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MITIGATION MONITORING AND REPORTING PROGRAM

**STACK Trade Zone Park
21-SPPE-02
Planning File Nos. PD22-001 and ER22-002
January 2023**

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.

While the CEC is the lead agency in assessing the exemption application, the CEC is not the jurisdiction that will be approving the project for construction and operations. Such authority will be with the City of San José. Therefore, the MMRP will be implemented and enforced by the City upon its approval of the project.

The Final Environmental Impact Report prepared for the STACK Trade Zone Park project concluded that the implementation of the project would not result in significant effects on the environment with the incorporation of mitigation measures. 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 Final Environmental Impact Report concluded that the impacts from implementation of the project would be less than significant.

I, _____, the applicant, on the behalf of _____, hereby agree to fully 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 4.3-b Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?					
AQ-1: To ensure that fugitive dust impacts are less than significant, the project will implement the Bay Area Air Quality Management District (BAAQMD) recommended Best Management Practices (BMPs) during the construction phase, the project owner shall implement a construction emissions control plan that has been reviewed and approved by the Director or Director's designee of the City of Santa Clara <u>San José Planning Building and Code Enforcement Division or Director's designee</u> prior to the issuance of any grading or building permits, whichever occurs earliest. These BMPs are incorporated into the design of the project and will include: <ul style="list-style-type: none"> • Water all exposed areas (e.g. parking areas, graded areas, unpaved access roads) twice a day. • Maintain a minimum soil moisture of 12% in exposed areas by maintaining proper watering frequency. • Cover all haul trucks carrying sand, soil, or other loose material. 	Prepare and implement a fugitive dust control plan	Prior to and during construction phase	City of San José Director of Planning, Building or Code Enforcement or Director's designee	Receive and approve the fugitive dust control measures during construction	Prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest)

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<ul style="list-style-type: none"> Suspend excavation, grading, and/or demolition activities when average wind speed exceeds 20 miles per hour. Pave all roadways, driveways, and sidewalks as soon as possible. Lay building pads as soon as grading is completed, unless seeding or soil binders are used. Use a power vacuum to sweep and remove any mud or dirt-track next to public streets, if visible soil material is carried onto the streets. Limit vehicle speeds on unpaved roads to 15 miles per hour (mph). Minimize idling time for all engines by shutting engines when not in use or limiting idling time to a maximum of five minutes. Provide clear signage for construction workers at all access points. Properly tune and maintain construction equipment in accordance with manufacturer's specifications. Check all equipment against a certified visible emissions calculator. Post a publicly visible sign with the telephone number and name of the person to contact regarding dust 					

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<p>complaints and the BAAQMD telephone number. The contact person shall implement corrective measures, as needed, within 48 hours, and the BAAQMD shall be informed of any legitimate complaints received to verify compliance with applicable regulations.</p> <ul style="list-style-type: none"> • Limit simultaneous occurrence of excavation, grading, and ground-disturbing construction activities. • Minimize idling time of diesel-powered construction vehicles to two minutes. • All contractors use equipment that meets CARB's most recent certification standard for off-road heavy-duty diesel engines. 					
Impact 4.3-c Would the project expose sensitive receptors to substantial pollutant concentrations?					
AQ-1 (see Impact 4.3-b for mitigation)					
BIOLOGICAL RESOURCES					
Impact 4.4-a Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?					
<p>BIO-1: Worker Environmental Awareness Program (WEAP) A worker environmental awareness program (WEAP) biological resources module will be conducted for onsite</p>	Prepare the worker environmental awareness program and brochure and submit for review and approval to City of San José	At least 30 days before any construction activities a copy of the WEAP	City of San José Director of Planning, Building and Code Enforcement or	Review and approve worker environmental awareness program and	At least 30 days before the start of any construction activities

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<p>construction personnel prior to the start of construction activities. The module will explain all the measures developed to prevent impacts on special-status species, including Western burrowing owl and golden eagle, and nesting birds. The module will also include a description of special-status species and their habitat needs, as well as an explanation of the status of these species and their protection under Endangered Species Act, California Endangered Species Act, and other statutes. A brochure will be provided with color photos of sensitive species, as well as a discussion of any permit measures. A copy of this WEAP program and brochure shall be provided for review and approval to Director or Director's designee with the City of San José Department of Planning, Building and Code Enforcement and the Santa Clara Valley Habitat Agency at least 30 days prior to the start of construction. This includes the following measures:</p> <ul style="list-style-type: none"> Environmental Inspector: A qualified Environmental Inspector shall verify implementation and compliance with all mitigation measures. The Environmental Inspector shall have 	<p>Director of Planning, Building and Code Enforcement or Director's designee and the Santa Clara Valley Habitat Agency</p>	<p>module and brochure shall be approved.</p> <p>Conduct WEAP prior to any construction activities (ie Prior to issuance of grading, demolition or building permits, whichever occurs first.)</p>	<p>Director's designee and the Santa Clara Valley Habitat Agency</p>	<p>brochure at least 30 days before the start of any construction activities.</p> <p>Conduct WEAP training for all onsite construction personnel prior to the start of any construction activities.</p>	<p>Prior to any construction activities (ie Prior to issuance of grading, demolition or building permits, whichever occurs first.)</p>

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<p>the authority to stop work or determine alternative work practices where safe to do so, as appropriate, if construction activities are likely to affect sensitive biological resources.</p> <ul style="list-style-type: none"> Litter and Trash Management: Food scraps, wrappers, food containers, cans, bottles, and other trash from the project area shall be deposited into closed trash containers. Trash containers shall be removed from the project work areas at the end of each working day unless located in an existing substation, potential staging area, or the switching station site. Parking: Vehicles and equipment shall be parked on pavement, existing roads, and previously disturbed or developed areas, or work areas as identified in this document. Work Areas, Staging Areas: Work, staging, vehicle parking, and equipment parking areas shall be contained within the final areas that are negotiated with the relevant property owners, or as noted above. Pets and Firearms: No pets or firearms shall be permitted at the project site. 					

