

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE CERTIFYING THE BLOSSOM HILL STATION PROJECT ENVIRONMENTAL IMPACT REPORT AND MAKING CERTAIN FINDINGS CONCERNING SIGNIFICANT IMPACTS, MITIGATIONS MEASURES, AND ALTERNATIVES, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS AND RELATED MITIGATION MONITORING AND REPORTING PROGRAM, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED

WHEREAS, the City of San José (“City”) acting as lead agency under the California Environmental Quality Act of 1970, together with State and local guidelines implementing said Act, all as amended to date (collectively “CEQA”), prepared the Environmental Impact Report (EIR) for the Blossom Hill Station Project (Planning File Nos. SP20-012 and T20-012), and

WHEREAS, the EIR analyzed the environmental impacts of demolishing existing surface parking, removal of 55 ordinance-sized trees and 14 non-ordinance-sized trees, constructing one six-story mixed-use building with 13,590 square feet of commercial space and 239 market rate multi-family residential units, and constructing one five-story multi-family residential building with 89 affordable housing units and extended construction hours beyond Monday through Friday from 7:00 a.m. to 7:00 p.m. to include Saturdays on an approximately 5.39-acre site (parcel number 464-22-032) located at 605 Blossom Hill Road in the City of San José, and improving and extending the adjacent Canoas Creek Trail, referred to herein as the “Project”; and

WHEREAS, the EIR concluded that implementation of the Project could result in certain significant effects on the environment and identified mitigation measures that would reduce those significant effects to a less-than-significant level with the exception of one; and

WHEREAS, CEQA requires that, in connection with approval of a project for which an environmental impact report has been prepared that identifies one or more significant environmental effects of the project, the decision-making body of a public agency make certain findings regarding those effects and adopt avoidance measures to minimize impacts consistent with City policies and requirements and a statement of overriding considerations for any impact that may not be reduced to a less than significant level; and

WHEREAS, whenever a lead agency approves a project requiring the implementation of measures to mitigate or avoid significant effects on the environment, CEQA also requires a lead agency to adopt a mitigation monitoring and reporting program to ensure compliance with the mitigation measures during project implementation, and such a mitigation monitoring and reporting program has been prepared for the Project for consideration by the decision-maker of the City of San José as lead agency for the Project (the “Mitigation Monitoring and Reporting Program”); and

WHEREAS, on July 13, 2022, the Planning Commission of the City of San José reviewed the EIR prepared for the Project and recommended to the City Council that it finds that the EIR was completed in accordance with the requirements of CEQA and further recommended the City Council adopt this Resolution; and

WHEREAS, the City of San José is the lead agency on the Project, and the City Council is the decision-making body for the proposed approval to undertake the Project; and

WHEREAS, CEQA requires that, in connection with the approval of a project for which an environmental impact report has been prepared which identifies one or more significant environmental effects of the project, the decision-making body of a public agency make certain findings regarding those effects and adopt a mitigation or

monitoring program and overriding statement of consideration for any impact that may not be reduced to a less than significant level;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE:

1. That the above recitals are true and correct; and
2. That the City Council does hereby find and certify that the EIR has been prepared and completed in compliance with CEQA; and
3. That the City Council was presented with, and has independently reviewed and analyzed, the EIR and other information in the record and has considered the information contained therein, including the written and oral comments received at the public hearings on the EIR and the Project, prior to acting upon and approving the Project, and has found that the EIR represents the independent judgment of the City, as lead agency for the Project, and designates the Director of Planning, Building and Code Enforcement at the Director's office at 200 East Santa Clara Street, 3rd Floor Tower, San José, California, 95113, as the custodian of documents and record of proceedings on which the decision of the City is based; and
4. That the City Council does hereby find and recognize that the FEIR contains additions, clarifications, modifications, and other information in its response to comments on the Draft EIR or obtained by the City after the Draft EIR was issued and circulated for public review and does hereby find that such changes and additional information are not significant new information as that phrase is described under CEQA because such changes and additional information do not indicate that any of the following would result from approval and implementation of the Project: (i) any new significant environmental impact or substantially more severe environmental impact not already disclosed and evaluated in the Draft EIR, (ii) any feasible mitigation measure considerably different from those analyzed in the Draft EIR that would lessen a significant environmental impact of the Project has been proposed and would not be implemented, or (iii) any feasible alternative considerably different from those analyzed in the Draft EIR that would lessen a significant environmental impact of the Project has been proposed and would not be implemented; and
5. That the City Council does hereby find and determine that recirculation of the EIR for further public review and comment is not warranted or required under the provisions of CEQA; and

6. That the City Council does hereby make the following findings with respect to significant effects on the environment of the Project, as identified in the EIR, with the understanding that all the information in this Resolution is intended as a summary of the administrative record supporting the EIR, which administrative record should be consulted for the details supporting these findings.

BLOSSOM HILL STATION PROJECT SIGNIFICANT ENVIRONMENTAL IMPACTS

Air Quality

Impact: **Impact AIR-1:** Construction activities associated with the proposed project would expose sensitive receptors near the project site to Toxic Air Contaminant emissions in excess of the BAAQMD cancer risk threshold of >10 per million.

Mitigation: **MM AIR-1.1:** Prior to issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the project applicant shall submit a construction operations plan to the Director of Planning, Building and Code Enforcement or the Director's designee that includes specifications of the equipment to be used during construction. The plan shall be accompanied by a letter signed by a qualified air quality specialist, verifying that the equipment included in the plan meets the standards set forth below.

- All construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall, at a minimum, meet U.S. EPA Tier 4 final emission standards for particulate matter (PM10 and PM2.5).
- If Tier 4 equipment is not available, all construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. Environmental Protection Agency (EPA) emission standards for Tier 3 engines and include particulate matter emissions control equivalent to CARB Level 3 verifiable diesel emission control devices that altogether achieve an 88 percent or greater reduction in particulate matter exhaust in comparison to uncontrolled equipment.
- Use of alternatively fueled or electric equipment.

- Stationary cranes and construction generator sets shall be powered by electricity.
- Alternatively, the project applicant could develop a plan that reduces on- and near-site construction emissions by a minimum 88 percent or greater. The construction operations plan shall be reviewed and approved by the Director of Planning, Building and Code Enforcement or the Director's designee prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest).

Finding: The off-site community risk impact from construction would be less than significant with implementation of Mitigation Measure MM AIR-1.1.

