

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE ADOPTING THE SOUTH FIRST STREET AND EAST VIRIGNIA STREET MIXED-USE PROJECT MITIGATED NEGATIVE DECLARATION, 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**, prior to the adoption of this Resolution, the Director of Planning, Building and Code Enforcement of the City of San José prepared an Initial Study and approved for circulation a Mitigated Negative Declaration for South First Street/East Virginia Street Mixed-Use Development Project under Planning File No. GPT18-009, GP20-004, PDC17-022 (the “Initial Study/Mitigated Negative Declaration”), 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 South First Street/East Virginia Street Mixed-Use Development Project (the “Project”) analyzed under the Initial Study/Mitigated Negative Declaration consists of a General Plan Amendment (GPA) to the Envision San José 2040 General Plan land use designation from Mixed-Used Commercial and Mixed-Use Neighborhood to Transit Residential, a Planned Development (PD) Rezoning to rezone the site from Commercial Pedestrian (CP) and Commercial Neighborhood (CN) Zoning Districts to A(PD) Planned Development District on the 1.2 gross acre property, and a General Plan Text Amendment (GPT) to modify the Martha Gardens Specific Plan to allow the proposed heights, and floor area ratio (FAR), and setback for the proposed project boundary, all for the demolition of all buildings on site and to allow construction of a mixed-use building containing 246 residential units and 4,662 square feet of ground floor retail

space on an approximately 1.2-gross acre site located at the southeast corner of South First Street and East Virginia Street, (Assessor's Parcel Numbers 472-17-005, 472-17-006, 472-17-034, 472-17-094, and 472-17-095), San José, California; and

**WHEREAS**, the Initial Study/Mitigated Negative Declaration concluded that implementation of the Project could result in certain significant effects on the environment and identified mitigation measures that would reduce each of those significant effects to a less-than-significant level; and

**WHEREAS**, in connection with the approval of a project involving the preparation of an initial study/mitigated negative declaration that identifies one or more significant environmental effects, CEQA requires the decision-making body of the lead agency to incorporate feasible mitigation measures that would reduce those significant environmental effects 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**, 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 Initial Study/Mitigated Negative Declaration and 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 Initial Study/Mitigated Negative Declaration 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 Planning Department webpage (<https://www.sanjoseca.gov/your-government/departments/planning-building-code-enforcement/planning-division/environmental-planning/environmental-review/negative-declaration-initial-studies>), 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 Initial Study/Mitigated Negative Declaration and other information in the record and has considered the information contained therein, prior to acting upon or approving the Project, (2) the Initial Study/Mitigated Negative Declaration prepared for the Project has been completed in compliance with CEQA and is consistent with state and local guidelines implementing CEQA, and (3) the Initial Study/ Mitigated Negative Declaration 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 Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program prepared for the Project (Planning File No. GPT18-009, GP20-004, PDC17-022). The Mitigation Monitoring and Reporting Program for the Project is attached hereto as Exhibit "A" and fully incorporated herein. The Initial Study/ Mitigated Negative Declaration 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 electronically at the Planning Department webpage (<https://www.sanjoseca.gov/your-government/departments/planning-building-code-enforcement/planning-division/environmental-planning/environmental-review/negative-declaration-initial-studies>), and (2) available for inspection by any interested person.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2021, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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SAM LICCARDO  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk

**EXHIBIT "A"**  
**(File Nos. GPT18-009; GP20-004; PDC17-022)**

**MITIGATION MONITORING AND REPORTING PROGRAM**

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**SOUTH FIRST STREET/EAST VIRGINIA STREET  
MIXED-USE DEVELOPMENT**

**FILE NOS. GP20-004, GPT18-009 & PDC17-022**

**DECEMBER 2020**

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**EXHIBIT "A"**  
**(File Nos. GPT18-009; GP20-004; PDC17-022)**

**PREFACE**

Section 21081.6 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring and Reporting Program 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/Mitigated Negative Declaration prepared for the South First Street/East Virginia Street Mixed-Use Development (File Nos. GPT18-009 & PDC17-022) concluded that the 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 Mitigation Monitoring and Reporting Program identifies those measures and how and when they will be implemented.

