

RESOLUTION NO. 3779

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTE SERENO ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM (MMRP) FOR THE 4-LOT SUBDIVISION LOCATED AT 18081 SARATOGA-LOS GATOS ROAD

WHEREAS, Annette Seaborn has an application for a 4-lot subdivision on a 0.96- acre site located at 18081 Saratoga-Los Gatos Road and bounded by residential uses to the north, east, west and south across Saratoga-Los Gatos Road; and

WHEREAS, the project site is comprised of one existing parcel, Assessor's Parcel Number 410-20-036 ("Subject Property"); and

WHEREAS, the subdivision of the Subject Property consists of four (4) lots, including three (3) residential lots and one (1) lot for a private cul-de-sac; and

WHEREAS, the City, as lead agency under the California Environmental Quality Act (Pub. Res. Code§ 21000 et seq.) and the CEQA Guidelines (14 Cal. Code Regs.§§ 15000- 15387), has prepared an Initial Study to evaluate the potentially significant environmental effects of the Project; and

WHEREAS, the mitigation measures provided in the Initial Study would reduce significant impacts to a less than significant level and therefore, the Project with mitigation measures incorporated, would not have a significant effect on the environment; and

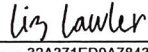
WHEREAS, on June 2, 2020, by Resolution No. 3778 the Council adopted the Mitigated Negative Declaration in accordance with Section 15070 et seq. of the California Environmental Quality Act guidelines; and

WHEREAS, on June 2, 2020, by Resolution No. ____ the Council will consider approval the subdivision of the Subject Property consistent with the proposed Tentative Subdivision Map; and

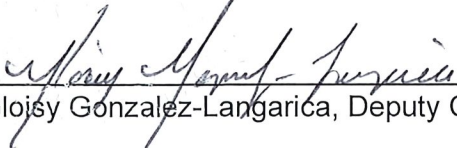
NOW THEREFORE, BE IT RESOLVED by the City Council of Monte Sereno, that City Council hereby adopts the Mitigation Monitoring and Reporting Program for the Project attached hereto as Exhibit A.

PASSED AND ADOPTED by the City Council of Monte Sereno on June 2, 2020 by the following vote:

AYES: Council Members Ellahie, Mayor Pro Tempore Leuthold and Mayor Lawler
NOES: Council Member Turner
ABSTAIN: Council Member LaBouve (Recused)
ABSENT:

BY: ^{DocuSigned by:}

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Mayor LIZ Lawler

ATTEST: 

Gloisy Gonzalez-Langarica, Deputy City Clerk

Exhibit A - Mitigation Monitoring and Reporting Program

**EXHIBIT A
MITIGATION MONITORING AND REPORTING PROGRAM
18081 SARAGOTA-LOS GATOS ROAD SUBDIVISION**

Environmental Impact	Mitigation Measures or Standard Conditions	Monitoring Responsibility	Implementation and Monitoring Timeline
Air Quality	<p>AQ-1: The project would conflict with or obstruct implementation of the applicable air quality plan</p> <p>Mitigation Measure AQ-1: Future development of the site shall include applicable control measures from the Air District's current air quality plan. These control measures include, but are not limited to, the following:</p> <ul style="list-style-type: none"> a) Incorporation of solar hot water or solar electricity in the homes; b) Incorporation of "cool roofing" and "cool paving" technologies into the development; and c) Inclusion of shade trees in landscaping plans. <p>Mitigation Measure AQ-2: The following basic construction mitigation measures shall be incorporated into project construction documents:</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 two times per day; b) All haul trucks transporting soil, sand, debris, or other loose material off-site shall be covered; c) 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; d) All vehicle speeds on unpaved surfaces shall be limited to 15 mph; e) All 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; f) 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 California Code of Regulations [CCCR]). Clear signage shall be provided for construction workers at all access points; g) 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; and h) Post a publicly visible sign with telephone number and person to contact at the Lead Agency 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. 	City of Monte Sereno Planning Department	Prior to issuance of building permit and during work under such permits.
AQ-2: The project would contribute to construction-related air emissions	<ul style="list-style-type: none"> g) 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; and h) Post a publicly visible sign with telephone number and person to contact at the Lead Agency 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. 	City of Monte Sereno Planning Department	Prior to issuance of tree removal permits demolition permits, and grading permits, and during work under such permits.
Biological Resources	<p>BIO-1: Construction noise and/or tree removal associated with the project may adversely impact nesting birds (including raptors)</p> <p>Mitigation Measure BIO-1: To avoid impacts to nesting birds, the removal of trees and shrubs shall be minimized to the greatest extent feasible. Construction activities that include any tree removal, pruning, grading, grubbing, or demolition shall be conducted outside of the bird nesting season (February through August). If this type of construction occurs during the bird nesting season, then a qualified biologist shall conduct a preconstruction survey for nesting birds to ensure that no nests would be disturbed during project construction. This survey shall be conducted no more than seven (7) days</p>	City of Monte Sereno Planning Department	Prior to issuance of tree removal permits demolition permits, and during work under such permits.