Facts in Support of the Finding: The residential exposure of the off-site maximally exposed individual for the proposed mixed-use development and trail improvements would be 19.67 parts per million which exceeds the BAAQMD single-source threshold of 10.0 per million for cancer risk. With implementation of Mitigation Measure MM AIR-1.1, the cancer risk would be reduced to 5.23 cases per one million, which is below the BAAQMD single-source threshold.

Biological Resources

Impact: **Impact BIO-3:** Demolition, grading, construction activities, and tree removal during the nesting season could impact nearby migratory birds and raptors.

Mitigation: **MM BIO-3.1:** Avoidance. The project applicant shall schedule demolition and construction activities 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), as amended.

MM BIO-3.2: Nesting bird surveys. If demolition and construction activities cannot be scheduled to occur between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 15th inclusive).

During this survey, the qualified ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests.

MM BIO-3.3: Buffer zones. If an active nest is found sufficiently close to work areas to be disturbed by construction, the qualified ornithologist, in consultation with the California Department of Fish and Wildlife, shall determine the extent of a construction free buffer zone to be established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests shall not be disturbed during project construction. The no-disturbance buffer shall remain in place until the biologist determines the nest is no longer active or the nesting season ends. If construction ceases for two days or more and then resumes again during the nesting season, an additional survey shall be necessary to avoid impacts to active bird nests that may be present.

MM BIO-3.4: Reporting. Prior to any tree removal, or approval of any grading permits (whichever occurs first), the project applicant shall submit the ornithologist's report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement, or the Director's designee, prior to issuance of any grading or building permits.

Finding: The impact to nesting birds would be less than significant with implementation of Mitigation Measures MM BIO-3.1 through MM BIO-3.4.

Facts in Support of the Finding: Implementation of Mitigation Measures MM BIO-3.1 through MM BIO-3.4 will ensure that if construction cannot avoid the nesting season, any nesting birds on the project site and immediately adjacent to the project site are identified, and buffer zones around the trees with nests are established to ensure that the nests are protected during construction activities.

Cultural Resources

Impact: **Impact CUL-1:** Ground disturbing activities associated with project construction may result in impacts to unrecorded archaeological resources.

Mitigation: **MM CUL-1.1:** Prior to issuance of any grading permits, the project applicant shall submit evidence to the Director of Planning, Building and Code Enforcement or the Director's designee that an Archaeological Monitoring Contractor Awareness Training was held prior to ground

disturbance. The training shall be facilitated by the project archaeologist in coordination with a Native American representative from a California Native American tribe that has consulted on the project, is registered with the Native American Heritage Commission (NAHC) for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3.

MM CUL-1-2: Prior to the issuance of any demolition or ground disturbance permits, the project applicant shall retain a qualified archaeologist to perform an extended Phase I Archaeological investigation of the project site including mechanical subsurface exploration. Subsurface exploration shall be conducted using either a backhoe or truck-mounted coring rig depending on the project restrictions. Subsurface soils samples shall be analyzed by a qualified archaeologist to determine the potential for buried cultural resources within the project site.

MM CUL-1.3: If any archaeological resources are exposed, then a research design and treatment plan shall be prepared by a qualified archaeologist that is tailored to the kind(s) of resources identified. Once the research design and treatment plan is approved by the Director of Planning, Building and Code Enforcement or the Director's designee, testing can begin. Testing shall be commensurate with the level of proposed impacts. After field testing, an evaluation report shall be prepared documenting the field work, analyzing the cultural materials recovered, defining the resource boundaries within the current project area of potential effect, and evaluating the resource to both the National Register of Historic Places and the California Register of Historic Resources. A Native American monitor is required during archaeological testing of any Native American resources. Once all of the steps outlined above have been completed, the project will be in compliance with Section 106 and CEQA.

MM CUL-1.4: Prior to the issuance of any grading permits, the project applicant shall engage a Native American monitor registered with the NAHC to be present at the project site during all demolition and ground disturbance activities. Submit a copy of the agreement to the Director of Planning, Building and Code Enforcement or the Director's designee.

Finding: The impact on cultural resources would be less than significant with implementation of Mitigation Measures MM CUL-1.1 through CUL-1.4.

Facts in Support of the Finding: The project site is located in an area with moderate to high archeological sensitivity. Mitigation Measure MM CUL-1.1 would

ensure that construction workers are trained to identify any potential cultural resources, and that all ground disturbing activities are monitored by a qualified archaeologist and a Native American Monitor. Mitigation Measures CUL-1.2 through CUL-1.4 would ensure that the research design and treatment plan is in place in the event cultural resources are identified. These activities would ensure that impacts to cultural resources are less than significant.

Hazards and Hazardous Materials

Impact **Impact HAZ-1:** Project construction could result in health risks to construction workers and nearby sensitive receptors from exposure to residual agricultural chemicals in the soil during ground disturbing activities.

Mitigation **MM HAZ-1.1:** Prior to issuance of a demolition or grading permit, the project applicant shall retain a qualified environmental professional to complete a Phase II soil contamination investigation to evaluate past agricultural use. The Phase II shall include shallow soil sampling and analysis for organochlorine pesticides and pesticide-based metals, arsenic and lead to determine if these chemicals are present above Regional Water Quality Control Board (RWQCB) environmental screening levels (ESLs) for construction worker safety and residential uses. The results of the soil sampling and testing must be provided to the Director of Planning, Building and Code Enforcement or the Director's designee, and the City's Environmental Compliance Officer.

If the Phase II results indicate soil concentrations above the RWQCB ESLs, the project applicant must obtain regulatory oversight from the Department of Toxic Substances Control, or the Santa Clara County Department of Environmental Health under their Site Cleanup Program. A Site Management Plan (SMP), Removal Action Plan (RAP), or equivalent document shall be prepared by a qualified environmental consultant under regulatory oversight and approval that identifies remedial measures and/or soil management practices to ensure construction worker safety and the health of future site occupants. The plan and evidence of regulatory oversight shall be provided to the Director of Planning, Building and Code Enforcement or Director's designee, and the City's Environmental Compliance Officer.

Finding: The impact related to residual pesticides in the soil would be less than significant with implementation of Mitigation Measures HAZ-1.1.