This document does *not* discuss those subjects for which the Initial Study/Mitigated Negative Declaration concluded that the impacts from implementation of the project would be less than significant.

I, James L. D'Amico, the applicant, on the behalf of D'Amico Tire Service Company, Inc., hereby agree to fully implement the mitigation measures described below which have been developed in conjunction with the preparation of the Initial Study/Mitigated Negative Declaration for my proposed project. I understand that these mitigation measures or substantially similar measures will be adopted as conditions of approval with my development permit request to avoid or significantly reduce potential environmental impacts to a less than significant level.

Project Applicant's Signature \_\_\_\_\_

Date 01/19/2021

**EXHIBIT "A"**

**(File Nos. GPT18-009; GP20-004; PDC17-022**



*Planning, Building and Code Enforcement*  
 ROSALYNN HUGHEY, DIRECTOR

**Project: South First Street/East Virginia  
 Street Mixed-Use Development  
 File Nos. GP20-004, GPT18-009 & PDC17-022**

| MITIGATIONS  | MONITORING AND REPORTING PROGRAM   |   |   |   |  |
|--|--|---|---|---|--|
|  | Documentation of Compliance<br>[Project Applicant/Proponent Responsibility]  |   | Documentation of Compliance<br>[Lead Agency Responsibility]                             |   |  |
|  | Method of Compliance<br>Or Mitigation Action   | Timing of<br>Compliance   | Oversight<br>Responsibility   | Actions/Reports   | Monitoring<br>Timing or<br>Schedule  |
| <b>AIR QUALITY</b>   |  |   |   |   |  |
| <b>Impact AQ-1:</b> Project construction would result in an infant cancer risk of 26.6 in one million at the maximally exposed individual (MEI), which exceeds the BAAQMD's cancer risk significance threshold of 10 in one million.   |  |   |   |   |  |
| <p><b>MM AQ-1:</b> Prior to the issuance of any grading or demolition permits, the project applicant shall develop a plan demonstrating that the off-road equipment used on-site to construct the project would achieve a fleet-wide average 65 percent reduction in particulate matter exhaust emissions or greater. One feasible plan to achieve this reduction would include the following:</p> <ul style="list-style-type: none"> <li>All diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 4 Interim engines or equivalent. Where equipment meeting Tier 4 standards are not available, the equipment will be required to include Tier 3 engines with CARB-certified Level 3 Diesel Particulate Filters that are considered CARB verified diesel emission control devices (VDECs). Equipment that is electrically powered or uses non-diesel fuels would also meet this requirement.</li> <li>Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs first), the project applicant shall submit to the Director of Planning, Building, and Code Enforcement or</li> </ul> | <p>Prepare and submit construction operations plan that demonstrates that the off-road equipment used on-site to construct the project would achieve a fleet-wide average 65-percent reduction in diesel particulate matter exhaust, and include in all plans and contracts.</p> | <p>Prior to the issuance of any demolition, grading, and/or building permits, whichever occur the earliest.</p> | <p>Director of Planning, Building, and Code Enforcement or the Director's designee.</p> | <p>Review and approve the construction operations plan and requirements to reduce construction equipment diesel particulate matter exhaust emissions.</p> | <p>Prior to the issuance of any demolition, grading, or building permits, whichever occur the earliest implement requirements during construction.</p> |



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| Director's designee a construction operations plan 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 in this measure. |   |                         |   |                 |                                     |

**BIOLOGICAL RESOURCES**

**Impact BIO-1:** Construction activities associated with the project could result in the loss of fertile eggs of nesting raptors or other migratory birds, or nest abandonment.