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BIO-2: Burrowing Owl Surveys, Monitoring, Prevention and Relocation Part A: The project applicant shall conduct preconstruction surveys to ascertain whether burrowing owls occupy burrows on the site and along the utility alignments offsite prior to construction. The preconstruction surveys shall be performed by a qualified biologist and shall consist of a minimum of two surveys, with the first survey no more than 14 days prior to initial construction activities (i.e. vegetation removal, grading, excavation, etc.) and the second survey conducted no more than 2 days prior to initial construction activities. If no burrowing owls or fresh sign of burrowing owls are observed during preconstruction surveys, construction may continue. However, if a burrowing owl is observed during these surveys, occupied burrows shall be identified by the monitoring biologist and a buffer shall be established, as follows: <ul style="list-style-type: none"> If an active nest is found, a qualified biologist shall study nesting behavior and shall establish at a minimum a 	Conduct preconstruction surveys by a qualified biologist to ascertain whether burrowing owls occupy burrows on the site and along the utility alignments offsite	First survey no more than 14 days prior to initial construction activities (i.e. vegetation removal, grading, excavation, etc.) and the second survey conducted no more than 2 days prior to initial construction activities.	City of San José Director of Planning, Building and Code Enforcement or Director's designee	Submit results of preconstruction surveys by a qualified biologist to City of San José Director of Planning, Building and Code Enforcement or Director's designee and the San Clara Valley Habitat Agency.	Submit results of preconstruction survey no more than 14 days prior to issuance of any tree removal, grading, demolition or building permit issuance
	If a burrowing owl is observed during these surveys, occupied burrows shall be identified by the monitoring biologist and a 250ft buffer shall be established around all burrowing owl nests found. Monitoring of nesting behavior shall begin as soon as an occupied nest is found. If biologist determines that the nest is vacant, the non-disturbance buffer zone may be removed, in accordance with measures described in the SCVHP.	During surveys	City of San José Director of Planning, Building and Code Enforcement or Director's designee and the Santa Clara Valley Habitat Agency	Provide evidence to City of San José Director of Planning, Building and Code Enforcement or Director's designee as well as to the Santa Clara Valley Habitat Agency of buffer established.	Establish buffer immediately and start monitoring. Report within 24 hours of detecting an occupied burrow. Removal of vacant nest may only happen after approval from CDFW and USFWS in

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<p>250-foot non-disturbance buffer around all nest sites, based on stress response of the birds and the 2012 Staff Report (CDFW 2012). If the biologist determines that the nest is vacant, the non-disturbance buffer zone may be removed, in accordance with measures described in the SCVHP. The biologist shall supervise hand excavation of the burrow to prevent reoccupation only after receiving approval from the wildlife agencies (CDFW and USFWS) in accordance with Chapter 6, Condition 15 of the SCVHP.</p> <ul style="list-style-type: none"> For permission to encroach within the nest buffer, (February 1st through August 31st), an Avoidance, Minimization, and Monitoring Plan shall be prepared and approved by the City and the wildlife agencies prior to such encroachment in accordance with Chapter 6 of the SCVHP. <p>An Avoidance, Minimization, and Monitoring Plan shall be prepared, provided to the agencies, and approved by the City Director of Planning, Building</p>	<p>An Avoidance, Minimization, and Monitoring Plan shall be prepared and provided to the Santa Clara Valley Habitat Agency Director of PBCE and Director's designee</p>	<p>Prior to nest encroachment in accordance with Chapter 6 of the SCVHP. (During February 1 through August 31)</p>	<p>City of San José Director of Planning, Building and Code Enforcement or Director's designee and the Santa Clara Valley Habitat Agency</p>	<p>Approve Avoidance, Minimization and Monitoring Plan.</p>	<p>accordance with Chapter 6 of the SCVHP.</p> <p>Prior to issuance of any tree removal, grading, demolition, or building permit that results in nest encroachment in accordance with Chapter 6 of the SCVHP.</p>
	<p>Establish a 250-foot buffer if a burrowing owl is located during the non-breeding season (September through January).</p>	<p>During non-breeding season (September through January)</p>	<p>City of San José Director of Planning, Building and Code Enforcement or Director's designee and the Santa Clara Valley Habitat Agency</p>	<p>Provide buffer and construction contracts to City of San José Director of Planning, Building and Code Enforcement or Director's designee of buffer</p>	<p>Establish buffer immediately and stop construction within buffer or immediately follow avoidance measures.</p>

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<p>and Code Enforcement or their designee and the wildlife agencies prior to nest encroachment in accordance with Chapter 6 of the SCVHP.</p> <p>Part B: Should a burrowing owl be located during the non-breeding season (September through January), a 250-foot buffer shall be established, and construction activities shall not be allowed within the 250-foot buffer of the active burrow(s) used by any burrowing owl unless the following avoidance measures are adhered to:</p> <ul style="list-style-type: none"> A qualified biologist shall monitor the owls for at least 3 days prior to construction to determine baseline foraging behavior (i.e., behavior without construction). The same qualified biologist shall monitor the owls during construction. If the biologist determines there is a change in owl nesting and foraging behavior as a result of construction activities, these activities shall cease within the 250-foot buffer. If the owls are gone from the burrows for at least 1 week, the 	<p>Request approval from the Santa Clara Valley Habitat Agency to excavate usable, unoccupied burrows within the project site during the non-breeding season. Submit a report disclosing evidence of compliance with the Habitat Plan to the Director of Planning, Building and Code Enforcement or Director's designee</p>	<p>During non-breeding season (if owls are gone from burrows for 1 week).</p>	<p>Santa Clara Valley Habitat Agency and City of San José Director of Planning, Building and Code Enforcement or Director's designee</p>	<p>established, and construction activities prohibited within buffer unless avoidance measures specified are adhered to.</p> <p>Submit Santa Clara Valley Habitat Agency approval to City of San José Director of Planning, Building and Code Enforcement or Director's designee Collect burrowing owl impact fee on behalf of the Santa Clara Valley Habitat Agency in conformance with the Habitat Plan</p>	<p>Report within 24 hours of detecting an occupied burrow.</p> <p>Prior to issuance of any tree removal, grading, demolition, or building permit that would result in evacuation of usable unoccupied burrows.</p>

