

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

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE ADOPTING AN ADDENDUM TO THE BERRYESSA ROAD MIXED-USE DEVELOPMENT PROJECT FINAL ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. RES2023-223) AND A 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, completed, and adopted the Final Environmental Impact Report (“Final EIR”) for the Berryessa Road Mixed-Use Development Project, which analyzed the environmental impacts of a Planned Development Zoning (Planning File Nos. PDC18-036, PD21-009, PT21-030), the demolition of existing buildings totaling approximately 11,000 square feet, and the development of up to 850 residential units, 480,000 square feet of commercial space, and a 0.9-acre park at the project site on a 13-acre site located at 1655 Berryessa Road; and

**WHEREAS**, on June 13, 2023, the City Council adopted Resolution No. RES2023-223 approving the Berryessa Road Mixed-Use Development Project (Planning File Nos. PDC18-036, PD21-009, PT21-030), certifying the Berryessa Road Mixed-Use Development Project Final Environmental Impact Report, and adopting a mitigation monitoring and reporting program, all pursuant to the provisions of CEQA; and

**WHEREAS**, the proposed 1655 Berryessa Road Mixed-Use Project as modified (Modified Project) (File Nos. PDC25-016, PD25-008, ER25-080, T25-006) includes a Planned Development Rezoning to rezone the approximately 13-acre project site from the R-M(PD) and CP(PD) Planned Development Zoning Districts to the UR(PD) and CP(PD) Planned Development Zoning Districts; a Vesting Tentative Map to merge three parcels

into one and subdivide the one parcel into 31 parcels and up to 362 condominium units; and a Planned Development Permit to allow the construction of a six-story multifamily residential building totaling 260 units, 100% of which are affordable, subject to the State Density Bonus Law, on an approximately 2.38-gross-acre portion of the Project Site; and

**WHEREAS**, as further described in the Addendum, the implementation of the Modified Project would not result in new significant effects on the environment beyond those already identified in the previously approved Final EIR, nor will the Modified Project result in an increase in the severity of significant effects identified in the Berryessa Road Mixed-Use Development Project Final EIR, and identified mitigation measures, as amended, would continue to reduce each of those significant effects to a less-than significant level; and

**WHEREAS**, the City Council has reviewed and considered the Addendum and intends to take action on the Modified Project in compliance with CEQA; and

**WHEREAS**, the Berryessa Road Mixed-Use Development Project Final EIR and the Addendum thereto 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, and are available for inspection by any interested person at that location and on the Department of Planning, Building and Code Enforcement website, and are, by this reference, incorporated into this Resolution as if fully set for 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 Berryessa Road Mixed-Use Development Project Final EIR, 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 Berryessa Road Mixed-Use Development Project Final EIR 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 Berryessa Road Mixed-Use Development Project Final EIR 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 Nos. PDC25-016, PD25-008, ER25-080, T25-006). The Mitigation Monitoring and Reporting Program for the Project is attached hereto as Exhibit "A" and is fully incorporated herein. The Berryessa Road Mixed-Use Development Project Final EIR and the Addendum 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's website, and (2) available for inspection by any interested person.

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ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2025, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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MATT MAHAN  
Mayor

ATTEST:

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TONI J. TABER, MMC  
City Clerk

## **MITIGATION MONITORING AND REPORTING PROGRAM**

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### **Berryessa Road Mixed Use Development Project**

### **File Nos. PDC25-016, PD25-008, ER25-080, and T25-006**

### **July 2025**

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## 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 Addendum to the Berryessa Road Mixed Use Final Environmental Impact Report (FEIR) ("Modified Project") concluded that the implementation of the Modified Project would not result in any new impacts or any impacts of substantially greater severity than previously identified under the certified the FEIR (File Nos. PDC18-036, PD21-009, PT21-030). Mitigation measures from the FEIR are incorporated into the Modified 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.

The mitigation measures enumerated in this document would reduce the level of impact of potential environmental effects of the proposed action. In all cases, these mitigation measures would reduce the impact of effects determined to be significant prior to mitigation to less-than-significant levels.