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|--|--|---|---|--|---|
| <p><b>MM BIO-1:</b> 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 1<sup>st</sup> through August 31<sup>st</sup> (inclusive).</p> <p>If demolition and construction cannot be scheduled to occur between September 1<sup>st</sup> and January 31<sup>st</sup> (inclusive and as amended), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist or biologist 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 1<sup>st</sup> through April 30<sup>th</sup>, inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1<sup>st</sup> through August 31<sup>st</sup>, inclusive). During this survey, the ornithologist/biologist shall inspect all trees and other</p> | <p>Schedule construction activities outside of nesting season (between September 1st through January 31st). If construction cannot be scheduled to occur between September 1st and January 31st, a qualified ornithologist shall conduct preconstruction surveys and establish construction-free buffer zones.</p> <p>The ornithologist/biologist shall submit a report indicating the results of the survey and any designated buffer zones to the Director of Planning, Building, and Code Enforcement or the Director's designee.</p> | <p>Prior to any site disturbance such as tree removal, or issuance of any grading, building or demolition permits (whichever occurs first).</p> | <p>Director of Planning, Building, and Code Enforcement or the Director's designee.</p> | <p>Review report of the results of the survey and any designated buffer zones.</p> | <p>Prior to any tree removal, or approval issuance of any grading, building or demolition permits (whichever occurs first).</p> |
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 File Nos. GP20-004, GPT18-009 & PDC17-022

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| <p>possible nesting habitats immediately adjacent to the construction areas for nests.</p> <p>If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist/biologist, 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.</p> <p>Prior to any tree removal, or approval of any grading or demolition permits (whichever occurs first), the ornithologist/biologist shall submit a 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.</p> |   |  |   |   |  |
| <b>CULTURAL RESOURCES</b>   |   |  |   |   |  |
| <b>Impact CR-1:</b> Construction activities could impact the building fabric of adjacent contributing properties to the Conservation Area   |   |  |   |   |  |
| <p><b>MM CR-1.1</b> Pre-Condition Survey: The project applicant shall prepare preconstruction documentation of the property at 835 S. Second Street. Prior to construction, a qualified Historic Architect shall undertake an existing visual conditions study of the 835 S. Second Street property. The purpose of the study would be to establish the baseline conditions of the building prior to construction. The documentation shall take the form of detailed written descriptions and</p>   | <p>Complete a preconstruction documentation for 835 S. Second Street.</p>   | <p>Prior to issuance of any grading permits.</p> | <p>Director of Planning, Building, and Code Enforcement or the Director's designee.</p> | <p>Review the preconstruction documentation and other recommendation from the Historic Architect.</p> | <p>Prior to the issuance of any grading permits.</p> |



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| visual illustrations and/or photos, including those physical characteristics of the resource that conveys its historic significance. The documentation shall be reviewed and approved by the City's Director of Planning or Designee and the City of San José's Historic Preservation Officer (HPO) prior to the issuance of any grading permits.   |  |   |  |  |   |
| <p><b>MM CR-1.2:</b> Prior to issuance of any grading permits, the project applicant shall prepare and implement a Historical Resources Protection Plan (HRRP) that provides measures and procedures to protect the 835 S. Second Street property from direct or indirect impacts during construction activities (i.e., due to damage from operation of construction equipment, staging, and material storage). The HRRP shall be prepared by a qualified Historic Architect who meets the Secretary of Interior's Professional Qualifications Standards and reviewed and approved by the City's Director of Planning or Designee and the HPO.</p> <p>The project applicant shall ensure the contractor follows the HRRP throughout construction. At a minimum, the plan shall include, but is not limited to:</p> <ul style="list-style-type: none"> <li>• Guidelines for operation of construction equipment adjacent to the historic properties.</li> <li>• Means and methods to reduce vibrations from</li> </ul> | Complete a Historical Resources Protection Plan (HRRP) for the 835 S. Second Street. | Prior to issuance of any grading permits. | Director of Planning, Building, and Code Enforcement or the Director's designee. | Review the preconstruction documentation and other recommendation from the Historic Architect. | Prior to the issuance of any grading permits. |

