosts with a minimum of potential predation.</p> <p>c. Bat Mitigation and Monitoring Plan. If roosting habitat is identified, a Bat Mitigation and Monitoring plan will be prepared and implemented to mitigate for the loss of roosting habitat. The plan will include information pertaining to the species of bat and location of the roost, compensatory mitigation for permanent impacts, including specific mitigation ratios and a location of the proposed mitigation area, and monitoring to assess bat use of mitigation areas. The plan will be submitted to CDFW for review and approval prior to the bat eviction activities or the removal of roosting habitat.</p> <p>Developers shall be responsible for implementation of this mitigation measure with oversight by the Town of Los Gatos. Compliance with this measure shall be documented and submitted to the Town, prior to issuance of grading and demolition permits.</p>			
<p>Mitigation Measure 7-4. Prior to issuance of tree removal, demolition, and grading permits, to avoid impacts to nesting birds during the nesting season (January 15 through September 15), construction activities within or adjacent to the project site boundary that include any tree or vegetation removal, demolition, or ground disturbance (such as grading or grubbing) shall be conducted between September 16 and January 14, which is outside of the bird nesting season. If this type of construction occurs during the bird nesting season, then a qualified biologist shall conduct pre-construction surveys for nesting birds to ensure that no nests would be disturbed during project activities.</p> <p>If project-related work is scheduled during the nesting season (February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), or if construction activities are suspended for at least 14 days and recommence during the nesting season, a qualified biologist shall conduct nesting bird surveys.</p>	<p>Applicant requirement as a condition of approval</p>	<p>Director of Community Development</p>	<p>Prior to issuance of tree removal, demolition, and grading permits.</p> <p>Ensure these measures are incorporated into project plans.</p> <p>Monitoring prior to construction.</p>

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<p>a. Two surveys for active bird nests shall occur within 14 days prior to start of construction, with the final survey conducted within 48 hours prior to construction. Appropriate minimum survey radii surrounding each work area are typically 250 feet for passerines, 500 feet for smaller raptors, and 1,000 feet for larger raptors. Surveys shall be conducted at the appropriate times of day to observe nesting activities. Locations off the site to which access is not available may be surveyed from within the site or from public areas. A report documenting survey results and plan for active bird nest avoidance (if needed) shall be completed by the qualified biologist prior to initiation of construction activities.</p> <p>b. If the qualified biologist documents active nests within the project site or in nearby surrounding areas, an appropriate buffer between each nest and active construction shall be established. The buffer shall be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist shall conduct baseline monitoring of each nest to characterize “normal” bird behavior and establish a buffer distance, which allows the birds to exhibit normal behavior. The qualified biologist shall monitor the nesting birds daily during construction activities and increase the buffer if birds show signs of unusual or distressed behavior (e.g. defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist or construction foreman shall have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active.</p> <p>Developers shall be responsible for implementation of this mitigation measure with oversight by the Town of Los Gatos. Compliance with this measure shall be documented and submitted to the Town, prior to issuance of tree removal, demolition, and grading permits.</p>			
<p>Mitigation Measures 7-5a. To avoid impacts to a the potentially jurisdictional drainage feature, a minimum 10-foot setback from the drainage shall be maintained during tree removal, demolition, and construction activities. The drainage and setback area shall be shown on all demolition and construction plans.</p> <p>Mitigation Measure 7-5b. If disturbance will occur within ten feet of the drainage, prior to issuance of a grading permit within the project boundary, the applicant shall retain a qualified biologist to determine the extent of potential wetlands and waterways regulated by the USACE, RWQCB, and CDFW. If the USACE claims jurisdiction, the applicant shall retain a qualified biologist to obtain a Clean Water Act Section 404 Nationwide Permit. If the impacts to the drainage features do not qualify for a Nationwide Permit, the applicant shall proceed with the qualified biologist in obtaining an Individual Permit from the USACE. The applicant shall then retain a qualified biologist to coordinate with the RWQCB to obtain a Clean Water Act Section 401 Water Quality Certification. If necessary, the applicant shall also retain a qualified biologist to coordinate with the CDFW to obtain a Streambed Alteration Agreement.</p>	Applicant requirement as a condition of approval	Director of Community Development	<p>Prior to issuance of any grading permit.</p> <p>Ensure these measures are incorporated into project plans.</p> <p>Monitoring during construction.</p>