I, ROBERT FACCHINO, the applicant, on the behalf of Berryessa Properties, hereby agree to implement the mitigation measures described below which have been developed in conjunction with the preparation of an EIR for my proposed project. I understand that these mitigation measures or substantially similar measures will be adopted as conditions of approval with my development permit request to avoid or significantly reduce potential environmental impacts to a less than significant level.

Project Applicant's Signature



Date 8/1/2025

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
<b>AIR QUALITY</b>					
<b>Impact AIR-1:</b> Construction period emissions would exceed BAAQMD thresholds of 54 pounds per day for ROG exhaust by 21.25 pounds per day, during the final year of construction, which would result in a cumulatively considerable impact to regional ROG emissions.					
<b>MM-AIR-1.1:</b> Prior to the issuance of any demolition, grading and/or building permits (whichever occurs first), the project applicant shall prepare a construction equipment plan 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: <ul style="list-style-type: none"> <li>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. EPA Tier 4 emission standards for ROG, NOx, and PM (PM10 and PM2.5), if feasible, as confirmed by a qualified air quality</li> </ul>	Prepare a construction equipment plan demonstrating that construction equipment used on-site would achieve a low diesel particulate matter exhaust and NOx emissions. The construction equipment plan shall be verified by a qualified air quality consultant and submitted to the Director of Planning, Building and Code Enforcement, or the Director's designee.	Construction documents and plans shall be submitted for review and approval prior to the issuance of any demolition, grading, and/or building permits (whichever occurs first).  Construction equipment measures shall be implemented during	Director of Planning, Building and Code Enforcement, or the Director's designee.	Review and approve the construction equipment plan.  Ensure that all measures are printed on all construction documents, contracts, and project plans.	Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs first).

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<p>consultant and submitted to the City, otherwise.</p> <ul style="list-style-type: none"> <li>If use of Tier 4 equipment is not available, alternatively use equipment that meets U.S. EPA emission standards for Tier 2 or 3 engines and include particulate matter emissions control equivalent to CARB Level 3 verifiable diesel emission control devices that altogether achieve a 60 percent reduction in particulate matter exhaust in comparison to uncontrolled equipment; alternatively (or in combination).</li> <li>Use of alternatively fueled equipment with lower emissions that meet the reduction requirements above.</li> </ul> <p>Prior to issuance of any demolition, grading, and/or building permits, whichever occurs first, the project applicant shall submit a copy of the construction equipment plan to the Director of Planning, Building and Code Enforcement or Director's designee, for review and approval.</p>	All measures shall be printed on all construction documents, contracts, and project plans.	all phases of construction.			
<p><b>MM-AIR-1.2:</b> Prior to the issuance of any demolition, grading and/or building permits (whichever occurs first), the project applicant shall prepare a construction equipment plan that includes a description of the location of construction site signs to be posted restricting idling of diesel-operated equipment to two</p>	Prepare a construction equipment plan demonstrating the location of construction site signs to be posted restricting idling for more than two minutes	Construction documents and plans shall be submitted for review and approval prior to the issuance	Director of Planning, Building and Code Enforcement, or the Director's designee.	Review and approve the construction equipment plan.	Prior to the issuance of any demolition, grading, and/or building permits