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| excavation and construction. <ul style="list-style-type: none"> <li>Requirements for monitoring and documenting compliance with the plan.</li> <li>Education/training of construction workers about the significance of the adjacent historic properties.</li> </ul>   |   |   |  |  |   |
| <b>Impact CR-1:</b> The project may impact historic-era archaeological deposits during excavation and construction activities.   |   |   |  |  |   |
| <b>MM CR-1: Preliminary Investigation.</b> Prior to the issuance of any grading permits, a qualified archaeologist shall conduct a mechanical presence/absence exploration to determine if there are any indications of subsurface archaeological deposits. This exploration would be completed after the buildings have been demolished and all of the asphalt removed, but prior to any ground disturbing activities including grading, potholing for utilities, and building foundation removal. If these activities or similar ground-disturbing ones need to be completed prior to presence/absence work, an archaeological monitor on-site shall be required. The project applicant shall notify the Director of Planning, Building, and Code Enforcement or the Director's designee of any finds during the preliminary field investigation, grading, or other construction activities. Any historic or prehistoric materials identified in the project area during the preliminary field investigation and during grading or other construction. Based on the findings of the subsurface testing, an archaeological resource | Qualified archaeologist shall conduct a mechanical presence/absence exploration to determine if there are any indications of subsurface archaeological deposits.<br><br>The project applicant shall notify the Director of Planning, Building, and Code Enforcement or the Director's designee of any finds during the preliminary field investigation, grading, or other construction activities | Following demolition of existing buildings and removal of all asphalt, but prior to any ground disturbing activities including grading, potholing for utilities, and building foundation removal. | Director of Planning, Building, and Code Enforcement or the Director's designee. | Review applicant's notification of finds discovered during the preliminary field investigation, grading, or other construction activities. | Prior to the issuance of any grading permits. |

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| treatment plan as described in MM CR-2 shall be prepared by a qualified archaeologist, if necessary.   |  |   |  |   |   |
| <b>MM CR-2: Research Design and Work Plan.</b> If archaeological deposits or features that appear eligible to the California Register of Historical Resources are identified during any stage of exploration or monitoring, an archaeological research design and work plan shall be prepared to facilitate archaeological excavation and the site or any features discovered evaluated to the California Register. The Plans shall be submitted to the Director of Planning, Building, and Code Enforcement or the Director's designee for review prior to issuance of any grading permits. | Qualified archaeologist shall prepare an archaeological research design and work plan to facilitate archaeological excavation and evaluate the site or discovery of any archaeological features. | During any stage of exploration or monitoring where archaeological deposits or features that appear eligible to the California Register of Historical Resources are identified. | Director of Planning, Building, and Code Enforcement or the Director's designee.   | Review and approve archaeological research design and work plan.  | Prior to issuance of any grading permits. |
| <b>MM CR-3: Evaluations and Treatment Plan.</b> If MM CR-2 is applicable, the project applicant shall prepare a treatment plan that reflects permit-level detail pertaining to depths and locations of all ground disturbing activities. The treatment plan shall be prepared and submitted to the Director of Planning, Building, and Code Enforcement or the Director's designee prior to approval of any grading permit.  | Prepare a treatment plan that reflects permit-level detail pertaining to depths and locations of all ground disturbing activities.   | If MM CR-2 is applicable and prior to issuance of any grading permit.   | Director of Planning, Building, and Code Enforcement or the Director's designee  | Review and approve treatment plan.  | Prior to issuance of any grading permit.  |
| <b>HAZARDS &amp; HAZARDOUS MATERIALS</b>   |  |   |  |   |   |
| <b>Impact HAZ-1:</b> The site investigation identified site-specific contaminants for soil, groundwater, and/or soil gas.  |  |   |  |   |   |
| <b>MM HAZ-1.1:</b> Prior to the issuance of a grading permit, the project applicant shall notify and provide evidence to the City of San José that they have met or are in compliance with all regulatory requirements from the Santa Clara County Department of Environmental Health (SCCDEH) Site Cleanup Program (SCP). This notification shall include copies  | Notify and provide evidence to the City of San José that all regulatory requirements are in compliance from the Santa Clara County Department of Environmental Health                            | Prior to issuance of grading permit.  | Director of Planning, Building, and Code Enforcement or the Director's designee<br><br>Environmental Compliance Offer of | Review notification and evidence provided by applicant, including copies of any Site Management Plans, Removal Action | Prior to the issuance of grading permit.  |



