

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE ADOPTING THE US 101 AIRPORT ELECTRONIC SIGNS PROJECT ADDENDUM TO THE FINAL NORMAN Y. MINETA SAN JOSE INTERNATIONAL AIRPORT MASTER PLAN AMENDMENT ENVIRONMENTAL IMPACT REPORT, FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND ADOPTING A RELATED MITIGATION MONITORING AND REPORTING PROGRAM

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 Final Norman Y. Mineta San José International Airport Master Plan Amendment Environmental Impact Report, which analyzed the environmental impacts of: 1) modifying certain components of the airfield to reduce the potential for runway incursions; 2) updating the aviation demand forecasts and shifting the horizon year from 2027 to 2037; and 3) modifying future facilities requirements at the Airport to reflect updated demand forecast, all on an approximately 1,000 acre site; and

WHEREAS, in connection with the adoption of a resolution approving said Norman Y. Mineta Airport Master Plan Update (Planning File No. PP18-103), the City Council adopted Resolution No. 79497 on April 28, 2020, setting forth certain findings pertaining to the Airport Master Plan Update Final Environmental Impact Report (FEIR) and adopting a mitigation monitoring and reporting program, all pursuant to the provisions of CEQA; and

WHEREAS, prior to the adoption of this Resolution, the Planning Director of the City of San José prepared an Initial Study and Addendum for the US 101 Airport Electronic

Signs Project under Planning File No. PP18-10 (the "Addendum"), all in accordance with the requirements of the California Environmental Quality Act of 1970, together with state and local guidelines implementing said Act, all as amended to date (collectively "CEQA"); and

WHEREAS, the US 101 Airport Sign Project (the "Project") analyzed under the Addendum consists of the construction of two programmable electronic billboard freeway signs (a "north sign" and a "south sign") on San José Airport parcels; each display would be approximately 59 feet in width by 17 feet in height, resulting in a message surface of approximately 1,003 square feet; and it is the intent of the project applicant to enter into a lease agreement with San José Airport to construct and operate the signs with the purpose of the signs being to advertise to occupants of vehicles traveling on U.S. Route 101; and

WHEREAS, as further described in the Addendum, the implementation of the Project would not result in new significant effects on the environment beyond those already identified in the previously approved Norman Y. Mineta San José International Airport Master Plan Amendment FEIR, nor will the Project result in an increase in the severity of significant effects identified in the Norman Y. Mineta San José International Airport Master Plan Amendment FEIR, and identified mitigation measures, as amended, would continue to reduce each of those significant effects to a less-than significant level; and

WHEREAS, the Project will not result in any new significant effect or increase in the severity of an existing significant effect on the environment, revisions to standard measures and mitigation measures are not required; and

WHEREAS, prior to the adoption of this Resolution, the Planning Director of the City of San José circulated the Addendum for public review and comment for a period of 30 days from July 26, 2021, to August 25, 2021; and

WHEREAS, the City of San José received approximately 198 public comments during circulation of the Addendum, responded to comments in the Response to Comments/Errata to the Addendum; 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, the City Council has reviewed and considered the Norman Y. Mineta San José International Airport Master Plan Amendment FEIR and the Addendum, including the related Mitigation Monitoring and Reporting Program for the Project and intends to take actions on the Project in compliance with CEQA and state and local guidelines implementing CEQA; and

WHEREAS, the Norman Y. Mineta San José International Airport Master Plan Amendment FEIR and the Addendum thereto and related Mitigation Monitoring and Reporting Program for the Project are on file in the Office of the Director of Planning, Building and Code Enforcement, located at 200 East Santa Clara Street, 3rd Floor Tower, San José California, 95113, are available for inspection by any interested person at that location and electronically on the Department of Planning, Building and Code Enforcement website, and are, by this reference, incorporated into this Resolution as if fully set forth herein;

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

THAT THE CITY COUNCIL does hereby make the following findings: (1) it has independently reviewed and analyzed the Norman Y. Mineta San José International Airport Master Plan Amendment FEIR as modified by the Addendum, as well as other information in the record and has considered the information contained therein, prior to acting upon or approving the Project, (2) the Addendum modifying the Norman Y. Mineta San José International Airport Master Plan Amendment FEIR prepared for the Project has been completed in compliance with CEQA and is consistent with state and local guidelines implementing CEQA, and (3) the Addendum modifying the Norman Y. Mineta San José International Airport Master Plan Amendment FEIR represents the independent judgment and analysis of the City of San José, as lead agency for the Project. The City Council 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 records of proceedings on which this decision is based.