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<p>project applicant may request approval from the habitat agency to excavate all usable burrows within the proposed project area to prevent owls from reoccupying the site. After all usable burrows are excavated, the buffer zone shall be removed, and construction may continue.</p> <p>The project owner shall request approval from the Santa Clara Valley Habitat agency to excavate usable, unoccupied burrows within the project site during the non-breeding season.</p> <p>Part C: In the event the voluntary relocation of site burrowing owls does not occur (defined as owls having vacated the site for 10 or more consecutive days), the project applicant can request permission to engage in passive relocation during the non-breeding season through the standard SCVHP application process (Section 6.8 of the SCVHP). If passive relocation is granted, additional measures may be required by the Habitat Agency.</p> <ul style="list-style-type: none"> If the owls voluntarily vacate the site for 10 or more consecutive days, as 	<p>Request approval from the Santa Clara Valley Habitat agency to engage in passive relocation of burrowing owls in the event voluntary relocation of owls does not occur Submit a report <u>disclosing evidence of compliance with the Habitat Plan to the Director of Planning, Building and Code Enforcement or Director's designee</u></p>	<p>During non-breeding season (if owls have not vacated the site for 10 or more consecutive days).</p>	<p>Santa Clara Valley Habitat Agency and City of San José Director of Planning, Building and Code Enforcement or Director's designee</p>	<p>Submit Santa Clara Valley Habitat Agency approval to City of San José Director of Planning, Building and Code Enforcement or Director's designee <u>Collect burrowing owl impact fee on behalf of the Santa Clara Valley Habitat Agency in conformance with the Habitat Plan</u></p>	<p>Prior to passive relocation of burrowing owls, or any activities that might affect relocation of owls.</p>

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documented by a qualified biologist, the project applicant could seek permission from the Santa Clara Valley Habitat Agency to have the qualified biologist take measures to collapse vacated and other suitable burrows to confirm that owls do not recolonize the site, in accordance with the SCVHP, by preparing a written request and submitting supporting documentation to the City Director or their designee.					
BIO-3: Nesting Bird Avoidance and Minimization Measures The project applicant shall schedule demolition and construction activities, if at all feasible , 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). If any construction or demolition activities, including tree or vegetation removal or ground disturbance, occurs during the nesting season (February 1 through August 31), the project applicant shall adhere to the following guidelines:	Construction, if at all feasible, shall be avoided during the nesting bird season.	Non-nesting bird season (ie September through January)	Project owner	Approval by City of San José Director of Planning, Building and Code Enforcement or Director's designee	Schedule construction activities for September through January.
	If any construction or demolition activities occurs during the nesting season, a qualified and approved biologist shall conduct two pre-construction surveys for nesting migratory birds onsite and offsite facilities and within 500 feet (for raptors) of the	If construction is going to occur during nesting bird season (ie February 1 through August 31). The surveys shall be separated by a minimum 11-day interval and	City of San José Director of Planning, Building and Code Enforcement or Director's designee.	Submit results of preconstruction surveys by a qualified biologist to City of San José Director of Planning, Building and Code Enforcement or	Submit results of preconstruction survey no more than 14 days prior to issuance of any tree removal, grading,

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<ul style="list-style-type: none"> The project applicant shall submit the resume of an ornithologist or other qualified biologist (with at least a bachelor's degree in a biological science field and demonstrated field expertise in avian species) for approval by the City of San José. The pre-approved ornithologist or other qualified biologist (Designated Biologist, DB) shall conduct at least two pre-construction nest survey(s). The two pre-construction surveys shall be separated by a minimum 11-day interval and conducted no more than 14 days prior to initiation of any construction activity. One survey shall be conducted within the 3-day period preceding initiation of construction activity. Additional follow-up surveys may be required if periods of construction inactivity exceed two weeks in any given area, an interval during which birds may establish a nesting territory and initiate egg laying and incubation. Surveys shall cover all potential nesting habitat and substrate within the project site and any offsite 	project boundary, where accessible.	conducted no more than 14 days prior to initiation of any construction activity. One survey shall be conducted within the 3-day period preceding initiation of construction activity.		Director's designee and the San Jose Valley Habitat Agency.	demolition or building permit issuance
	If a nesting bird is detected, an appropriate construction-free buffer shall be established in consultation with the California Department of Fish and Wildlife (CDFW) and the Santa Clara Valley Habitat Agency the qualified biologist. All other directives on buffer zones shall be adhered to.	Upon detection of a nesting migratory bird	City of San José Director of Planning, Building or Code Enforcement or Director's designee	California Department of Fish and Wildlife and the Santa Clara Valley Habitat Agency and City of San José Director of Planning, Building or Code Enforcement or Director's designee	Buffers shall be established immediately upon detecting an active nest.
	Project biologist to monitor the buffer to verify compliance bi-weekly. All other directives on monitoring shall be adhered to.	Bi-weekly until nestlings have fledged or nests are no longer active.	City of San José Director of Planning, Building	City of San José Director of Planning, Building or Code	Monitoring shall begin immediately upon