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<p>minutes or less with clearly listed exceptions based on applicable state regulations. The project applicant shall submit the construction equipment plan to the Director of Planning, Building and Code Enforcement or the Director's designee. Diesel engines, whether for off-road equipment or on-road vehicles, shall not be left idling for more than two minutes, except as provided in exceptions to the applicable state regulations (e.g., traffic conditions, safe operating conditions). The construction sites shall have posted legible and visible signs in designated queuing areas to clearly notify operators of idling limit.</p> <p>Prior to issuance of any demolition, grading, and/or building permits, whichever occurs first, the project applicant shall submit a copy of the construction equipment plan to the Director of Planning, Building and Code Enforcement or Director's designee, for review and approval.</p>	<p>with clearly listed exceptions based on applicable state regulations.</p> <p>All measures shall be printed on all construction documents, contracts, and project plans.</p>	<p>of any demolition, grading, and/or building permits (whichever occurs first).</p> <p>Construction sign measures shall be implemented during all phases of construction.</p>		<p>Ensure that all measures are printed on all construction documents, contracts, and project plans.</p>	<p>(whichever occurs first).</p>
<p><b>MM-AIR-1.3:</b> Prior to the issuance of any demolition, grading and/or building permits (whichever occurs first), the project applicant shall prepare a construction equipment plan that includes a description of the electrical source of power that the powerline will connect to and identifies the approximate route of the powerline through the construction site to the Director of Planning, Building and Code Enforcement or the Director's designee. The line power to the site shall be provided during the early phases of construction to</p>	<p>Prepare a construction equipment plan shall demonstrate the electrical source of power that the powerline will connect to and the approximate route of the powerline through the construction site.</p>	<p>Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs first).</p>	<p>Director of Planning, Building and Code Enforcement, or the Director's designee.</p>	<p>Review and approve the construction plan.</p> <p>Ensure that all measures are printed on all construction documents, contracts, and project plans.</p>	<p>Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs first).</p>

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<p>minimize the use of diesel-powered stationary equipment.</p> <p>Prior to issuance of any demolition, grading, and/or building permits, whichever occurs first, the project applicant shall submit a copy of the construction equipment plan to the Director of Planning, Building and Code Enforcement or Director's designee, for review and approval.</p>	<p>Construction documents and plans shall be submitted to the Director of Planning, Building and Code Enforcement for review and approval.</p>				
<p><b>MM-AIR-1.4:</b> Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs first), the project applicant shall include a stipulation in the Declaration of Covenants, Conditions, and Restrictions requiring the use of low volatile organic compound or VOC (i.e., ROG) coatings that are below current BAAQMD requirements (i.e., Regulation 8, Rule 3: Architectural Coatings), for at least 90 percent of all residential and nonresidential interior paints and 90 percent of exterior paints. This includes all architectural coatings applied during both construction and reapplications throughout the project's operational lifetime. At least 90 percent of coatings applied must meet a "super-compliant" VOC standard of less than 10 grams of VOC per liter of paint. For reapplication of coatings during the project's operational lifetime, the Declaration of Covenants, Conditions, and Restrictions shall contain a stipulation for low VOC coatings to be used. Examples of "super-compliant" coatings are contained in the South Coast Air Quality Management District's website.</p>	<p>Include a stipulation in the Declaration of Covenants, Conditions, and Restrictions to require low-VOC coatings meeting "super-compliant" standard based on BAAQMD and as noted in the mitigation measure in all phases of the project.</p> <p>Construction documents and plans, including the Declaration of Covenants, Conditions, and Restrictions, shall be submitted to the Director of Planning, Building and Code Enforcement, or the Director's designee for review and approval.</p>	<p>Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs first).</p>	<p>Director of Planning, Building and Code Enforcement, or the Director's designee.</p>	<p>Review and approve the construction plan.</p> <p>Ensure that all measures are printed on all construction documents, contracts, and project plans.</p> <p>Confirm the stipulation is included in Declaration of Covenants, Conditions, and Restrictions.</p>	<p>Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs first).</p>