Facts in Support of the Finding: As part of the Phase I ESA completed for the project site, a review of federal, State, and local regulatory agency databases was completed to evaluate the likelihood of contamination incidents at and near the project site. The purpose of the records review was to obtain available information to help identify recognized environmental conditions. The project site (including the area of the proposed mixed-use development and trail improvements) is listed in the Santa Clara CUPA database as a Permit by Rule Household Hazardous Waste Temporary facility. However, no violations or spills were recorded. No records pertaining to the site were found or available at the Santa Clara County Consumer and Environmental Protection Agency, San José Fire Department, or San José Department of Planning, Building, and Code Enforcement, Building Division. As indicated in the Draft EIR, the project site was formerly used for agricultural purposes, indicating the potential for residual pesticides in on-site soils. Although the Phase I concluded that past use of agricultural chemicals on the site does not represent a REC, proposed ground disturbing activities could expose construction workers and the public to hazards from residual pesticides during excavation and grading. Therefore, the project would result in a significant impact with regard to exposure of construction workers and adjacent sensitive receptors to residual pesticides in the soil.

Because the project site has the potential for residual pesticides in the soil, Mitigation Measure HAZ-1.1 would ensure that the project site is evaluated for contamination levels, and an approved remediation plan is put in place to clean up any contamination that might be present. These actions would ensure that the project site is safe for construction workers and future residents of the project.

Noise and Vibration

Impact: **Impact NOI-1:** Project construction would occur for more than one year and be located within 500 feet of residential uses, exceeding the City's threshold of significance for construction noise impacts.

Mitigation **MM NOI-1.1:** Prior to the issuance of any grading or demolition permits, the project applicant shall submit and implement a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting and notification of construction schedules, equipment to be used, and designation of a noise disturbance coordinator to respond to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g., beginning work too early, bad muffler, etc.) and institute

reasonable measures warranted to correct the problem. The noise disturbance coordinator shall be in place prior to the start of construction. The noise logistic plan shall be signed by a qualified acoustical specialist verifying that this plan meets the reduction to noise levels and shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee.

As a part of the noise logistic plan, construction activities for the proposed project shall include, but are not limited to, the following best management practices:

- In accordance with Policy EC-1.7 of the City's General Plan, use the best available noise suppression devices and techniques during construction activities.
- Use "new technology" power construction equipment with state-of-the-art noise shielding and muffling devices. Equip all internal combustion engines with adequate mufflers and maintain all equipment in good mechanical condition to minimize noise created by faulty or poorly maintained engines or other components.
- Construct temporary noise barriers, where feasible, to screen stationary noise-generating equipment when located within 200 feet of adjoining sensitive land uses.
- Erect temporary noise barrier fences that would provide a 5 dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receptor and if the barrier is constructed in a manner that eliminates any cracks or gaps.
- If stationary noise-generating equipment must be located near receptors, provide adequate muffling (with enclosures where feasible and appropriate). Face any enclosure openings or venting away from sensitive receptors.
- Ensure that generators, compressors, and pumps are housed in acoustical enclosures
- During final grading, substitute graders for bulldozers, where feasible. Use wheeled heavy equipment which are quieter than track equipment, where feasible.

- Substitute nail guns for manual hammering, where feasible.
- Substitute electrically powered tools for noisier pneumatic tools, where feasible.
- Prohibit unnecessary idling of internal combustion engines.
- Locate staging areas and stationary noise-generating equipment, including but not limited to cranes, as far as possible from noise-sensitive receptors, such as residential uses (a minimum of 200 feet).
- The surrounding neighbors within 500 feet of the project site shall be notified two weeks prior to the start of each construction phase: and the notice shall include how to report complaints of excessive noise.
- Conspicuously post a telephone number for the disturbance coordinator at the construction site.

Finding: The impact from construction noise would be less than significant with the implementation of Mitigation Measure NOI-1.1.

Facts in Support of the Finding: Policy EC-1.7 of the City's General Plan requires that all construction activities within the City use best available noise suppression devices and techniques and to limit construction hours near residential uses per the Municipal Code, which are between 7:00 AM and 7:00 PM on weekdays when construction occurs within 500 feet of a residential land use. Further, the City considers a significant construction noise impact to occur if a project is located within 500 feet of a residential use or 200 feet of a commercial or office use and would involve substantial noise-generating activities continuing for a period of more than 12 months. The proposed mixed-use development would be located approximately 145 feet and 120 feet east of the nearest residential and commercial uses, respectively. The proposed trail improvements would be located approximately 83 and feet and 69 feet from the nearest residential and commercial uses, respectively. Project construction is expected to last for a period of approximately two years.

As noted in Section 2.0 Project Information and Description in the Draft EIR, project construction would occur from 7:00 AM to 7:00 PM Monday through Saturday, which requires the applicant obtain a permit from the City to operate outside the allowable hours. A request for the extended construction hours (Saturdays) will be included in the Special Use Permit for the project.

Because project construction would exceed 12 months in duration and the project site is located within 500 feet of residential uses, there will be a significant construction noise impact. Implementation of Mitigation Measure NOI-1.1 will lessen the construction noise to less than significant levels.

Transportation

Impact: **Impact TRA-1:** Project generated vehicle miles traveled (VMT) would exceed the City's threshold of 10.12 VMT per capita for residential uses in the area by 2.5 VMT per capita, resulting in a significant VMT impact.

Mitigation: **MM TRA-1.1:** Prior to issuance of any occupancy permits, the project applicant shall prepare a Transportation Demand Management (TDM) plan for the project. The TDM plan shall include measures incorporated into the proposed project to reduce the project's significant VMT impact by at least 0.74 VMT per capita. The following measures shall be incorporated into the proposed project:

- School Pool Program
- Voluntary Travel Behavior Change and Program

The TDM plan shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee and shall include a trip cap for VMT monitoring purposes. Annual trip monitoring reports shall be submitted that demonstrate that project generated VMT is below the significance threshold. If the annual trip monitoring report finds that the project is exceeding the established trip cap (102 AM trips and 139 PM trips), the project applicant shall be required to submit a follow-up report that demonstrates compliance with the trip cap requirements within a period not to exceed six months.

Finding: While the mitigation measure identified above would reduce the project VMT by 20 percent from the area VMT, the VMT would remain above the threshold of 10.12 VMT per capita. Therefore, this impact is considered unmitigable and would result in a significant and unavoidable VMT impact.