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| <p>of any Site Management Plans, Removal Action Workplans, or subsequent testing documents. This may be in the form of an email or letter sent to the Director of Planning, Building, and Code Enforcement or Director's designee and the Environmental Compliance Officer of the Environmental Services Department. In addition, permits to remove the active underground storage tank must be obtained from the SCCDEH and San José Fire Department. If after removal of the underground storage tank, the tank shows evidence of leakage or if the tank is in bad condition (pits/holes), a follow-up fuel leak investigation, with mitigation if needed, must be performed under SCCDEH regulatory oversight.</p> | <p>(SCCDEH) Site Cleanup Program (SCP), in email or letter format.</p> <p>Obtain permits from the SCCDEH and San José Fire Department to remove the active underground storage tank.</p> <p>Perform a follow-up fuel leak investigation, with mitigation if needed if tank shows evidence of leakage or if the tank is in bad condition (pits/holes).</p> | <p>Following removal of underground storage tank.</p>  | <p>the City of San José Environmental Services Department</p> <p>Santa Clara County Department of Environmental Health</p> <p>San José Fire Department.</p> | <p>Workplans, or subsequent testing documents.</p> <p>SCCDEH will provide regulatory oversight in the event that a follow-up fuel leak investigation is required.</p> |   |
| <b>NOISE</b>  |   |  |   |   |   |
| <p><b>Impact NSE-1</b> Construction of the project would generate vibration levels exceeding the General Plan threshold of 0.08 in/sec PPV or more at historic buildings within 60 feet of the project site and of 0.2 in/sec PPV or more at buildings of normal conventional construction located within 25 feet of the project site.</p>  |   |  |   |   |   |
| <p><b>MM NSE-1:</b> The project applicant shall prepare and implement a construction vibration monitoring plan to document conditions prior to, during, and after vibration generating construction activities. All plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry-accepted standard methods. The construction vibration monitoring plan shall include, but not be limited to, the following measures:</p>   | <p>Submit and implement a construction vibration monitoring plan that identifies vibration-monitoring locations, lists all types of and times where heavy construction equipment would be utilized, documents conditions of structures within 30-feet prior to, during, and after</p>   | <p>Prior to the issuance of any demolition permits and grading permits. Monitoring reports shall be submitted after substantial completion of each phase identified in the project schedule to the Director of</p> | <p>Director of Planning, Building, and Code Enforcement or the Director's designee.</p>   | <p>Review and approval of the construction monitoring vibration plan.</p>   | <p>Prior to the issuance of any demolition permits and grading permits.</p> |

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| <ul style="list-style-type: none"> <li>The report shall include a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations.</li> <li>A list of all heavy construction equipment to be used for this project and the anticipated time duration of using the equipment that is known to produce high vibration levels (clam shovel drops, vibratory rollers, hoe rams, large bulldozers, caisson drillings, loaded trucks, jackhammers, etc.) shall be submitted to the Director of Planning or Director's designee of the Department of Planning, Building, and Code Enforcement by the contractor. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort required for continuous vibration monitoring. Phase demolition, earth-moving, and ground impacting operations so as not to occur during the same time period.</li> <li>Where possible, use of the heavy vibration-generating construction equipment shall be prohibited within 20 feet of any adjacent building.</li> <li>Document conditions at all structures located within 30 feet of construction prior to, during,</li> </ul> | <p>vibration generating construction activities, defines a monitoring schedule and structure-specific limits, designates a responsible person for registering and investigating claims of excessive vibration.</p> <p>Conduct a post-construction survey for structures where high vibration levels were observed or where complaints of damage have been made.</p> | <p>Planning, Building, and Code Enforcement or Director's designee.</p> |   |                 |                                     |