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Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs first), the project applicant shall submit all construction documents and plans, including the Declaration of Covenants, Conditions, and Restrictions, shall be submitted to the Director of Planning, Building and Code Enforcement, or the Director's designee for review and approval	All measures shall be printed on all construction documents, contracts, and project plans.				
<b>BIOLOGICAL RESOURCES</b>					
<b>Impact BIO-1:</b> Development of the proposed project and proposed tree removals would result in impacts to nesting birds, if present on the site at the time of construction.					
<b>MM BIO-1.1:</b> Prior to the issuance of any tree removal, demolition, or grading permits, 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.	Avoid construction activities during nesting seasons (February 1 through August 31, inclusive).  All measures shall be printed on all construction documents, contracts, and project plans.	Prior to the issuance of any tree removal, demolition, or grading permits.	Director of Planning, Building and Code Enforcement, or the Director's designee.	Review and approve the pre-construction survey report.  Ensure that all measures are printed on all construction documents, contracts, and project plans.	Prior to the issuance of any tree removal, demolition, or grading permits
<b>MM BIO-1.2:</b> If demolition and construction cannot be scheduled 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	Submit the ornithologist's report indicating the results of the survey and any designated buffer zones to the City's Director of	Prior to the issuance of any tree removal, demolition, or grading permits	Director of Planning, Building and Code Enforcement, or the Director's designee.	Review and approve the pre-construction survey report.	Prior to the issuance of any tree removal, demolition, or grading permits

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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 31st inclusive). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests.	Planning, Building, and Code Enforcement or the Director's designee.			Ensure that all measures are printed on all construction documents, contracts, and project plans.	
<b>MM BIO-1.3:</b> 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.	Submit the ornithologist's report indicating the results of the survey and any designated buffer zones to the City's Director of Planning, Building and Code Enforcement or the Director's designee.	Prior to the issuance of any tree removal, demolition, or grading permits	Director of Planning, Building and Code Enforcement, or the Director's designee.	Review and approve the pre-construction survey report.  Ensure that all measures are printed on all construction documents, contracts, and project plans.	Prior to the issuance of any tree removal, demolition, or grading permits
<b>MM BIO-1.4:</b> Prior to any tree removal, or approval of any grading or demolition permits (whichever occurs first), the ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the City's Director of Planning, Building and Code Enforcement or Director's designee.	Submit the ornithologist's report indicating the results of the survey and any designated buffer zones to the City's Director of Planning, Building and Code Enforcement or the Director's designee.	Prior to the issuance of any tree removal, demolition, or grading permits	Director of Planning, Building and Code Enforcement, or the Director's designee.	Review and approve the pre-construction survey report.  Ensure that all measures are printed on all construction documents,	Prior to the issuance of any tree removal, demolition, or grading permits



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				contracts, and project plans.	
<b>CULTURAL RESOURCES</b>					
<b>Impact CUL-1:</b> Subsurface archaeological resources could be encountered during project construction.					
<p><b>MM CUL-1.1:</b> Prior to issuance of any grading permits and prior to construction-related ground disturbance, a qualified archaeologist in coordination with a Native American Tribal Representative shall complete mechanical presence/absence exploration to explore for buried historical and Native American resources. Subsurface exploration shall be completed by an archaeologist trained in current California methods for prehistoric and historic archaeological resources. All crews and individuals who will be moving any earth shall be cultural sensitivity trained. Narrow, deep trenches shall be created to search for Native American use of this site, and shallower, wide trenches employed near the potentially sensitive historic areas.</p> <p>The results of the presence/absence exploration shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee and the City's Historic Preservation Officer for review and</p>	<p>A subsurface exploration at the site shall be completed, by a qualified archaeologist in consultation with Native American representative, prior to any excavation activities. If any archaeological resources are exposed, these should be briefly documented, tarped for protection, and left in place.</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>City of San José Historic Preservation Officer</p>	<p>Review and approve documentation of a mechanical presence/absence exploration and any treatment recommendations.</p>	<p>Prior to issuance of any grading permits.</p>