Facts in Support of the Finding: The project's VMT was estimated to be 13.37 per capita using the City's VMT Evaluation Tool. The project VMT therefore, exceeds the threshold of 10.12 VMT per capita by 3.25 VMT. According to the Transportation Analysis Handbook, components of the proposed

project would themselves contribute to a reduction in VMT. As analyzed in Section 2.2.5 of the Draft EIR, the project would include construction of a new bicycle/pedestrian shared-use path along the east side of Canoas Creek, relocation of the existing VTA bus stop to Blossom Hill Road, installation of pedestrian improvements such as improved lighting, widening of sidewalks, installation of additional lighting and ADA compliant curb ramps, and installation of wayfinding signage on Blossom Hill Road and Velasco Drive directing transit users to the light rail station and bus stop. The bicycle and pedestrian improvements would enhance pedestrian connections in the project area, increase transit accessibility and encourage people to walk, bike, and take transit more frequently, thereby reducing VMT. Based on the City's VMT Evaluation tool, these project components would reduce VMT from 13.37 to 12.62. Therefore, project VMT would remain above the City's threshold of 10.12 VMT per capita. Since the VMT generated by the project would exceed the threshold of significance for residential uses in the area, the project would result in a significant transportation impact on VMT.

With implementation of MM TRA-1.1, project VMT would be reduced to 11.88 per capita, a reduction of 20 percent from the area VMT. However, because VMT would remain above the threshold of 10.12 VMT per capita with mitigation, this VMT impact is considered unmitigable. Therefore, the project would result in a significant and unavoidable VMT impact and would be required per City policy 5-1, to pay either a VMT override fee or fund and construct improvements. The City has requested that the applicant implement improvements that are equal to the total VMT impact fee of \$3,091,704. The preliminary list of improvements include improvements at one of the following two intersections: Blossom Hill Road and Cahalan Avenue or Blossom Hill Road and Snell Avenue. These improvements may include signal improvements, lane configuration and striping improvements, signal operations and street lighting improvements, crosswalk and curb ramp improvements, and intelligent transportation system (ITS) infrastructure and identification. Details on the measures are outlined in Appendix F, Transportation Impact Analysis, of the Draft EIR.

FINDINGS CONCERNING ALTERNATIVES

In order to comply with the purposes of CEQA, it is important to identify alternatives that reduce the significant impacts that are anticipated to occur if the project is implemented and to try to meet as many of the project's objectives as possible. The CEQA Guidelines emphasize a common sense approach -- the alternatives should be

reasonable, should “foster informed decision making and public participation,” and should focus on alternatives that avoid or substantially lessen the significant impacts.

The alternatives analyzed in the DEIR were developed with the goal of being at least potentially feasible, given Project objectives and site constraints, while avoiding or reducing the Project’s identified environmental effects. The following are evaluated as alternatives to the proposed project:

- 1) 100 Percent Affordable Alternative
- 2) No Project – No Development Alternative
- 3) No Project – Neighborhood/Community Commercial Development Alternative
- 4) Reduced Scale Alternative

1. 100 Percent Affordable Alternative

A. Description of Alternative

Under the 100 Percent Affordable Alternative, Buildings A and B would be constructed in the same location on the project site as under the proposed project and would include a total of 328 affordable dwelling units with no commercial space in order to meet City VMT screening criteria and avoid the project’s significant unavoidable VMT impact. Additionally, because no commercial space would be proposed, Building A would be reduced in height from six stories to five stories compared to the proposed project. Building B would be five stories, consistent with the proposed project. All on- and off-site trail improvements, parking lot and transit station improvements, and landscaping would be constructed the same as the proposed project.

B. Comparison of Environmental Impacts

According to the City of San José’s 2018 Transportation Analysis Handbook, 100 percent affordable housing projects are considered to have a less than significant VMT impact because households with incomes at or below 80% of the regional median income generally make fewer trips by personal motorized vehicles than households with higher incomes. Therefore, the 100 Percent Affordable Alternative would avoid the project’s significant unavoidable VMT impact. In addition, because Building A would not include commercial uses, this Alternative would result in some reduction in air quality emissions during construction due to the reduced building size. However, because the length of construction, amount of grading and proximity to sensitive receptors would be similar to the proposed project, construction noise impacts would be comparable to the proposed project. Hazards impacts would also be comparable to the proposed project because the project site boundaries would not change. Additionally, because the area

disturbed by this alternative would be the same as the proposed project, impacts to biological and cultural resources would be the same as the proposed project.

C. Finding

The 100 Percent Affordable Alternative would construct two buildings containing a total of 328 deed restricted affordable dwelling units, and off-site trail improvements, parking lot and transit station improvements, and landscaping. This alternative would avoid the proposed project's significant unavoidable VMT impact and result in reduced construction related air quality and noise impacts due to the reduced height and square footage of Building A. Hazards impacts would be the same as the proposed project because the project site boundaries would not change. Biological and cultural resources impacts would be the same as the proposed project because this alternative would develop two buildings with similar building footprints and in the same location as the proposed project. This alternative would meet all of the project objectives to a lesser extent than the proposed project because it would not provide the commercial component of the proposed project which would have added to the community assets contributing to a vibrant transit plaza. The all affordable housing units would not contribute to the greater need for a wider range of housing opportunities within the City.

2. No Project – No Development Alternative

A. Description of Alternative

The No Project – No Development Alternative would retain the existing land uses on-site as is. If allowed to remain as is, and no changes are made, the existing parking lot, bus stop, and light rail station entrance would remain in operation. The trail connection, trailhead improvements, and the proposed mixed-use development consisting of commercial space, market-rate and affordable housing units would not be constructed.

B. Comparison of Environmental Impacts

Because the No Project – No Development Alternative would not result in any physical changes to the project site compared to existing conditions, there would be no environmental impacts.

C. Finding

The No Project - No Development Alternative would avoid all of the project's environmental impacts but would not meet any of the identified project objectives. Under this alternative the City would lose the opportunity to create a high-density,

transit oriented, mixed-use development adjacent to the multi-modal Blossom Hill Station. The No Project -No Development Alternative would not meet the project objective of providing affordable housing units, community assets such as a transit plaza and trailhead plaza, or neighborhood serving retail. Additionally, the No Project -No Development Alternative would not meet the project objective of improving access along Canoas Creek trail or providing connection to Martial Cottle Park.

3. No Project – Neighborhood/Community Commercial Development Alternative

A. Description of Alternative

The project site is currently designated NCC-Neighborhood/Community Commercial under the General Plan and is zoned A Agriculture. The NCC land use designation supports a very broad range of commercial activity, including commercial uses that serve the communities in neighboring areas. Developments under this designation are allowed a maximum floor area ratio (FAR) of 3.5 (one to five stories).