THAT THE CITY COUNCIL does hereby find that based upon the entire record of proceedings before it and all information received that there is no substantial evidence that the Project will have a significant effect on the environment and does hereby adopt the Addendum prepared for the Project (Planning File No. PP18-103). The Mitigation Monitoring and Reporting Program for the Project is attached hereto as Exhibit "A" and fully incorporated herein. The Norman Y. Mineta San José International Airport Master Plan Amendment FIER and the Addendum and Mitigation Monitoring and Reporting Program are: (1) on file in the Office of the Director of Planning, Building and Code Enforcement, located at 200 East Santa Clara Street, 3rd Floor Tower, San José, California, 95113, and on the Department of Planning, Building and Code Enforcement website, and (2) available for inspection by any interested person.

ADOPTED this _____ day of _____, 2021, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

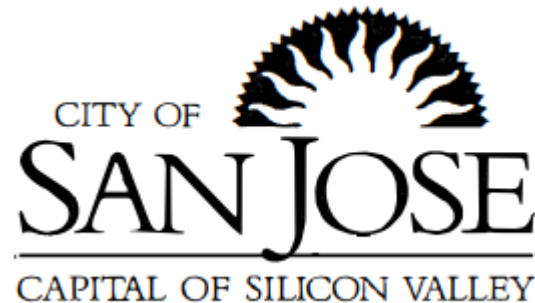
SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

MITIGATION MONITORING AND REPORTING PROGRAM

**Addendum to Norman Y. Mineta San José International Airport
Master Plan
State Clearinghouse No. 2018102020
US 101 Airport Sign Project
(File No. PP18-103)
November 2021**



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 Initial Study/Addendum prepared for the Amendment to Norman Y. Mineta San Jose International Airport Master Plan Project concluded that the implementation of the Project could result in significant effects on the environment and mitigation measures were incorporated into the proposed Project. 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 Initial Study/Addendum concluded that the impacts from implementation of the Project would be less than significant.

The City of San José hereby agrees to fully implement the mitigation measures described below, which have been developed in conjunction with the preparation of an Initial Study/Addendum for the Project. The City understands that these mitigation measures, or substantially similar measures, will be adopted as conditions of approval to avoid or significantly reduce potential environmental impacts to less than significant levels.

Planning, Building and Code Enforcement

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [Project Proponent Responsibility]		Documentation of Compliance [Lead Agency Responsibility]		
	Method of Compliance or Mitigation Action	Timing of Compliance	Oversight Responsibility	Action / Reports	Monitoring Timing or Schedule
BIOLOGICAL RESOURCES					
Impact BIO-1: If determined to be present, the Project could have a substantial adverse effect on nesting birds.					
MM BIO-1.1: <u>Avoidance and Inhibition of Nesting.</u> Construction and tree removal/pruning activities shall be scheduled to avoid the nesting season. Tree removal and/or pruning shall be completed before the start of the nesting season to help preclude nesting. The nesting season for most birds and raptors in the San Francisco Bay Area extends from February 1 through August 31.	If feasible, construction and tree removal/pruning activities shall be scheduled to avoid the nesting season. (Does not apply to projects on the airfield as no trees are present or nearby.)	Tree removal and/or pruning shall be completed before the start of the nesting season to help preclude nesting. The nesting season for most birds and raptors in the San Francisco Bay Area extends from February 1st through August 31st, inclusive.	The City's Director of Planning, Building and Code Enforcement (PBCE) (or Director's designee) and Airport staff.	Confirm that demolition and construction activities are scheduled outside of the nesting season.	Prior to the start of any ground disturbance and related activities
MM BIO-1.2: <u>Preconstruction Survey(s).</u> If it is not possible to schedule construction activities during the period of September 1 through January 31, then a qualified ornithologist shall conduct a preconstruction survey for nesting raptors, yellow warblers, San Francisco common yellowthroats, white-tailed kites, and other migratory birds within on-site trees as well as all trees within 250 feet of the site to identify active bird nests that may be disturbed during project construction. This survey	If it is not possible to schedule construction activities during the period of September 1st through January 31st, inclusive, then a qualified ornithologist shall conduct a preconstruction survey	This survey shall be completed no more than 14 days prior to the initiation of any demolition/construction activities (including tree removal and pruning).	The City's Director of PBCE (or Director's designee).	Review and approve the preconstruction survey.	Prior to the start of any construction activities within 250 feet of trees.