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approval prior to issuance of any grading permit. Based on the findings of the presence/absence exploration, an archaeological resources treatment plan (as described in MM CUL-1.2) shall be prepared by a qualified archaeologist in consultation with the Native American Tribal representative, if necessary.					
<p><b>MM CUL-1.2:</b> If required by MM CUL-1.1, the project applicant, prior to issuance of any grading permits, shall retain a qualified archaeologist to prepare a treatment plan in consultation with a Tribal representative that reflects the permit-level detail pertaining to depths and locations of all ground disturbing activities. The treatment plan shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee and the City's Historic Preservation Officer prior to approval of any grading permits. The treatment plan shall contain, at a minimum:</p> <ul style="list-style-type: none"> <li>• Identification of the scope of work and range of subsurface effects (including location map and development plan), including requirements for preliminary field investigations.</li> <li>• Description of the environmental setting (past and present) and the historic/prehistoric background of the parcel (potential range of what might be found).</li> </ul>	If any archaeological resources are exposed, prepare a treatment plan that reflects permit-level detail pertaining to depths and locations of excavation activities.	Prior to any issuance of any grading permits.	Director of Planning, Building and Code Enforcement or the Director's designee; City of San José Historic Preservation Officer	Review and approve the treatment plan.	Prior to issuance of any grading permits.

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<ul style="list-style-type: none"> <li>Development of research questions and goals to be addressed by the investigation (what is significant vs. what is redundant information).</li> <li>Detailed field strategy to record, recover, or avoid the finds and address research goals.</li> <li>Analytical methods.</li> <li>Report structure and outline of document contents.</li> <li>Disposition of the artifacts.</li> <li>Appendices: all site records, correspondence, and consultation with Native Americans, etc.</li> </ul> <p>Implementation of the plan, by a qualified archaeologist, shall be required prior to the issuance of any grading permits. The treatment plan shall utilize data recovery methods to reduce impacts to subsurface resources. The project applicant shall submit copies of the treatment plan to the Director of Planning, Building and Code Enforcement or the Director's designee.</p>					
<b>MM CUL-1.3:</b> Prior to issuance of any grading permits, the project applicant shall report any preliminary field investigation, grading, or other construction activities findings to the Director of Planning, Building and Code Enforcement or Director's designee. Any historic or prehistoric material identified in the project area during the preliminary field investigation and/or during excavation activities shall be evaluated for eligibility for listing in the California Register of Historic	Evaluate any historic or prehistoric material identified in the project area during the preliminary field investigation and during excavation activities for eligibility for listing in the California Register of Historic Resources as determined by the California	During any preliminary field investigation, grading, or other construction activities and prior to the issuance of an occupancy permit.	Director of Planning, Building, and Code Enforcement or Director's designee.  City's Historic Preservation Officer, Northwest Information Center and Native American Heritage Commission	Receive copies of all documentation and recordation of any historic or prehistoric material identified in the project area and data recovery methods and techniques.	During any preliminary field investigation, grading, or other construction activities and prior to the issuance of an occupancy permit.

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Resources as determined by the California Office of Historic Preservation. The techniques used for data recovery shall follow the protocols identified in the approved treatment plan. All documentation and recordation shall be submitted to the Northwest Information Center and Native American Heritage Commission\ Sacred Land Files prior to the issuance of an occupancy permit. A copy of the evaluation shall be submitted to the Director of Planning, Building, and Code Enforcement or Director's designee, and the Tribe.	Office of Historic Preservation.		(NAHC) Sacred Land Files.		
<b>HAZARDS AND HAZARDOUS MATERIALS</b>					
<b>Impact HAZ-1:</b> Residual concentrations of hazardous chemicals and metals including organochlorine pesticides and pesticide-related metals (in the southern portion of the site) from prior agricultural use, USTs and truck parking and storage at the site could expose construction workers, neighboring uses, and the environment to hazardous materials.					
<b>MM HAZ-1.1:</b> Prior to the issuance of any demolition or grading permits, the project applicant shall enter into an agreement with the Santa Clara County Department of Environmental Health's (SCCDEH's) Site Cleanup Program to provide regulatory oversight. The applicant shall meet with the SCCDEH and perform additional soil and groundwater sampling and testing to adequately define the known and suspected contamination. A Corrective Action/Risk Management Plan (e.g., Remedial Action Work Plan and/or Soil Management Plan) shall be prepared and submitted to the agency for their approval to demonstrate that cleanup standards shall be met for the development of the site. The Corrective Action/Risk Management plan shall describe measures necessary to protect the health	Coordinate with SCCDEH to develop a Corrective Action/Risk Management Plan (CA/RMP).  Submit the CA/RMP, as applicable, to the City of San José Environmental Compliance Officer and SCCDEH for review.  A qualified environmental professional shall complete	Prior to the issuance of any grading or demolition permits.	SCCDEH and City of San José Environmental Compliance Officer	Receive a copy of the CA/RMP.  Ensure that all measures are printed on all construction documents, contracts, and project plans.  Review the CA/RMP.	Prior to the issuance of any grading or demolition permits.