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<p>facilities (i.e., electrical transmission line, staging area, employee parking) and publicly accessible areas within 500 feet of the project boundary. Any habitat areas adjacent to the project site but not publicly accessible shall be surveyed with binoculars. These surveys shall include the orders Falconiformes and Strigiformes (raptors and owls). Surveys shall be conducted at appropriate nesting times and concentrate on potential roosting or perch sites.</p> <ul style="list-style-type: none"> If active nests are detected during on-site surveys, a no-disturbance buffer zone (protected area surrounding the nest) shall be established around each nest with fencing, flagging and/or signage, as appropriate. Initially each nest will have the following buffer zone: 150 feet for any migratory bird nests, 250 feet for any raptor and owl nests (including burrowing owl), and 500 feet for any special status species. Ultimately, the size of each buffer zone shall be determined by the Designated Biologist in consultation with the California Department of Fish 	<p>If active nests of special-status species are detected during pre-construction surveys or during project construction, the Director or their designee for the City of San José's Department of Planning, Building and Code Enforcement shall be notified within 24 hours. A letter through email may be used initially and shall state how impacts of any nesting birds will be avoided by citing the appropriate information from this mitigation measure. The final notification shall include all the reporting elements as described in BIO-4. This guideline shall also apply to any new nests discovered during project construction. All other guidelines in BIO-3 that are applicable shall be followed.</p>	<p>During pre-construction surveys or during project construction.</p>	<p>or Code Enforcement or Director's designee</p> <p>City of San José Director of Planning, Building or Code Enforcement or Director's designee</p>	<p>Enforcement or Director's designee</p> <p>California Department of Fish and Wildlife and the Santa Clara Valley Habitat Agency and City of San José Director of Planning, Building or Code Enforcement or Director's designee</p>	<p>establishing an active nest.</p> <p>Notify within 24 hours of discovering active nest of special-status species (or any new nest found after pre-construction survey and during construction.)</p>

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<p>and Wildlife (CDFW) and the Santa Clara Valley Habitat Agency. Collaboration to determine the appropriate buffer size for each nest found should be based upon the species, topography, behavior of the nesting birds, and type of activity that would occur in the vicinity of the nest. Once the buffer zone is established, other than the DB adjusting the buffer zone, it shall remain undisturbed and no construction activities, as defined above, shall occur within the buffer zone the DB and City of San José verifies that the nest(s) are no longer active.</p> <ul style="list-style-type: none"> If active nests are detected during the surveys, the DB shall monitor the nest weekly (at least once a week for special status species) until the DB determines that nestlings have fledged and dispersed, or the nest is no longer active. This applies to both onsite and offsite nests. If signs of disturbance or distress are observed, the DB shall immediately implement adaptive measures to reduce disturbance. These measures may 					

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<p>include, but are not limited to, increasing buffer size, halting disruptive construction activities in the vicinity of the nest until fledging is confirmed, or placement of visual screens or sound-dampening structures between the nest and construction activity, where possible. The DB shall have sole authority not only to order the cessation of nearby project activities, but also when to resume project activities based upon the observed behavior of the nesting pairs and whether the nesting pairs continue to exhibit signs of distress.</p> <ul style="list-style-type: none"> If active nests of special-status species are detected during pre-construction surveys or during project construction, the Director or their designee for the City of San José's Department of Planning, Building and Code Enforcement shall be notified within 24 hours. A letter through email may be used initially and shall state how impacts of any nesting birds will be avoided by citing the appropriate information from this mitigation measure. The final notification shall include all the 					

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reporting elements as described below. This guideline shall also apply to any new nests discovered during project construction. All other guidelines above shall be followed.					
BIO-4: Avian Reporting and Avian Protection Plan The designated biologist shall be responsible for preparing the pre-construction nest survey reports (including the burrowing owl survey report per BIO-2). The report(s) shall include the time, date, methods, and duration of the surveys; identity and qualifications of the surveyor(s); and a list of species observed. If active nests are detected during the surveys, the reports shall also include a map made using GPS technology or aerial photo identifying the location of the nest(s), species, and a depiction of the boundary of the no-disturbance buffer zone around the nest(s). As new nests are discovered during construction, or buffer zones are adjusted, this map of bird nests should be updated. Inactive nests should be indicated by color in order to more visually comprehend where active nests are located.	Designated biologist shall prepare reports summarizing the results of the preconstruction surveys for BIO-2 and BIO-3. Reports shall include survey result details specified. All active nests shall be mapped with GPS technology (as specified), and updated as applicable during construction. The designated biologist will compile BIO-2 and BIO-3 survey result reports with the addition of all other guidelines of these measures and present them as the Avian Protection Plan for approval.	Pre-Construction: Submit no more than 14 days prior to issuance of any tree removal, grading, demolition or building permit issuance And On-going during construction	City of San José Director of Planning, Building or Code Enforcement or Director's designee	California Department of Fish and Wildlife and the Santa Clara Valley Habitat Agency and City of San José Director of Planning, Building or Code Enforcement or Director's designee	Submit Avian Protection Plan (ie compilation of BIO-2 and BIO-3 reports of preconstruction surveys as well as all other guidelines) no more than 14 days prior to issuance of any tree removal, grading, demolition or building permit issuance

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A compilation shall be made of the pre-construction nest survey reports, including a summary of all the guidelines contained in BIO-2 and BIO-3 . This compilation, known as the Avian Protection Plan, shall be submitted to the Director or their designee for the City of San José's Department of Planning, Building and Code Enforcement prior to any construction activities for review and approval.					
BIO-5: Non-Point Source Nitrogen Deposition Fee Pursuant to the 2012 Santa Clara Valley Habitat Plan (SCVHP) (Chapter 6 and Section 9, Table 9-7b), prior to any ground disturbance, a one-time fee payment for new daily vehicle trips shall be paid for mobile emission sources, as based on the appropriate fees and worksheet (year current to construction) in the 2022 SCVHA, or most recent Nitrogen Deposition Fee Worksheet. Fees are paid to the Santa Clara Valley Habitat Agency.	Project owner shall pay a one-time fee for mobile nitrogen emissions, pursuant to 2012 SCVHP.	Prior to issuance of any tree removal, grading, demolition, or building permits, whichever occurs first.	City of San José Director of Planning, Building or Code Enforcement or Director's designee and Santa Clara Valley Habitat Agency	Project owner shall pay the fee to Santa Clara Valley Habitat Agency and notify the City of San José Director of Planning, Building or Code Enforcement or Director's designee proof of payment to SCVHA.	Prior to issuance of any tree removal, grading, demolition, or building permits, whichever occurs first.
Impact 4.4-f Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?					