The A Agriculture Zoning District is intended to provide for areas where agricultural uses are desirable. The project site is located within an urbanized area of San José and is currently developed with a transit station entrance, bus stop, and associated surface parking lot. The A designation for the site is inconsistent with the General Plan land use designation and is considered a legacy zoning district. Therefore, future development of the site would require a rezoning to a use consistent with the General Plan.

Given the site's NCC land use designation, its location within the Blossom Hill/Cahalan Urban Village growth area, and the objectives of the City's General Plan, it is reasonable to assume that if the proposed project were not approved, an alternative development would be proposed in the future which would conform to the NCC land use designation and future Urban Village Plan. Any alternative project proposed on the site would likely be a commercial/retail project comparable in scale to the buildings currently proposed and would be located along the Blossom Hill Road frontage to preserve access to and use of the Blossom Hill Light Rail station. To operate the light rail station, VTA requires use of approximately half of the existing parking spaces, restricting potential development to the southern half of the site. Based on the space constraints on-site, development under this alternative would result in a building with between 100,000 to 323,215 square feet (0.5 to 1.0 FAR) of commercial/retail space.

B. **Comparison of Environmental Impacts**

Given the scale of possible development, construction air quality and noise impacts would be comparable to the proposed project because the amount of grading and proximity to sensitive receptors would likely be similar. Other identified impacts to biological resources and cultural resources would be comparable to the proposed project because this alternative assumes grading and excavation to a similar extent as the proposed project as well as removal of all landscaping trees on-site. Hazard impacts would be comparable to the proposed project because the project boundaries would remain the same. According to the City's VMT policy, retail development of 100,000 square feet or less (considered neighborhood serving) would result in a less than significant VMT impact, while development of retail uses over 100,000 square feet would require a site specific VMT analysis using the City's Travel Demand Forecasting model. While this alternative would result in jobs and services being developed in a predominantly residential area, due to the high VMT of the area, a commercial/retail project over 100,000 square feet but less than 323,215 square feet would be insufficient to measurably reduce areawide VMT and would likely result in a significant VMT impact.

C. **Finding**

The No Project -Neighborhood/Community Commercial Development Alternative would result in similar construction and operational impacts as the proposed project but would not meet any of the identified project objectives.

4. **Reduced Scale Alternative**

A. **Description of Alternative**

The Reduced Scale Alternative would develop one mixed-use building containing up to 239 dwelling units and up to 13,590 square feet of commercial space. However, the second residential only building, associated amenities spaces, and parking lot improvements would not be constructed. Eighty-nine of the 239 dwelling units proposed under the Reduced Scale Alternative would be deed restricted affordable units. Under this Alternative, the on- and off-site trail improvements would also be constructed as in the proposed project.

B. **Comparison of Environmental Impacts**

The extent of ground disturbing activities required under the Reduced Scale Alternative would be reduced compared to the proposed project, resulting in fewer air quality emissions and impacts to nesting birds and cultural resources during project construction. Hazard impacts would be comparable to the

proposed project because the project site boundaries would not change. Although the distance between construction activities and noise sensitive uses would be greater under this alternative, the reduction in distance is not enough to measurably reduce construction noise impacts compared to the proposed project. This alternative would result in the same significant unavoidable VMT impact as the proposed project because the mixed-use component which generated the significant VMT impact would remain the same.

C. **Finding**

The Reduced Scale Alternative would construct one mixed-use building containing up to 239 dwelling units (including 89 deed restricted affordable units) and up to 13,590 square feet of commercial space as well as on- and off-site trail improvements, transit station improvements, and landscaping. As shown above, this alternative would result in fewer construction air quality, biological resources, and cultural resources impacts due to the reduced area of excavation associated with this alternative. VMT and construction noise impacts would remain the same as the proposed project. This alternative would meet all of the project objectives however, to a lesser extent as the proposed project.

The Reduced Scale Alternative would meet all of the project objectives, although to a lesser extent than the proposed project due to the reduced number of residential units constructed under this alternative. Additionally, because this alternative would be located on the project site within the Blossom Hill/Cahalan Avenue Urban Village, a designated area for intensification within the city, this alternative would meet the City's goals and policies related to increased development on-site, however, to a lesser degree than the proposed project. For these reasons, the Reduced Scale Alternative would meet all of the project objectives to a lesser extent than the proposed project.

Environmentally Superior Project

The environmentally superior alternative would be the No Project Alternative, which would avoid all project impacts. However, the No Project Alternative would achieve none of the project objectives. CEQA Guidelines Section 15126.6 (e)(2) states that "if the environmentally superior alternative is the No Project Alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. Therefore, the 100 Percent Affordable Alternative would be the environmentally superior alternative because it would avoid the project's significant unavoidable VMT impact, and would have similar or lesser impacts compared to the proposed project in other resource areas.

Statement of Overriding Considerations

Pursuant to the provisions of CEQA, the City Council of the City of San José hereby adopts and makes the following statement of overriding considerations regarding the remaining significant and unavoidable impact of the Project as outlined above and the anticipated economic, social, and other benefits of the Project.

- A. **Significant Unavoidable Impact.** With respect to the foregoing findings and in recognition of those facts which are included in the record, the City has determined the Project has significant unmitigated or unavoidable impacts, as set forth above, associated with project vehicle miles traveled (VMT).
- B. **Overriding Considerations.** The City Council specifically adopts and makes this Statement of Overriding Considerations that this Project, has eliminated or substantially lessened all significant effects on the environment where feasible, and finds that the remaining significant, unavoidable impact of the Project are acceptable in light of the economic, legal, environmental, social, technological or other considerations noted below, because the benefits of the Project outweigh the significant and adverse impacts of the Project. The City Council finds that each of the overriding considerations set forth below constitutes a separate and independent ground for finding that the benefits of the Project outweigh its significant adverse environmental impacts and is an overriding consideration warranting approval of the Project. These matters are supported by evidence in the record that includes, but is not limited to, the Envision San José 2040 General Plan, ActivateSJ Strategic Plan, the San José Bike Plan 2025 and Climate Smart San José.
- C. **Benefits of the Proposed Project.** The City Council has considered the public record of proceedings on the proposed project and other written materials presented to the City as well as oral and written testimony at all hearings related to the Project, and does hereby determine that implementation of the Project as specifically provided in the Project documents would result in the following substantial public benefits:
- 328 housing units including 89 affordable housing units which would contribute to the City's need to provide affordable housing units at all AMI levels close to transit;
 - 13,590 square feet of job-producing commercial space which would contribute to a vibrant transit plaza and amenities to the transit riders and immediate neighbors;
 - Expansion of the City's trail and bike systems by connecting Blossom Hill Road to Martial Cottle Park;