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 Street Mixed-Use Development  
 File Nos. GP20-004, GPT18-009 & PDC17-022

| <b>MITIGATIONS</b>  | <b>MONITORING AND REPORTING PROGRAM</b>   |                                 |   |                        |  |
|---|---|---------------------------------|---|------------------------|--|
|   | <b>Documentation of Compliance<br/>[Project Applicant/Proponent Responsibility]</b> |                                 | <b>Documentation of Compliance<br/>[Lead Agency Responsibility]</b> |                        |  |
|   | <b>Method of Compliance<br/>Or Mitigation Action</b>                                | <b>Timing of<br/>Compliance</b> | <b>Oversight<br/>Responsibility</b>                                 | <b>Actions/Reports</b> | <b>Monitoring<br/>Timing or<br/>Schedule</b> |
| <p>and after vibration generating construction activities. All plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry-accepted standard methods. Specifically:</p> <ul style="list-style-type: none"> <li>○ Vibration limits shall be applied to vibration-sensitive structures located within 30 feet of all construction activities identified as sources of high vibration levels.</li> <li>○ Performance of a photo survey, elevation survey, and crack monitoring survey for each structure of normal construction within 30 feet of all construction activities identified as sources of high vibration levels. Surveys shall be performed prior to any construction activity, in regular intervals during construction, and after project completion of vibration generating construction activities, and shall include internal and external crack monitoring in the structures, settlement, and distress, and shall document the condition of the foundations, walls and other structural elements in the interior and exterior of said structures.</li> <li>• Develop a vibration monitoring and construction contingency plan to identify structures where</li> </ul> |   |                                 |   |                        |  |



*Planning, Building and Code Enforcement*  
 ROSALYNN HUGHEY, DIRECTOR

**EXHIBIT "A"**  
**(File Nos. GPT18-009; GP20-004; PDC17-022)**

**Project: South First Street/East Virginia  
 Street Mixed-Use Development**  
 File Nos. GP20-004, GPT18-009 & PDC17-022

| MITIGATIONS   | MONITORING AND REPORTING PROGRAM  |                         |   |                 |                                     |
|---|---|-------------------------|---|-----------------|-------------------------------------|
|   | Documentation of Compliance<br>[Project Applicant/Proponent Responsibility] |                         | Documentation of Compliance<br>[Lead Agency Responsibility] |                 |                                     |
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| <p>monitoring would be conducted, set up a vibration monitoring schedule, define structure-specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions. Construction contingencies shall be identified for when vibration levels approached the limits.</p> <ul style="list-style-type: none"> <li>At a minimum, vibration monitoring shall be conducted during demolition and excavation activities.</li> <li>Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.</li> <li>Conduct a post-construction survey on structures where either monitoring has indicated high vibration levels or complaints of damage has been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities.</li> <li>The construction vibration plan shall be submitted to the Director of Planning, Building and Code Enforcement or Director's designee prior to the issuance of any demolition permits and grading permits. The associated monitoring</li> </ul> |   |                         |   |                 |                                     |





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| MITIGATIONS  | MONITORING AND REPORTING PROGRAM  |                         |   |                 |                                     |
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|  | Method of Compliance<br>Or Mitigation Action                                | Timing of<br>Compliance | Oversight<br>Responsibility                                 | Actions/Reports | Monitoring<br>Timing or<br>Schedule |
| reports shall be submitted after substantial completion of each phase identified in the project schedule to the Director of Planning, Building, and Code Enforcement or Director's designee. An explanation of all events that exceeded vibration limits shall be included together with proper documentation of any exceedance event. |   |                         |   |                 |                                     |

Source: Initial Study/Mitigated Negative for South First Street/East Virginia Street Mixed-Use Development, City of San José, December 2020.