Planning, Building and Code Enforcement

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [Project Proponent Responsibility]		Documentation of Compliance [Lead Agency Responsibility]		
	Method of Compliance or Mitigation Action	Timing of Compliance	Oversight Responsibility	Action / Reports	Monitoring Timing or Schedule
<p>shall be completed no more than fourteen days prior to the initiation of construction activities (including tree removal and pruning). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats in and immediately adjacent to the construction areas for nests.</p> <p>If the survey does not identify any nesting birds that would be affected by construction activities, no further mitigation is required.</p> <p>If an active nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist (in consultation with CDFW) shall designate a construction-free buffer zone to be established around the nest to ensure that no nests of species protected by the MBTA and California Fish and Game Code would be disturbed during construction activities. The buffer shall remain in place until a qualified ornithologist has determined that the nest is no longer active.</p>	<p>for nesting raptors and other migratory birds within onsite trees as well as all trees within 250 feet of the site to identify active bird nests that may be disturbed during Project construction within 14 days prior to the proposed activities. [Does not apply to projects on the airfield as no trees are present or nearby.]</p>				
<p>MM BIO-1.3: Reporting. A final report on nesting birds and raptors, including survey methodology, survey date(s), map of identified active nests (if any), and protection measures (if required), shall be submitted and approved by the City’s Director of Planning, Building, and Code Enforcement or</p>	<p>Submit a final report on nesting birds and raptors, including survey methodology, survey date(s), map of identified active nests</p>	<p>Prior to the start of any tree removal, grading, demolition, and/or building permit or activities.</p>	<p>The City’s Director of PBCE (or Director’s designee).</p>	<p>Review and approve a final report on nesting birds and raptors.</p>	<p>Prior to any tree removal, grading, demolition, and/or construction activities.</p>

Planning, Building and Code Enforcement

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [Project Proponent Responsibility]		Documentation of Compliance [Lead Agency Responsibility]		
	Method of Compliance or Mitigation Action	Timing of Compliance	Oversight Responsibility	Action / Reports	Monitoring Timing or Schedule
his/her designee prior to the start of grading.	(if any), and protection measures (if required) to the City's Director of PBCE				
CULTURAL RESOURCES					
Impact CUL-2: If any buried archaeological resources are impacted by Project, such resources could contain human remains.					
MM CUL-2.1: In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 100-foot radius of the find shall be stopped. The Santa Clara County Coroner shall be notified and 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 would notify the Native American Heritage Commission (NAHC) immediately. Once the NAHC identifies the most likely descendants, the descendants would make recommendations regarding proper burial, which would be implemented in accordance with Section 15064.5(e) of CEQA Guidelines.	Measures for procedures in the event of discovery shall be included on all approved construction plans. If human remains are found, Director of PBCE or Director's designee shall be notified along with the Santa Clara County Coroner. If determined to be Native American, documentation on recommendations by the most likely	Measures shall be included on approved construction plans and shall be implemented during any excavation and/or grading activities.	The City's Director of PBCE or Director's designee, the Santa Clara County Coroner, and the NAHC	Director of PBCE or Director's designee shall ensure measures are included on approved construction plans. If remains are Native American, documentation of recommendation of MLD and implementation shall be reviewed.	Ensure measures are included on approved construction plans and implemented during any excavation and/or grading activities.