- Improvements to the Blossom Hill Road and Blossom Avenue/CA-87 ramp intersection, including new ADA ramps which would minimize the risks of accidents and injuries to pedestrians and bicyclists by increasing visibility;
- Improvements to the Blossom Hill Road and Indian Avenue/project entry intersection, including new ADA ramps which would minimize the risks of accidents and injuries to pedestrians and bicyclists by increasing visibility;
- Improvements to Blossom Hill Road along the project frontage, including 15-foot wide sidewalk, Class IV bike lane, and a VTA bus stop, which would minimize the risks of accidents and injuries to pedestrians and bicyclists by increasing visibility; and
- Approximately 0.98 acre of on-site open space which capture precipitation and improves drainage, and provides a recreation space for residents.

The City Council has weighed each of the above benefits of the proposed project against its unavoidable environmental risks and adverse environmental effects identified in the EIR, and hereby determines that those benefits outweigh the risks and adverse environmental effects of the Project and, therefore, further determines that these risks and adverse environmental effects are acceptable and overridden.

MITIGATION MONITORING AND REPORTING PROGRAM

Attached to this Resolution as Exhibit "A" and incorporated and adopted as part of this Resolution herein is the Mitigation Monitoring and Reporting Program ("MMRP") for the Project required under Section 21081.6 of the CEQA Statute and Section 15097(b) of the CEQA Guidelines. The MMRP identifies impacts of the Project, corresponding mitigation, designation for responsibility for mitigation implementation and the agency responsible for the monitoring action.

LOCATION AND CUSTODIAN OF RECORDS

The documents and other materials that constitute the record of proceedings on which the City Council based the foregoing findings and approval of the Project are located at the Department of Planning, Building and Code Enforcement, 200 East Santa Clara Street, Third Floor Tower, San José, CA 95113.

ADOPTED this ____ day of _____, 2022, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

MITIGATION MONITORING AND REPORTING PROGRAM

Blossom Hill Station Mixed-Use Project

File No. SP20-012

March 2022



PREFACE

Section 21081.6 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring and Reporting Program (MMRP) whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the monitoring and reporting program is to ensure compliance with the mitigation measures during project implementation.

The Environmental Impact Report (EIR) prepared for the Blossom Hill Station Mixed-Use project concluded that implementation of the project could result in significant effects on the environment and mitigation measures were incorporated into the proposed project or are required as a condition of project approval. This MMRP addresses those measures in terms of how and when they will be implemented.

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

I, Reyad Katwan, the applicant, on the behalf of Republic Urban Properties, hereby agree to fully implement the mitigation measures described below which have been developed in conjunction with the preparation of an EIR for the 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 3/9/22



Planning, Building and Code Enforcement
CHRISTOPHER BURTON, DIRECTOR

Blossom Hill Station Mixed-Use Project
File No. SP20-012

MITIGATIONS	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
Air Quality					
Impact AIR-1: Construction activities associated with the proposed project would expose sensitive receptors near the project site to toxic air contaminant (TAC) emissions in excess of the Bay Area Air Quality Management District cancer risk threshold of >10 per million.					
<p>MM AIR-1.1: Prior to issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the project applicant shall submit a construction operations plan to the Director of Planning, Building and Code Enforcement or the Director’s designee that includes specifications of the equipment to be used during construction. The plan shall be accompanied by a letter signed by an air quality specialist, verifying that the equipment included in the plan meets the standards set forth below.</p> <ul style="list-style-type: none"> All construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall, at a minimum, meet U.S. EPA Tier 4 final emission standards for particulate matter (PM10 and PM2.5). If Tier 4 equipment is not available, all construction equipment larger than 25 horsepower used at the site for more than two 	Submit a construction operations plan.	Prior to issuance of any demolition, grading, and/or building permits (whichever occurs earliest).	Director of Planning, Building and Code Enforcement or the Director’s designee	Review the construction operations plan to ensure it meets the specifications of the mitigation measure.	Prior to issuance of any demolition, grading, and/or building permits (whichever occurs earliest).



Planning, Building and Code Enforcement

CHRISTOPHER BURTON, DIRECTOR

**Blossom Hill Station Mixed-Use Project
File No. SP20-012**

MITIGATIONS	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
<p>continuous days or 20 hours total shall meet U.S. Environmental Protection Agency (EPA) emission standards for Tier 3 engines and include particulate matter emissions control equivalent to CARB Level 3 verifiable diesel emission control devices that altogether achieve an 88 percent or greater reduction in particulate matter exhaust in comparison to uncontrolled equipment.</p> <ul style="list-style-type: none"> • Use of alternatively fueled or electric equipment. • Stationary cranes and construction generator sets shall be powered by electricity. <p>Alternatively, the project applicant could develop a plan that reduces on- and near-site construction emissions by a minimum 88 percent or greater. The construction operations plan shall be reviewed and approved by the Director of Planning, Building and Code Enforcement or the Director's designee prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest).</p>					

BIOLOGICAL RESOURCES

Impact BIO-3: Demolition, grading, and construction activities and tree removal during the nesting season could impact nearby migratory birds and raptors.

MM BIO-3.1: Avoidance. The project applicant shall schedule demolition and construction activities 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), as amended.

Submit a statement to the Director of Planning, Building and Code Enforcement that construction activities will avoid the nesting season.

If the nesting season cannot be avoided, compliance with MM BIO-3.2 will be required.

Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest).

Director of Planning, Building and Code Enforcement or the Director's designee

If demolition and construction activities would occur during the nesting season, ensure project compliance with MM BIO-3.2, MM BIO-3.3, and MM BIO-3.4.

Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest).

MM BIO-3.2: Nesting bird surveys. If demolition and construction activities cannot be scheduled to occur between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 15th inclusive). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests.

Contract with a qualified ornithologist to complete pre-construction surveys. If active nests are discovered close to work areas, MM BIO-3.3 shall be initiated. The results of the pre-construction surveys shall be described in the report required by MM BIO-3.4.

Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest)

Director of Planning, Building and Code Enforcement or the Director's designee

Review the ornithologist report

Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest).