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and safety of construction workers and future site occupants and establish appropriate management practices for handling and monitoring impacted soil, soil vapor and groundwater that potentially may be encountered during construction activities. The Correction Action/Risk Management Plan will also include measures to prevent the discharge of contaminants from dewatering. The dewatering system would be designed so that the volume and duration of dewatering are minimized to the greatest extent possible. All measures identified in the plan(s) shall be implemented during all phases of construction, as applicable. The Corrective Action/Risk Management Plan shall also describe protocols for profiling of soil planned for off-site disposal. The plan shall be prepared by an environmental professional and submitted to the SCCDEH.	any further work required by the SCCDEH.  All measures shall be printed on all construction documents, contracts, and project plans.				
<b>MM HAZ-1.2:</b> Prior to the issuance of any demolition or grading permits, a Health and Safety Plan (HASP) shall be prepared to establish health and safety protocols for construction workers at the site. All measures identified in the plan(s) shall be implemented during all phases of construction, as applicable. The HASP shall be prepared by an environmental professional and submitted to the SCCDEH.	A qualified environmental professional shall prepare a HASP and submit it to the SCCDEH.  All measures shall be printed on all construction documents, contracts, and project plans.	Prior to the issuance of any demolition or grading permits.	SCCDEH and City of San José Environmental Compliance Officer	Receive a copy of the HASP. Ensure that all measures are printed on all construction documents, contracts, and project plans.	Prior to the issuance of any grading permits.
<b>MM HAZ-1.3:</b> Prior to the issuance of any demolition or grading permits, additional shallow soil sampling shall be completed at the southern portion of the site	A qualified environmental professional shall complete the soil sampling and submit	Prior to the issuance of any demolition or grading permits.	SCCDEH and City of San José	Receive approval from SCCDEH. Ensure that all	Prior to the issuance of any

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including areas near the existing industrial buildings and former residence and outbuildings. The site shall be sampled for organochlorine pesticides and associated metals (including lead and arsenic). The sampling shall be completed by an environmental professional, under the oversight of SCCDEH.	it to the SCCDEH and submit SCCDEH's approval to the City of San José Compliance officer.  All measures shall be printed on all construction documents, contracts, and project plans.		Environmental Compliance Officer	measures are printed on all construction documents, contracts, and project plans.	demolition or grading permits.
<b>Impact HAZ-2:</b> Project construction could expose construction workers to potential total petroleum hydrocarbons (TPH) in the soil beneath the oil-water separator.					
<b>MM HAZ-2.1:</b> Prior to the issuance of any grading permits, upon removal of the site's oil-water separator soil separator, soil underlying the separator shall be evaluated for the presence of TPH, volatile organic compounds (VOCs), and metals. The confirmation sampling shall be completed by an environmental professional following commonly accepted sampling protocols which shall be coordinated with SCCDEH and the City of San José Environmental Services Department. The sampling data shall be provided to SCCDEH, and approval shall be received prior to issuance of any grading permits. If elevated concentrations of these contaminants are discovered, the project applicant shall notify the Director of Planning, Building, and Code Enforcement or Director's Designee and the SCCDEH, prior to	Following the removal of the oil-water separator, a qualified environmental professional shall coordinate with the San José Fire Department and SCCDEH to follow appropriate protocols for sampling the soil for contaminants.  Submit findings to San José Fire Department and SCCDEH	Prior to the issuance of any grading permits.	SCCDEH and City of San José Environmental Services Department	Receive a copy of the supplemental sampling results or analysis of existing sampling results.  Review the supplemental results and/or analysis of testing results.	Prior to the issuance of any grading permits.