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<p>BIO-2: The project may adversely impact active pallid bat roosts</p>	<p>prior to the initiation of disturbance activities during the early part of the nesting season (February through April) and no more than 30 days prior to the initiation of disturbance activities during the late part of the nesting season (May through August). If no active nests are present within 250 feet of construction, then activities can proceed as scheduled. However, if an active nest is detected during the survey within 250 feet of construction, then the establishment of a protective construction-free buffer zone from each active nest (typically 250 feet for raptors and 50-100 feet for other species) will be clearly delineated or fenced until the juvenile bird(s) have fledged (left the nest), unless the biologist determines that construction would not impact the active nest. Implementation of this mitigation measure will be the responsibility of project site developers.</p> <p>Mitigation Measure BIO-2: To avoid impacting active pallid bat roosts, if present, all vacant buildings proposed for removal that are unoccupied and boarded up at the time of development approval (dark in the daytime) shall be opened in the winter months (prior to mid-March) to allow in light, making these areas non-suitable for use as maternity roosts. In addition, any mature trees removed due to project implementation shall be removed in two stages (with the limbs removed one day, and the main trunk removed on a subsequent day) to allow any potentially present day-roosting bats the opportunity to relocate. Implementation of this mitigation measure will be the responsibility of project site developers.</p>	<p>City of Monte Sereno Planning Department</p>	<p>Prior to issuance of tree removal permits and demolition permits, and during work under such permits.</p>
<p>BIO-3: The project may conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance</p>	<p>Mitigation Measure BIO-3: For each tree removed, the developer shall plant a California native tree species with at least a one-to-one replacement ratio on the project site, unless inconsistent with good forestry practices, and obtain a permit prior to removal of any tree, in compliance with the City of Monte Sereno's Tree Preservation Ordinance and/or Subdivision Ordinance. A qualified arborist shall recommend the appropriate replacement ratio and also survey any trees to be preserved, including the trunk diameter, canopy spread, species, condition, and location, and recommend specific steps that must be taken during construction to ensure that those trees are not impacted during construction. Implementation of this mitigation measure will be the responsibility of project site developers.</p> <p>a)</p>	<p>City of Monte Sereno Planning Department</p>	<p>Prior to issuance of tree removal permits and demolition permits, and during work under such permits.</p>

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<p>Cultural Resources</p> <p>CR-1: Construction associated with the project may result in accidental discovery or recognition of archaeological resources or human remains</p>	<p>Mitigation Measure CR-1: Due to the remote possibility that significant buried prehistoric cultural resources might be found during construction activities, the following language shall be included in all construction documents associated with development of the project site:</p> <p>"If prehistoric archaeological resources are discovered during construction, work shall be halted at a minimum of 200 feet from the find and the area shall be staked off. The city shall notify a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented."</p> <p>Implementation of this mitigation measure will be the responsibility of project site developers.</p>	<p>City of Monte Sereno Planning Department</p>	<p>Prior to issuance of demolition and grading permits</p>
<p>CR-2: In the event of an accidental discovery or recognition of any human remains, the following language shall be included in all construction documents associated with redevelopment of the project site in accordance with CEQA Guidelines section 15064.5(e):</p> <p>"If human remains are found during construction there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the coroner of Santa Clara County is contacted to determine that no investigation of the cause of death is required. If the coroner determines the remains to be Native American the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendant (MLD) from the deceased Native American. The MLD may then make recommendations to the City of Monte Sereno or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code Section 5097.98. The City of Monte Sereno or its authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being notified by the commission; b) the descendant identified fails to make a recommendation; or c) the City of Monte Sereno or its authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner."</p> <p>Implementation of this mitigation measure will be the responsibility of project site developers.</p>	<p>City of Monte Sereno Planning Department</p>	<p>Prior to issuance of demolition, grading, and excavation and other permits involving ground disturbance, and during work under such permits.</p>	