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BIO-2 and BIO-5 (see Impact 4.4a for mitigation)					
CULTURAL AND TRIBAL CULTURAL RESOURCES					
Impact 4.5-a Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?					
CUL-1: Prior to the commencement of construction, the applicant will secure the services of qualified archaeological specialists and Native American monitors. These specialists and monitors will prepare a workforce environmental awareness program (WEAP) to instruct construction workers of the obligation to protect and preserve valuable	Submit the qualifications of archaeological specialists and Native American monitors to the Director or Director's designee of the City of San José Department of Planning, Building and Code Enforcement for review and approval.	Prior to issuance of any tree removal, grading, demolition, or building permits, whichever occurs first.	City of San José Director of Planning, Building and Code Enforcement or Director's designee	Review and approve the qualifications of archaeological specialists and Native American monitors	Prior to issuance of any tree removal, grading, demolition, or building permits, whichever occurs first.

<p>archaeological and Native American resources for review and approval by the Director or Director's designee of the City of San José Department of Planning, Building and Code Enforcement (PBCE). This program will be provided to all construction workers via a recorded presentation and will include a discussion of applicable laws and penalties under the laws; samples or visual aids of resources that could be encountered in the project vicinity; instructions regarding the need to halt work in the vicinity of any potential archaeological and Native American resources encountered; and measures to notify their supervisor, the applicant, and the specialists. Submit the qualifications of archaeological specialists and Native American monitors, as well as an electronic copy of the WEAP to the Director or Director's designee of the City of San José PBCE for review and approval.</p> <p>The applicant will secure the services of a Native American monitor and archaeologist to observe excavations of native soil. Preference in selecting Native American monitors shall be given to Native Americans with:</p> <ul style="list-style-type: none"> • Traditional ties to the area being monitored. • Knowledge of local historic and prehistoric Native American village sites. 	<p>The qualified archaeological specialists and Native American monitors shall prepare a WEAP and submit an electronic copy to the City of San José Director of Planning, Building and Code Enforcement or Director's designee for review and approval.</p>	<p>Prior to issuance of any tree removal, grading, demolition, or building permits, whichever occurs first.</p>	<p>City of San José Director of Planning, Building and Code Enforcement or Director's designee</p>	<p>Review and approve the Workforce Environmental Awareness Program</p>	<p>Prior to issuance of any tree removal, grading, demolition, or building permits, whichever occurs first.</p>
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<ul style="list-style-type: none">• Knowledge and understanding of Health and Safety Code, section 7050.5, and Public Resources Code, section 5097.9 et seq.• Ability to effectively communicate the requirements of Health and Safety Code, section 7050.5, and Public Resources Code, section 5097.9 et seq.• Ability to work with law enforcement officials and the Native American Heritage Commission to ensure the return of all associated grave goods taken from a Native American grave during excavation.• Ability to travel to project sites within traditional tribal territory.• Knowledge and understanding of Title 14, California Code of Regulations, section 15064.5.• Ability to advocate for the preservation in place of Native American cultural features through knowledge and understanding of CEQA mitigation provisions.• Ability to read a topographical map and be able to locate site and reburial locations for future inclusions in the Native American Heritage Commission's Sacred Lands Inventory.• Knowledge and understanding of archaeological practices, including the phases of archaeological investigation.					
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MITIGATION	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [Project Applicant/Proponent Responsibility]		Documentation of Compliance [Lead Agency Responsibility]		
	Method of Compliance Or Mitigation Action	Timing of Compliance	Oversight Responsibility	Actions/Reports	Monitoring Timing or Schedule
CUL-2: If archaeological resources are encountered during excavation or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director or Director's designee of the City of San José Department of Planning, Building and Code Enforcement (PBCE) shall be notified, and a qualified archaeologist will examine the find. The archaeologist will evaluate the find to determine if they meet the definition of a historical, unique archaeological, or tribal cultural resource and make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits for any construction occurring within the above-referenced 50-foot radius. If the finds do not meet the definition of a historical, unique archaeological, or tribal cultural resource, no further study or protection is necessary prior to project implementation. If the find does meet the definition of a historical, unique archaeological, or tribal cultural resource, then it will be avoided by project	All construction activity will stop within 50-feet of an archaeological discovery, the City of San José Director of Planning, Building and Code Enforcement or Director's designee will be notified, and a qualified archaeologist will inspect the find.	During the construction phase.	City of San José Director of Planning, Building and Code Enforcement or Director's designee	Review and approve the recommendation(s) of the qualified archaeologist.	During the construction phase.

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<p>activities. If avoidance is not feasible, adverse effects to such resources will be mitigated in accordance with the recommendations of the archaeologist. Recommendations will include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted to the Director or Director's designee of the City of San José Department of PBCE, NAHC (tribal cultural resources), and the Northwest Information Center.</p> <p>The project applicant will ensure that construction personnel do not collect or move any cultural material and will ensure that any fill soils that may be used for construction purposes does not contain any archaeological materials.</p>	<p>Based on the recommendation(s) of the qualified archaeologist, if the find does not meet the definition of a historical, unique archaeological, or tribal cultural resource, no further study or protection measures are necessary.</p> <p>If the find does meet the definition of a historical, unique archaeological, or tribal cultural resource, then it will be avoided. If avoidance is not feasible, then mitigation per the recommendations of the qualified archaeologist will be implemented.</p>	During the construction phase.	City of San José Director of Planning, Building and Code Enforcement or Director's designee	<p>Authorize construction to resume in the vicinity of the find if the find does not meet the definition of a historical, unique archaeological, or tribal cultural resources.</p> <p>If the find does meet the definition of a historical, unique archaeological, or tribal cultural resource and cannot be avoided, review and authorize implementation of a treatment/mitigation plan and authorize construction to resume in the vicinity of the find.</p>	During the construction phase.