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issuance of a grading permit, and prepare a remedial action plan in accordance with SCCDEH requirements. The sampling, preparation of the remedial action plan, and remediation shall be completed by an environmental professional, under the oversight of SCCDEH.					
<b>NOISE AND VIBRATION</b>					
<b>Impact NOI-1:</b> Project construction would result in elevated noise levels of five dBA or more at nearby residences for a period exceeding 12 months.					
<b>MM NOI-1.1:</b> Prior to the issuance of any demolition or grading permits, an acoustic engineer shall prepare and implement a construction noise logistics plan, in accordance with General Plan Policy EC-1.7. A typical construction noise logistics plan includes, but is not limited to, the following measures to reduce construction noise levels: <ul style="list-style-type: none"> <li>Construction shall be limited to the hours of 7:00 AM to 7:00 PM Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific "construction noise mitigation plan" and a finding by the Director of Planning, Building, and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.</li> </ul>	<p>Prepare and submit a construction noise logistics plan.</p> <p>All measures shall be printed on all construction documents, contracts, and project plans.</p>	<p>Prior to issuance of any demolition or grading permits.</p> <p>All measures shall be printed on all measures shall be printed on all construction documents, contracts, and project plans.</p>	<p>Director of Planning, Building and Code Enforcement, or the Director's designee.</p>	<p>Review and approve the construction noise logistics plan.</p> <p>Ensure that all measures are printed on all construction documents, contracts, and project plans.</p>	<p>Prior to the issuance of any demolition or grading permits.</p>

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<ul style="list-style-type: none"> <li>The contractor shall use “new technology” power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poorly maintained engines or other components.</li> <li>The unnecessary idling of internal combustion engines shall be prohibited.</li> <li>Staging areas and stationary noise-generating equipment shall be located as far as possible from noise-sensitive receptors such as residential uses (a minimum of 200 feet).</li> <li>The surrounding neighborhood shall be notified early and frequently of the construction activities.</li> <li>A “noise disturbance coordinator” shall be designated 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. A telephone number for the disturbance coordinator would be conspicuously posted at the construction site.</li> <li>Implementation of a construction noise logistics plan, which would include the following measures:</li> </ul>					

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<ul style="list-style-type: none"> <li>Utilize “quiet” models of air compressors and other stationary noise sources where technology exists.</li> <li>Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.</li> <li>Construct temporary noise barriers, where feasible, to screen stationary noise-generating equipment when located within 200 feet of adjoining sensitive land uses. Temporary noise barrier fences would provide at least 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. A typical temporary construction noise barrier reaching 14 feet in height shall be installed along the northern and western borders of the site to provide up to 14 dBA of noise reduction.</li> <li>If stationary noise-generating equipment must be located near receptors, adequate muffling of the equipment (with enclosures where</li> </ul>					

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<p>feasible and appropriate) shall be used. Any enclosure openings or venting shall face away from sensitive receptors.</p> <ul style="list-style-type: none"> <li>o Ensure that generators, compressors, and pumps are housed in acoustical enclosures.</li> <li>o Locate cranes as far from adjoining noise-sensitive receptors as possible.</li> <li>o During final grading, substitute graders for bulldozers, where feasible. Wheeled heavy equipment are quieter than track equipment and should be used where feasible.</li> <li>o Substitute nail guns for manual hammering, where feasible.</li> <li>o Substitute electrically powered tools for noisier pneumatic tools, where feasible.</li> <li>o The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.</li> </ul>					
<b>Impact NOI-2:</b> Noise from the project's mechanical equipment could exceed 55 dBA DNL at sensitive residential noise-receptors near the project site.					