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<p>Geology and Soils</p> <p>GEO-1: Exposure of people or structures to strong seismic ground shaking</p>	<p>Mitigation Measure GEO-1: Prior to issuance of a grading permit, the applicant shall provide evidence that the recommendations in the February 21, 2017 project geotechnical report are included in the project grading and building plans.</p>	<p>City of Monte Sereno Building Department</p>	<p>Prior to issuance of a grading permit.</p>
<p>GEO-2: Erosion</p>	<p>Mitigation Measure GEO-2: Prior to issuance of a grading permit, the developer shall submit an erosion control plan to ensure that erosion is controlled during grading and construction activities and does not result in deposition of soil off site.</p>	<p>City of Monte Sereno Building Department</p>	<p>Prior to issuance of a grading permit and during work under such permits.</p>
<p>Noise</p> <p>Construction noise</p>	<p>Mitigation Measure N-1: Prior to issuance of a grading permit, the following measures shall be included in the grading and construction plans:</p> <p><i>Operational and Situational Controls</i></p> <ol style="list-style-type: none"> 1. All work on site should be restricted to 8:00 a.m. to 8:00 p.m. Weekdays, 9:00 a.m. to 8:00 p.m., Saturdays and no work allowed on Sundays and Federal Holidays. 2. All construction noise control measures currently imposed on the project shall be maintained unless the measures outlined herein are more restrictive. 3. All exterior stationary equipment shall be kept at least 100 ft. from neighboring residential property line unless acoustically shielded. 4. No material deliveries are allowed on Sundays or Federal Holidays. 5. Cranes shall be located at least 100 ft. from any neighboring residential property line with the exception of cranes or lifts necessary to dismantle scaffolding. 6. Locate stockpiles adjacent to residential neighbors as much as possible to help shield residences from on-site noise generation. 7. Driveways and other vehicle travel paths shall be graded smooth to minimize vibration and "bangs" from vehicles traveling over rough surfaces. 8. Music shall not be audible off site. 9. Place long-term stationary equipment as far away from the residential areas as possible. 10. Keep mobile equipment (haul trucks, concrete trucks, etc.) off of local streets near residences as much as possible. 11. Keep vehicle paths graded smooth as rough roads and paths can cause significant noise and vibration from trucks (particularly empty trucks) rolling over rough surfaces. Loud bangs and ground-borne vibration can occur. 12. Limit the extent of heavy diesel engine equipment work to less than 10 consecutive days when working within 40 feet of the property lines. 	<p>City of Monte Sereno Planning Department</p>	<p>Prior to issuance of a grading permit and during work under such permits.</p>

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Interior Work

1. For interior work, the windows of the interior spaces facing neighboring residences where work is being performed shall be kept closed while work is proceeding.
2. Noise generating equipment indoors should be located within the building to utilize building elements as noise screens.

Equipment

1. Earth Removal: Use scrapers as much as possible for earth removal, rather than the noisier loaders and hauling trucks.
2. Backfilling: Use a backhoe for backfilling, as it is less costly and quieter than either dozers or loaders.
3. Ground Preparation: Use a motor grader rather than a bulldozer for final grading. Wheeled heavy equipment is less noisy than track equipment. Utilize wheeled equipment rather than track equipment whenever possible.
4. Building Construction: Nail guns should be used where possible as they are less noisy than manual hammering.
5. Generators and Compressors: Use generators, compressors and pumps that are housed in acoustical enclosures rather than weather enclosures or none at all.
6. Utilize temporary power service from the utility company in lieu of generators wherever possible.
7. All stationary equipment shall be rated no higher than 85 dBA @ 25 feet under the equipment's most noisy condition.
8. Circular saws, miter/chop saws and radial arm saws shall be used no closer than 50 feet from any residential property line unless the saw is screened from view by any and all residences using an air-tight screen material of at least 2.0 lbs/square feet surface weight, such as ¾" plywood.
9. Use electrically powered tools rather than pneumatic tools whenever possible.
10. Mitigation of the construction phase noise at the site can be accomplished by using quiet or "new technology" equipment.
11. The greatest potential for noise abatement of current equipment should be the quieting of exhaust noises by use of improved mufflers.
12. It is recommended that all internal combustion engines used at the project site be equipped with a type of muffler recommended by the vehicle manufacturer.
13. All equipment should be in good mechanical condition so as to minimize noise created by faulty or poorly maintained engines, drive-trains and other components. Worn, loose or unbalanced parts or components shall be maintained or replaced to minimize noise and vibration.
14. Utilize wheeled equipment rather than tracked equipment whenever possible.

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15. Diesel vibrating compaction equipment shall not be used within 100 feet of a residential structure.

Noise Complaint Management

1. Designate a noise complaint officer. The officer shall be available at all times during construction hours via both telephone and email. Signs shall be posted at site entries.
2. Notify, in writing, all residents within 300 feet of the site of construction. The notification shall contain the name, phone number and email address of the noise complaint officer. A flyer may be placed at the doors of the residences.
3. A log of all complaints shall be maintained. The logs shall contain the name and address of the complainant, the date and time of the complaint, the nature/description of the noise source, a description of the remediation attempt or the reason remediation could not be attempted.