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<p>To compensate for temporary and/or permanent impacts to Waters of the U.S. that would be impacted as a result of the proposed project, mitigation shall be provided as required by the regulatory permits. Mitigation would be provided through one of the following mechanisms:</p> <ul style="list-style-type: none"> a. A Wetland Mitigation and Monitoring Plan shall be developed that will outline mitigation and monitoring obligations for temporary impacts to wetlands and other waters as a result of construction activities. The Wetland Mitigation and Monitoring Plan would include thresholds of success, monitoring and reporting requirements, and site-specific plans to compensate for wetland losses resulting from the project. The Wetland Mitigation and Monitoring Plan shall be submitted to the appropriate regulatory agencies for review and approval during the permit application process. b. To compensate for permanent impacts, the purchase and/or dedication of land to provide suitable wetland restoration or creation shall ensure a no net loss of wetland values or functions. If restoration is available and feasible, a minimum 1:1 mitigation to impact ratio would apply to projects for which mitigation is provided in advance. 			
<p>Mitigation Measure 7-6. Prior to issuance of a tree removal permit and/or a grading permit, developers shall retain a certified arborist to develop a site-specific tree protection plan for retained trees and supervise the implementation of all proposed tree preservation and protection measures during construction activities, including those measures specified in the 2018 project arborist report and 2020 arborist report update (HortScience Bartlett Consulting). Also, in accordance with the Town's Tree Protection Ordinance, the developer shall obtain a tree removal permit for proposed tree removals on each development lot prior to tree removals and shall install replacement trees in accordance with all mitigation, maintenance, and monitoring requirements specified in the tree removal permit(s) or otherwise required by the Town for project approvals.</p>	<p>Applicant requirement as a condition of approval</p>	<p>Director of Community Development</p>	<p>Prior to issuance of tree removal permit and/or grading permit. Ensure these measures are incorporated into project plans. Monitoring during construction.</p>
<p>Mitigation Measure 7-8. On-site landscaping shall be limited to drought-tolerant species, fire-resistant species, and species capable of increasing soil stability; with preference to plant species endemic to Santa Clara County. Species from the California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory (Cal-IPC 2020) shall be removed if present and not included in any new landscaping. The plant palette used for on-site landscaping shall be reviewed and approved by the Town of Los Gatos to confirm no invasive species shall be planted. Evidence of compliance shall be submitted to the Town of Los Gatos prior to occupancy of the residential buildings.</p>	<p>Applicant requirement as a condition of approval</p>	<p>Director of Community Development</p>	<p>Prior to issuance of final occupancy permit. Ensure these measures are incorporated into project plans. Monitoring after construction.</p>

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Cultural Resources			
<p>Mitigation Measure 8-2. The following measure shall be included in project plans, prior to issuance of a demolition permit:</p> <p>If paleontological resources are uncovered during demolition, grading or other on-site excavation activities, construction shall stop until appropriate mitigation is implemented, to be approved by the Community Development Director.</p>	Applicant requirement as a condition of approval	Director of Community Development	<p>Prior to issuance of demolition permit.</p> <p>Ensure these measures are incorporated into project plans.</p> <p>Monitoring during construction.</p>
Geology and Soils			
<p>Mitigation Measure 13-1. The applicant's geotechnical consultant shall review and approve all geotechnical aspects of the development plans, ground improvement plans, shoring design criteria from a geotechnical perspective, and supporting structural details and calculations (i.e., site preparation and grading, site drainage improvements and design parameters for foundations, etc.) to ensure that their recommendations have been properly incorporated. The project geotechnical consultant should review and approve appropriate performance testing for proposed ground improvement measures.</p> <p>The results of the geotechnical plan review should be summarized by the project geotechnical consultant in a letter and submitted to the Town Engineer prior to issuance of building permits.</p>	Applicant requirement as a condition of approval	Town Engineer	<p>Prior to issuance of building permits.</p> <p>Ensure these measures are incorporated into project plans.</p> <p>Monitoring during construction.</p>
<p>Mitigation Measure 13-2. The geotechnical consultant shall inspect, test and approve all geotechnical aspects of the project construction. The inspections should include, but not necessarily be limited to:</p> <ul style="list-style-type: none"> ▪ site preparation and grading; ▪ ground improvement; ▪ shoring measures and design; ▪ site surface and subsurface drainage improvements; and ▪ excavations for foundations prior to placement of steel and concrete. <p>In addition, the project engineering geologist shall inspect opened excavations to confirm bedrock conditions are consistent with those anticipated.</p> <p>The results of these inspections and the as-built conditions of the project, including ground improvement measures and placement of engineered fill, should be described by the geotechnical consultant in a letter and submitted to the Town Engineer for review and approval prior to final (as-built) project approval.</p>	Applicant requirement as a condition of approval	Town Engineer	<p>Prior to issuance of building permits.</p> <p>Ensure these measures are incorporated into project plans.</p> <p>Monitoring prior during construction.</p>

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Specialty/design-build consultants and contractors (shoring, ground improvement, etc.) shall also submit construction reports confirming satisfactory construction of the specific aspects of the project that they are responsible for.			
Hazards and Hazardous Materials			
<p>Mitigation Measure 13-3. The applicant shall consult with Bay Area Air Quality Management District to determine permit requirements. Removal of asbestos-containing building materials is subject to Bay Area Air Quality Management District's Regulation 11, Rule 2: Asbestos Demolition, Renovation and Manufacturing. Release of lead into the atmosphere is subject to Bay Area Air Quality Management District's Regulation 11, Rule 1: Lead.</p> <p>Prior to the commencement of demolition activities on the site, the applicant shall provide evidence of meeting the permitting requirements of the Bay Area Air Quality Management District, to the satisfaction of the Town of Los Gatos Community Development Department.</p>	Applicant requirement as a condition of approval	Director of Community Development	<p>Prior to issuance of demolition permits.</p> <p>Ensure these measures are incorporated into project plans.</p> <p>Monitoring prior to and during construction.</p>
Wildfire Hazards			
<p>Mitigation Measure 12-1. In order to adequately address any potential conflicts with emergency access or evacuation routes during construction, the applicant shall prepare and implement a site-specific construction traffic management plan for any construction effort that would require work within existing roadways. The traffic management plan shall be prepared and submitted to the Town prior to issuance of demolition permit(s) and shall be prepared to the satisfaction of Town Public Works and County Fire Department staff.</p>	Applicant requirement as a condition of approval	Director of Public Works	<p>Prior to issuance of demolition permits.</p> <p>Ensure these measures are incorporated into project plans.</p> <p>Monitoring prior to and during construction.</p>

SOURCE: EMC Planning Group 2021