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<b>MM NOI-2.1:</b> Prior to the issuance of any demolition or grading permits, the project applicant shall select and design mechanical equipment and generators to reduce excessive noise levels at the nearby noise-sensitive land uses to meet the City's 55 dBA DNL noise level requirement. A qualified acoustical consultant shall be retained to review mechanical noise as these systems are selected to determine specific noise reduction measures necessary to reduce noise to comply with the City's Municipal Code noise level requirements. Noise reduction measures could include, but are not limited to, selection of equipment that emits low noise levels and installation of noise barriers, such as enclosures and parapet walls, to block the line-of-sight between the noise source and the nearest receptors. Other alternate measures may be optimal, such as locating equipment in less noise-sensitive areas, such as along the building façades farthest from adjacent neighbors, where feasible. The proposed mechanical equipment shall be approved by the City's Director of Planning, Building, and Code Enforcement.	Project applicant shall provide the Director of Planning, Building and Code Enforcement or the Director's designee with a list of mechanical equipment and generators reviewed by a qualified acoustical consultant.  The list of approved mechanical equipment and generators shall be printed on all construction documents, and contracts.	Prior to the issuance of any demolition or grading permits.	Director of Planning, Building and Code Enforcement, or the Director's designee.	Review and approve the proposed mechanical equipment.  The list of approved mechanical equipment and generators shall be printed on all construction documents, and contracts.	Prior to the issuance of any demolition or grading permits.
<b>Impact NOI-3:</b> Vibration levels would have the potential to exceed San José's General Plan guidelines at residential uses in the site vicinity (0.2 in/sec PPV) and could result in damage to nearby structures.					
<b>MM NOI-3.1:</b> Prior to the issuance of any demolition or grading permits (whichever occurs first), a qualified acoustic consultant shall prepare a construction vibration monitoring plan to reduce construction-related vibration impacts below 0.2 in/sec PPV. The	Retain a licensed Professional Structural Engineer in the State of California to prepare and submit a construction vibration monitoring plan	Prior to the issuance of any demolition or grading permits.	Director of Planning, Building and Code Enforcement, or the Director's designee.	Review and approve the construction vibration monitoring plan.	Prior to the issuance of any demolition or grading permits.

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<p>plan shall include, but is not limited to, the following measures:</p> <ul style="list-style-type: none"> <li>Limit the use of vibratory rollers, hoe rams, large bulldozers, and caisson drilling, and avoid clam shovel drops within 20 feet of the property lines shared with residences and commercial structures adjacent to the site.</li> <li>Place operating equipment on the construction site at least 30 feet from vibration-sensitive receptors.</li> <li>Use a smaller vibratory roller, such as the Caterpillar model CP433E vibratory compactor, when compacting materials within 30 feet of adjacent buildings. Only use the static compaction mode when compacting materials within 15 feet of buildings.</li> <li>Select demolition methods not involving impact tools.</li> <li>Avoid dropping heavy objects or materials within 30 feet of vibration sensitive locations.</li> <li>A list of all heavy construction equipment to be used for this project known to produce high vibration levels (tracked vehicles, vibratory compaction, jackhammers, hoe rams, etc.) shall be submitted to the City by the contractor. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and</li> </ul>	<p>including all the measures listed.</p> <p>Implement a construction vibration monitoring plan.</p> <p>All measures shall be printed on all construction documents, contracts, and project plans.</p>	<p>The plan shall be implemented during construction.</p>		<p>Ensure that all measures are printed on all construction documents, contracts, and project plans.</p>	



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<p>to define the level of effort required for continuous vibration monitoring.</p> <p>Implementation of the construction vibration monitoring plan shall occur during construction activities to reduce vibration levels below 0.2 in/sec PPV.</p> <p>Prior to the issuance of any demolition or grading permits, the project applicant shall submit the construction vibration monitoring plan to the Director of Planning, Building and Code Enforcement or Director's designee for review and approval.</p>					

Source: City of San José. *Berryessa Mixed Use Development Project Environmental Impact Report*. April 26, 2023.