MM BIO-3.3: Buffer zones. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with the California Department of Fish and Wildlife, shall determine the extent of a construction free buffer zone to be established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests shall not be disturbed during project construction. The no-disturbance buffer shall remain in place until the biologist determines the nest is no longer active or the nesting season ends. If construction ceases for two days or more and then resumes again during the

The ornithologist, in consultation with the California Department of Fish and Wildlife, to determine the extent of a construction free buffer zone to be established around the nest to ensure that bird nests are not disturbed during project construction. The construction free buffer zones shall be described in

Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest).

Director of Planning, Building and Code Enforcement or the Director's designee

Review the ornithologist report.

Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest).

<p>nesting season, an additional survey shall be necessary to avoid impacts to active bird nests that may be present.</p> <p>MM BIO-3.4: Reporting. Prior to any tree removal, or approval of any grading permits (whichever occurs first), the project applicant shall submit the ornithologist's report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement, or the Director's designee, prior to issuance of any grading or building permits.</p>	<p>the report required by MM BIO-3.4.</p> <p>The ornithologist submits a report indicating the results of the survey and any designated buffer zones to the City's Director of Planning, Building and Code Enforcement or Director's designee. Print all measures on all construction documents, contracts, and project plans.</p>	<p>Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest).</p>	<p>Director of Planning, Building and Code Enforcement or the Director's designee</p>	<p>Review the ornithologist report for consistency with MM BIO-3.2 through MM BIO-3.4.</p>	<p>Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest).</p>
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CULTURAL RESOURCES

Impact CUL-1: Ground disturbing activities associated with project construction may result in impacts to unrecorded archaeological resources.

<p>MM CUL-1.1: Prior to issuance of the any grading permits, the project applicant shall submit evidence to the Director of Planning, Building and Code Enforcement or the Director's designee that an Archaeological Monitoring Contractor Awareness Training was held prior to ground disturbance. The training shall be facilitated by the project archaeologist in coordination with a Native American representative from a California Native American tribe that has consulted on the project, is registered with the Native American Heritage Commission (NAHC) for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3.</p>	<p>Conduct an Archaeological Monitoring Contractor Awareness Training consistent with the mitigation measure and submit evidence to the Director of Planning, Building and Code Enforcement or the Director's designee.</p>	<p>Prior to the issuance of any grading permits.</p>	<p>Director of Planning, Building and Code Enforcement or the Director's designee</p>	<p>Review the evidence provided by the project applicant demonstrating that an Archaeological Monitoring Contractor Awareness Training was conducted.</p>	<p>Prior to the issuance of any grading permits</p>
<p>MM CUL-1.2: Prior to the issuance of any demolition or ground disturbance permits, the project applicant shall retain a qualified archaeologist to perform an extended Phase I Archaeological investigation of the project site including mechanical subsurface exploration. Subsurface exploration shall be conducted using either a backhoe or truck-mounted coring rig depending on the project restrictions. Subsurface soil samples shall be analyzed by a qualified archaeologist</p>	<p>A qualified archaeologist to perform an extended Phase I investigation and provide the agreement for the record.</p>	<p>Prior to the issuance of any demolition or ground disturbance permits.</p>	<p>Director of Planning, Building and Code Enforcement or the Director's designee</p>	<p>Review the extended Phase I investigation.</p>	<p>Prior to the issuance of any demolition or ground disturbance permits.</p>

to determine the potential for cultural resources within the project site.

MM CUL-1.3: If any archaeological resources are exposed, then a research design and treatment plan shall be prepared by a qualified archaeologist that is tailored to the kind(s) of resources identified. Once the research design and treatment plan is approved by the Director of Planning, Building and Code Enforcement or the Director’s designee, testing can begin. Testing shall be commensurate with the level of proposed impacts. After field testing, an evaluation report shall be prepared documenting the field work, analyzing the cultural materials recovered, defining the resource boundaries within the current project area of potential effect, and evaluating the resource to both the National Register of Historic Places and the California Register of Historic Resources. A Native American monitor is required during archaeological testing of any Native American resources. Once all of the steps outlined above have been completed, the project will be in compliance with Section 106 and CEQA. Submit a copy of the evaluation report to the Director of Planning, Building and Code Enforcement or the Director’s designee.

The qualified archaeologist, to prepare a research design and treatment plan and submit the plan to the Director of Planning, Building and Code Enforcement or the Director’s designee for approval.

Implement testing. Following the completion of testing, prepare and submit an evaluation report to the Director of Planning, Building and Code Enforcement or the Director’s designee.

Prior to the issuance of any building permits.

Director of Planning, Building and Code Enforcement or the Director’s designee

Review and approve the research design and treatment plan; review evaluation report.

Prior to the issuance of any building permits

MM CUL-1.4: Prior to the issuance of any grading permits, the project applicant shall engage a Native American monitor registered with the NAHC to be present at the project site during all demolition and ground disturbance activities. Submit a copy of the agreement to the Director of Planning, Building and Code Enforcement or the Director’s designee.

Engage a Native American monitor registered with the NAHC and submit agreement to the Director of Planning, Building and Code Enforcement or the Director’s designee for the record.

Prior to the issuance of any grading permits.

Director of Planning, Building and Code Enforcement or the Director’s designee

Confirm that a Native American monitor has been engaged. Receive copy of agreement.

Prior to the issuance of any grading permits

HAZARDS AND HAZARDOUS MATERIALS

Impact HAZ-1: Project construction could result in health risks to construction workers and nearby sensitive receptors from exposure to residual agricultural chemicals in the soil during ground disturbing activities.