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CUL-3: If human remains are discovered during excavation or grading of the site, all activity within a 50-foot radius of the find will be stopped. The Santa Clara County Coroner shall be notified immediately and will make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner shall notify the Native American Heritage Commission (NAHC) within 24 hours of the identification. Once the NAHC identifies the most likely descendant(s) (MLD), the descendant(s) will make recommendations regarding proper burial (including the treatment of grave goods), which will be implemented in accordance with section 15064.5(e) of the California Code of Regulations, Title 14. The archaeologist will recover scientifically valuable information, as appropriate and in accordance with the recommendations of the MLD. A report of findings documenting any data recovery shall be submitted to the Director or Director's designee of the City of San José Department of Planning, Building and	All construction activity will stop within 50-feet of the discovery of human remains, the Santa Clara County Coroner and City of San José Director of Planning, Building and Code Enforcement or Director's designee will be notified immediately.	During the construction phase.	City of San José Director of Planning, Building and Code Enforcement or Director's designee	Authorize implementation of the treatment plan based on the recommendations of the MLD, if the remains are determined to be of Native American origin. Authorize construction to resume in the vicinity of the find.	During the construction phase.

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Code Enforcement (PBCE) and the Northwest Information Center.					
Impact 4.5-b Would the project cause a substantial adverse change in the significance of a unique archaeological resource pursuant to §15064.5?					
CUL-1 through CUL-3 (See impact 4.5-a for mitigation)					
Impact 4.5-c Would the project disturb any human remains, including those interred outside of formal cemeteries?					
CUL-1 through CUL-3 (See impact 4.5-a for mitigation)					
Impact 4.5-e Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?					
CUL-1 through CUL-3 (See impact 4.5-a for mitigation)					
GEOLOGY AND SOILS (PALEONTOLOGY)					
Impact 4.7-f Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?					
GEO-1: <ul style="list-style-type: none"> The applicant shall secure the services of a qualified professional paleontologist, as defined by the Society of Vertebrate Paleontology, to be on-call prior to the commencement of construction. The paleontologist shall be experienced in teaching non-specialists to recognize fossil materials and how to notify in the event of encountering a 	Secure services of an on-call qualified professional paleontologist, as defined by the Society of Vertebrate Paleontology have been secured. If suspected fossils are encountered during construction, the construction workers shall halt construction	As soon as suspected fossils are encountered and determined to be significant and avoidance is not feasible, the paleontologist shall develop and implement an excavation and	Paleontological Resource Monitoring Report: City of San José Director of Planning, Building and Code Enforcement or Director's designee	Review and approve the paleontological resource monitoring report and confirm disposition of significant fossil finds.	Prior to completion of construction.

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<p>suspected fossil. If suspected fossils are encountered during construction, the construction workers shall halt construction within 50 feet of any potential fossil find and notify the paleontologist, who shall evaluate its significance.</p> <ul style="list-style-type: none"> If a fossil is encountered and determined to be significant and avoidance is not feasible, the paleontologist shall develop and implement an excavation and salvage plan in accordance with Society of Vertebrate Paleontology standards. Construction work in the immediate area shall be halted or diverted to allow recovery of fossil remains in a timely manner. Fossil remains collected shall be cleaned, repaired, sorted, and cataloged, along with copies of all pertinent field notes, photos, and maps. The paleontologist shall prepare a paleontological resource monitoring report that outlines the results of the monitoring program and any encountered fossils. The report shall be submitted to the Director, or Director's designee, of the City of San 	within 50 feet of any potential fossil find and notify the qualified professional paleontologist, who will evaluate its significance	salvage plan. Following salvage, the paleontologist will prepare a paleontological resource monitoring report that includes findings and a record of the disposition of significant fossil finds			
	The qualified paleontological specialist will prepare a Worker Environmental Awareness Program	Prior to the commencement of construction	City of San José Director of Planning, Building and Code Enforcement or Director's designee	Review and approve the Worker Environmental Awareness Program	Prior to the commencement of construction

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<p>José Department of Planning, Building & Code Enforcement (PBCE) for review and approval. The report and any fossil remains collected shall be submitted to a scientific institution with paleontological collections.</p> <ul style="list-style-type: none"> • Prior to the commencement of construction, the applicant shall secure the services of a qualified paleontological specialist. The specialist shall prepare a Worker Environmental Awareness Program to instruct site workers of the obligation to protect and preserve valuable paleontological resources for review by the Director, or Director's designee, of the City of San José PBCE. This program shall be provided to all construction workers via a recorded presentation and shall include a discussion of applicable laws and penalties under the laws; samples or visual aids of resources that could be encountered in the project vicinity; instructions regarding the need to halt work in the vicinity of any potential paleontological resources encountered; and 					

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	measures to notify their supervisor, the applicant, and the specialists.				
GREENHOUSE GAS EMISSIONS					
Impact 4.8-a Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?					
GHG-1: The project owner shall use renewable diesel for 100 percent of total energy use by the emergency backup generators, and only use ultra-low sulfur diesel (ULSD) as a secondary fuel in the event of supply challenges or disruption in obtaining renewable diesel. The City of San José Planning, Building and Code Enforcement (PBCE) may grant temporary relief from the 100 percent renewable diesel requirement if the project owner can demonstrate a good faith effort to comply with the requirement and that compliance is not practical. The project owner shall provide an annual report of the status of procuring and using renewable diesel to the director, or director's designee, of the City of San José PBCE demonstrating compliance with the mitigation measure.	Provide documentation to the City of San José Director of Planning, Building and Code Enforcement or Director's designee to verify that renewable diesel is used for 100 percent of total energy use by the generators or demonstrate a good faith effort to comply with the requirement and that compliance is not practical.	Following commencement of project operation then annually for the life of the project.	City of San José Director of Planning, Building and Code Enforcement or Director's designee	Review documentation and verify the project is using renewable diesel	Following commencement of project operation then annually for the life of the project
Impact 4.8-b Would the project conflict with an applicable plan, policy or regulation adopted for the purpose or reducing the emissions of greenhouse gasses?					