Planning, Building and Code Enforcement

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [Project Proponent Responsibility]		Documentation of Compliance [Lead Agency Responsibility]		
	Method of Compliance or Mitigation Action	Timing of Compliance	Oversight Responsibility	Action / Reports	Monitoring Timing or Schedule
	descendant (MLD) and confirmation of subsequent implementation shall be provide to the Director of PBCE or Director’s designee.				
HAZARDS AND HAZARDOUS MATERIALS					
Impact HAZ-2: The project could create a significant risk if hazardous materials in sufficient concentrations are present in soils and those materials are, in turn, released into the environment during construction.					
MM HAZ-2.1: Prior to beginning construction, the construction work areas shall be investigated to characterize soil and groundwater quality at potentially contaminated sites by completing a limited soil and groundwater investigation. Samples would be collected from each of the proposed work areas that would be disturbed during project construction and to the depth of the planned excavation. Soil samples would be analyzed for any chemical of concern including, but not limited to, petroleum (as gasoline, diesel, and waste oil), Title 22 metals, Organochlorine Pesticides, and Volatile Organic Compounds to evaluate the potential presence of contamination. Groundwater samples	Prepare an SMP with the results of soil and groundwater samples.	Prior to the start of any grading and construction activities.	The City’s Director of PBCE or Director’s designee.	Review SMP prior to start of grading and construction activities.	Prior to the start of any grading and construction activities.

Planning, Building and Code Enforcement

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [Project Proponent Responsibility]		Documentation of Compliance [Lead Agency Responsibility]		
	Method of Compliance or Mitigation Action	Timing of Compliance	Oversight Responsibility	Action / Reports	Monitoring Timing or Schedule
would be collected if construction projects are anticipated to require dewatering. The results of these soil and groundwater investigations would be included in the Site Management Plan per MM HAZ-2.2.					
MM HAZ-2.2: The City shall require the construction contractor for each sign location to develop and implement a Site Management Plan (SMP) or similar document to manage the cleanup of contaminated soils. If applicable, an SMP shall be prepared prior to construction to reduce or eliminate exposure risk to human health and the environment, specifically, potential risks associated with the presence of contaminated soils. At a minimum, the SMP shall include the following: 1) results from any limited soil and groundwater sampling conducted per MM HAZ-2.1; 2) stockpile management including dust control, sampling, stormwater pollution prevention and the installation of BMPs; 3) proper disposal procedures of contaminated materials; 4) monitoring, reporting, and regulatory oversight notifications; and 5) a health and safety plan for each contractor and subcontractor working at the site that addresses the safety and health hazards of each phase of site	Develop and implement the SMP. Measures in the SMP shall be included on approved construction plans and implemented during construction activities.	Prior to approval of any construction plans and prior to the start of any construction activities. Measures shall be implemented during construction activities.	The City's Director of PBCE or Director's designee.	Review SMP and ensure it includes all requirements listed in MM HAZ-2.2 and all measures are included on approved construction plans.	Prior to the start of any construction activities.

Planning, Building and Code Enforcement

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [Project Proponent Responsibility]		Documentation of Compliance [Lead Agency Responsibility]		
	Method of Compliance or Mitigation Action	Timing of Compliance	Oversight Responsibility	Action / Reports	Monitoring Timing or Schedule
operations with the requirements and procedures for employee protection. The health and safety plan would also outline proper soil and/or groundwater handling procedures and health and safety requirements to minimize worker and public exposure to contaminated soil and/or groundwater during construction.					

Source: Norman Y. Mineta San José International Airport Master Plan EIR (April 18, 2020)