MM HAZ-1.1: Prior to issuance of a demolition or grading permit, the project applicant shall retain a qualified environmental professional to complete a

Submit a Phase II soil contamination investigation

Prior to the issuance of any demolition or

Director of Planning, Building and Code

Review the Phase II soil

Prior to the issuance of any

<p>Phase II soil contamination investigation to evaluate past agricultural use. The Phase II shall include shallow soil sampling and analysis for organochlorine pesticides and pesticide-based metals, arsenic and lead to determine if these chemicals are present above Regional Water Quality Control Board (RWQCB) environmental screening levels (ESLs) for construction worker safety and residential uses. The results of the soil sampling and testing must be provided to the Director of Planning, Building and Code Enforcement or the Director’s designee, and the City’s Environmental Compliance Officer.</p> <p>If the Phase II results indicate soil concentrations above the RWQCB ESLs, the project applicant must obtain regulatory oversight from the Department of Toxic Substances Control, or the Santa Clara County Department of Environmental Health (SCCDEH) under their Site Cleanup Program. A Site Management Plan (SMP), Removal Action Plan (RAP), or equivalent document shall be prepared by a qualified environmental consultant under regulatory oversight and approval that identifies remedial measures and/or soil management practices to ensure construction worker safety and the health of future site occupants. The plan and evidence of regulatory oversight shall be provided to the Director of Planning, Building and Code Enforcement or the Director’s designee and the City’s Environmental Compliance Officer.</p>	<p>prepared by a qualified consultant.</p> <p>If the Phase II soil contamination investigation results indicate soil contamination above San Francisco Regional Water Quality Control Board ESLs for residential and/or construction worker safety, obtain regulatory oversight from SCCDEH.</p> <p>Prepare all documentation required by the SCCDEH.</p> <p>After regulatory oversight has been completed, submit a regulatory oversight completion letter.</p>	<p>grading (whichever occurs earliest).</p>	<p>Enforcement or the Director’s designee</p> <p>City of San José Environmental Compliance Officer</p>	<p>contamination investigation.</p>	<p>demolition or grading (whichever occurs earliest).</p>
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NOISE AND VIBRATION

Impact NOI-1: Project construction would occur for more than one year and be located within 500 feet of residential uses, exceeding the City’s threshold of significance for construction noise impacts.

<p>MM NOI-1.1: Prior to the issuance of any grading or demolition permits, the project applicant shall submit and implement a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting and notification of construction schedules, equipment to be used, and designation of a noise disturbance coordinator to respond to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g., beginning work too early, bad muffler, etc.) and institute reasonable</p>	<p>Contract with a qualified acoustical consultant to prepare a construction noise logistics plan in accordance with MM NOI-1.1.</p> <p>All recommendations of the noise logistics plan shall be printed on all construction</p>	<p>Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest).</p>	<p>Director of Planning, Building and Code Enforcement or the Director’s designee</p>	<p>Review the construction noise logistics plan for compliance with MM NOI-1.1</p>	<p>Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest)</p>
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<p>measures warranted to correct the problem. The noise disturbance coordinator shall be in place prior to the start of construction. The noise logistic plan shall be signed by a qualified acoustical specialist verifying that this plan meets the reduction of noise levels and shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee.</p> <p>As a part of the noise logistics plan construction activities for the proposed project shall include, but is not limited to, the following best management practices:</p> <ul style="list-style-type: none"> • In accordance with Policy EC-1.7 of the City's General Plan, use the best available noise suppression devices and techniques during construction activities. • Use "new technology" power construction equipment with state-of-the-art noise shielding and muffling devices. Equip all internal combustion engines with adequate mufflers and maintain all equipment in good mechanical condition to minimize noise created by faulty or poorly maintained engines or other components. • Construct temporary noise barriers, where feasible, to screen stationary noise-generating equipment when located within 200 feet of adjoining sensitive land uses. • Erect temporary noise barrier fences that would provide a 5 dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receptor and if the barrier is constructed in a manner that eliminates any cracks or gaps. • If stationary noise-generating equipment must be located near receptors, provide adequate muffling (with enclosures where feasible and appropriate). Face any enclosure openings or venting away from sensitive receptors. • Ensure that generators, compressors, and pumps are housed in acoustical enclosures • During final grading, substitute graders for bulldozers, where feasible. Use wheeled heavy 	<p>documents, contracts, and project plans.</p>	<p>Implement plan during all phases of construction.</p>			
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<p>equipment which are quieter than track equipment, where feasible.</p> <ul style="list-style-type: none"> • Substitute nail guns for manual hammering, where feasible. • Substitute electrically powered tools for noisier pneumatic tools, where feasible • Prohibit unnecessary idling of internal combustion engines. • Locate staging areas and stationary noise-generating equipment, including but not limited to cranes, as far as possible from noise-sensitive receptors, such as residential uses (a minimum of 200 feet) • The surrounding neighbors within 500 feet of the project site shall be notified two weeks prior to the start of construction of each construction phase; and the notice shall include how to report complaints of excessive noise. • Conspicuously post a telephone number for the disturbance coordinator at the construction site. 					
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TRANSPORTATION

Impact TRN-1: Project generated vehicle miles traveled (VMT) would exceed the City’s threshold of 10.12 VMT per capita for residential uses in the area by 2.5 VMT per capita, resulting in a significant VMT impact.

<p>MM TRA-1.1: Prior to issuance of any occupancy permits, the project applicant shall prepare a transportation demand management (TDM) plan for the project. The TDM plan shall include measures incorporated into the proposed project to reduce the project’s significant VMT impact by at least 0.74 VMT per capita.</p> <ul style="list-style-type: none"> • School Pool Program • Subsidized Transit Program • Voluntary Travel Behavior Change Program <p>The TDM plan shall be submitted to the Director of Planning, Building and Code Enforcement or the Director’s designee and shall include a trip cap for VMT monitoring purposes. Annual trip monitoring reports shall be submitted that demonstrate that project</p>	<p>Prepare a TDM plan. Submit the plan to the Director of Planning, Building and Code Enforcement or Director’s designee.</p> <p>Upon implementation, submit annual trip monitoring reports that demonstrate that project VMT is below threshold to the Director of Planning, Building and Code Enforcement or the Director’s designee. If the</p>	<p>Prior to issuance of any occupancy permits.</p> <p>Following issuance of occupancy permits and annually throughout the lifetime of the project.</p>	<p>Director of Planning, Building and Code Enforcement or the Director’s designee.</p>	<p>Review the annual trip monitoring reports and assess penalties for non-compliance in accordance with Council Policy 5-1, if warranted.</p>	<p>Prior to issuance of any occupancy permits.</p> <p>Following issuance of occupancy permits and annually throughout the lifetime of the project.</p>
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<p>generated VMT is below the significance threshold. If the annual trip monitoring report finds that the project is exceeding the established trip cap (102 AM trips and 139 PM trips), the project applicant shall be required to submit a follow-up report that demonstrates compliance with the trip cap requirements within a period not to exceed six months.</p>	<p>annual trip monitoring report finds that the project is exceeding the established trip cap, submit a follow-up report that demonstrates compliance with the trip cap requirements within a grace period, which typically will not exceed six months.</p>				
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Source: City of San José. *Environmental Impact Report for the Blossom Hill Station Mixed-Use Project*. March 2022.