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<p>GHG-2: The project owner shall participate in the San José Clean Energy (SJCE) at the Total Green level (i.e., 100 percent carbon-free electricity) for electricity accounts associated with the project, or enter into an electricity contract with SJCE or participate in a clean energy program that accomplishes the same goals of 100 percent carbon-free electricity as the SJCE Total Green Level, to ensure compliance with the city's 2030 Greenhouse Gas Emissions Reduction Strategy.</p> <p>During operation, the project owner shall provide documentation to the director, or director's designee, with the City of San José Planning, Building and Code Enforcement (PBCE) of initial enrollment and shall submit annual reports to the director, or director's designee, with the City of San José PCBE documenting either continued participation in SJCE at the Total Green level or documentation that alternative measures continue to provide 100 percent carbon-free electricity, as verified by an independent third-party auditor specializing in greenhouse gas emissions.</p>	Provide documentation to the City of San José Director of Planning, Building and Code Enforcement or Director's designee of enrollment and annual reporting of continued participation in SJCE at the Total Green Level or documentation showing that alternative measures continue to provide 100 percent carbon-free electricity, as verified by an independent third-party auditor specializing in greenhouse gas emissions.	During operation	City of San José Director of Planning, Building and Code Enforcement or Director's designee	Review documentation and verify that the project is enrolled and continues to participate in SJCE at the Total Green to use 100 percent carbon free electricity, or alternative measure continue to provide 100 percent carbon-free electricity.	Upon commencing project operation and annually for the life of the project

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HAZARDS AND HAZARDOUS MATERIALS					
Impact 4.9-d Would the project be located on a site that is included of a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?					
<p>HAZ-1: Prior to issuance of demolition or grading permits, the project applicant shall prepare a Site Management Plan (SMP) to guide activities during demolition, excavation, and initial construction to ensure that potentially contaminated soils are identified, characterized, removed, and disposed of properly. The purpose of the SMP is to establish appropriate management practices for handling impacted soil or other materials that may be encountered during construction activities.</p> <p>The SMP shall be implemented during project construction and shall include, but shall not be limited to, the following components:</p> <ul style="list-style-type: none"> • A detailed discussion of the site background; • Description of soil testing, which shall include (but not be limited to) the collection of shallow soil samples (upper one-foot) and analyses for lead and organochlorine pesticides to verify presence of absence of 	<p>Prepare and implement a SMP for the site. If contaminants exceeding applicable screening levels are identified in initial soil testing the project owner shall submit the plans to Santa Clara County Hazardous Materials Compliance Division or the California Department of Toxic Substances Control, and the City of San José Director of Planning, Building and Code Enforcement or Director's designee and the City of San José Environmental Services Department Municipal Compliance Officer</p>	<p>Prior to start of and during construction</p>	<p>Santa Clara County Hazardous Materials Compliance Division or the California Department of Toxic Substances Control, City of San José Director of Planning, Building and Code Enforcement or Director's designee, and City of San José Environmental Services Department Municipal Compliance Officer</p>	<p>Provide Santa Clara County Hazardous Materials Compliance Division or the California Department of Toxic Substances Control, City of San José Director of Planning, Building, and Code Enforcement or Director's designee and City of San José Environmental Services Department Municipal Compliance Officer verification of regulatory compliance for review and</p>	<p>Prior to issuance of any grading, demolition, or building permit, whichever occurs first, and during handling and removal of any identified contaminated soil or groundwater.</p>

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<p>unknown soil contamination. This soil profiling shall be performed prior to initiation of project construction.</p> <ul style="list-style-type: none"> • Protocols for sampling of in-place soil to facilitate the profiling of the soil for appropriate off-site disposal or reuse, and for construction worker safety, dust mitigation during construction and potential exposure of contaminated soil to future users of the site prior to project construction. • Procedures to be undertaken in the event that contamination is identified above action levels or previously unknown contamination is discovered prior to or during project construction; • Notification procedures if previously undiscovered significantly impacted soil or free fuel product is encountered during construction; • Onsite petroleum contaminated soil reuse guidelines based on the California Regional Water Quality Control Board (RWQCB), San Francisco Bay Region's reuse policy; • Sampling and laboratory analyses of excess soil requiring disposal at an 				approval of SMP and regulatory compliance in the event of identification of contaminated soil or groundwater.	

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<p>appropriate off-site waste disposal facility;</p> <ul style="list-style-type: none"> Procedures and protocols for the safe storage, stockpiling, and disposal of contaminated soils; and Protocols to manage groundwater that may be encountered during trenching or subsurface excavation activities. <p>If there are no contaminants identified on the project site that exceed applicable screening levels for construction workers and residential users published by the RWQCB, California Department of Toxic Substances Control (DTSC), or Environmental Protection Agency, the SMP does not need to be submitted to an oversight agency and instead only needs to be submitted to the City of San Jose prior to construction activities.</p> <p>If contaminants are identified at concentrations exceeding applicable screening levels, the project applicant shall obtain regulatory oversight from Santa Clara County Department of Environmental Health (SCCDEH) or the DTSC under a Site Cleanup Program. The</p>					

STACK Trade Zone Park
2400 Ringwood Avenue and 1849 Fortune Drive
San José, California

21-SPPE-02 Planning File Nos. PD22-001 and ER22-002

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<p>SMP and planned remedial measures shall be reviewed and approved by the SCCDEH or DTSC. A copy of the SMP shall be submitted to the Supervising Environmental Planner of the Department of Planning, Building & Code Enforcement and the Supervising Environmental Compliance Officer in the City of San Jose's Environmental Services Department. Copies of the approved SMP shall be kept at the project site.</p> <p>Any contaminated soils identified by testing conducted in compliance with the SMP and found in concentrations above established thresholds shall either be removed and disposed of according to California Hazardous Waste Regulations or the contaminated portions of the site shall be capped beneath the planned development under the regulatory oversight of the Santa Clara County Hazardous Materials Compliance Division (HMCD) or the DTSC. Contaminated soil excavated from the site shall be hauled off-site and disposed of at a licensed hazardous materials disposal site.</p>					
HAZ-2: All contractors and subcontractors at the project site shall	Prepare and implement a HSP for the site and submit the	Prior to the start of construction	City of San José Director of	Provide verification of City	Prior to issuance of any

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<p>develop a Health and Safety Plan (HSP) specific to their scope of work and based upon the known environmental conditions for the site prior to project construction. The HSP shall be prepared by an industrial hygienist. The HSP shall be approved by the Director or Director's designee with the City of San Jose Department of Planning, Building & Code Enforcement and the City of San Jose Environmental Services Department and implemented under the direction of a Site Safety and Health Officer.</p> <p>The HSP shall include, but shall not be limited to, the following elements, as applicable:</p> <ul style="list-style-type: none"> • A description of potential health and safety hazards; • A description of applicable regulations and standards to be implement for the project site; • Provisions for personal protection and monitoring exposure to construction workers; • Education for workers in the proper use of personnel protection; • Provisions for Hazard Communication Standard (HAZCOM) worker training 	plans to the City of San José Director of Planning, Building and Code Enforcement or Director's designee and the City of San José Environmental Services Department Municipal Compliance Officer.		Planning, Building and Code Enforcement or Director's designee, and City of San José Environmental Services Department Municipal Compliance Officer.	of San José Director of Planning, Building, and Code Enforcement or Director's designee and City of San José Environmental Services Department Municipal Compliance Officer review and approval of HSP.	grading, demolition, or building permit, whichever occurs first.

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<p>and education including information about HAZCOM labeling, copies of Safety Data Sheets for any hazardous materials that may be used onsite;</p> <ul style="list-style-type: none"> • Identification of worker, supervisor, and employer health and safety responsibilities; and • A description of emergency procedures and identification of responsible personnel to contact in event of an emergency. Include contact information for responsible personnel and other emergency contact numbers. <p>Copies of the approved HSP shall be kept at the project site.</p>					
NOISE					
Impact 4.13-a Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?					

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<p>NOI-1: Pursuant to General Plan Policy EC-1.7, a construction noise logistics plan shall be prepared that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses. Project construction operations shall use best available noise suppression devices and techniques including, but not limited to the following:</p> <ul style="list-style-type: none"> Limit construction hours to between 7:00 AM and 7:00 PM, Monday through Friday, with no construction on national holidays, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence. Construction outside of these hours may be approved through a 		During the entire project construction phase.	City of San José Director of Planning, Building and Code Enforcement or Director's designee	Receive the notification that all adjacent businesses and other noise-sensitive land uses have been notified of construction schedule.	Prior to the start of construction
	<p>Notify all adjacent business and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses. Then, notify the city that this action has been taken.</p> <p>Appoint a noise control disturbance coordinator and notify the city of the coordinator's contact information.</p>	Prior to the start of construction	City of San José Director of Planning, Building and Code Enforcement or Director's designee	Receive disturbance coordinator contact information.	Prior to the start of construction

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<p>development permit based on a site-specific “construction noise mitigation plan” and a finding by the Director of PBCE that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.</p> <ul style="list-style-type: none"> • 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. • Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses. • Utilize “quiet” air compressors and other stationary noise sources where technology exists. • Control noise from construction workers’ radios to a point where they 					

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<p>are not audible at existing residences bordering the project site.</p> <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 					

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notice sent to neighbors regarding the construction schedule. Establish a telephone number for the disturbance coordinator and post it on the construction site.					
TRANSPORTATION					
Impact 4.17-b Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?					
TRANS-1: Prior to the issuance of a City of San José occupancy permit, the project shall implement the following: <ol style="list-style-type: none"> 1. Provide Pedestrian Network Improvements for Active Transportation (Tier 2): The project owner shall remove the pork-chop islands or provide raised crosswalks at the southwest and southeast corners of the Ringwood Avenue and Trade Zone Boulevard intersection. Improvements will require signal modification and coordination between the Cities of San José and Milpitas and VTA. 2. Provide Traffic Calming Measures (Tier 2): The project owner shall construct a raised median island for the existing left-turn pockets along the westbound Trade Zone Boulevard to improve pedestrian safety and access. These 	Prepare and submit plans, specifications and estimates (PS&E) for review and approval for the Tier 2 Ringwood Avenue and Trade Zone Boulevard intersection improvements.	Prior to the issuance of a City of San José occupancy permit	City of San José Public Works	Review and approve PS&E.	Prior to the issuance of a City of San José Public Works occupancy permit.

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	Method of Compliance Or Mitigation Action	Timing of Compliance	Oversight Responsibility	Actions/Reports	Monitoring Timing or Schedule
improvements will require coordination with the City of Milpitas and VTA.					
3. Telecommuting and Alternative Work Schedules (Transportation Demand Management measure): The project owner shall require project employees to telecommute from home when possible, or to shift work schedules such that travel occurs outside of peak congestion periods and commute trips are reduced, thereby reducing vehicle miles travelled. At a minimum, the project owner shall require that 10 percent of employees work a 4/40 work week schedule (10-hour workdays for four days a week).	Preparation of a Transportation Demand Management (TDM) plan that includes a requirement that at a minimum, the project owner shall require that 10 percent of employees work a 4/40 work week schedule (10-hour workdays for four days a week).	Prior to the issuance of any City of San José Public Works occupancy permits.	City of San José Director of Planning Department Planning, Building, and Code Enforcement or Director's designee	Review and approve Transportation Demand Management plan.	Prior to the issuance of any City of San José Public Works occupancy permits.

Source: California Energy Commission. Draft Environmental Impact Report for the STACK Trade Zone Park. January 2023.