

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE ADOPTING THE SAN JOSE BEHAVIORAL HEALTH HOSPITAL EXPANSION PROJECT ADDENDUM TO THE 2000 EDENVALE REDEVELOPMENT PROJECT ENVIRONMENTAL IMPACT REPORT, 2000 EDENVALE REDEVELOPMENT PROJECT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT, ENVISION SAN JOSE 2040 GENERAL PLAN ENVIRONMENTAL IMPACT REPORT AND SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT, AND ADDENDA THERETO, 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 a Final Environmental Impact Report for the Edenvale Redevelopment Project (“2000 Edenvale FEIR”), which analyzed the environmental impacts of buildout of the Edenvale Redevelopment Area that included 7.88 million square feet of additional industrial uses, 4.8 million square feet in the New Edenvale area and 3.08 million square feet in the Old Edenvale area, and supporting infrastructure improvements; and

WHEREAS, the Planning Commission of the City of San José certified said 2000 Edenvale FEIR, which certification was not appealed; and

WHEREAS, in connection with the adoption of a resolution approving said Edenvale Redevelopment Project (Planning File No. PP99-10-198), the City Council adopted Resolution No. 69699 on June 20, 2000, setting forth certain findings pertaining to the

2000 Edenvale FEIR and adopting a mitigation monitoring and reporting program, all pursuant to the provisions of CEQA; and

WHEREAS, subsequent to said actions on the 2000 Edenvale FEIR, the City prepared, completed, and adopted in accordance with CEQA the Supplemental Environmental Impact Report for the Edenvale Redevelopment Project (Planning File No. PP00-07-107) (“2000 Edenvale SEIR”) for modifications to the 2000 Edenvale FEIR including an addition of 200,000 square feet of industrial development in New Edenvale, and revisions of the Area Development Policy to allow up to 5.0 million square feet of industrial development in New Edenvale to be constructed prior to completion of the interchange improvements at U.S. 101/Hellyer Avenue and U.S. 101/Blossom Hill Road; and

WHEREAS, the Planning Commission of the City of San José certified said 2000 Edenvale SEIR, which certification was not appealed; and

WHEREAS, the City Council adopted Resolution No. 72767 on November 21, 2000, setting forth certain findings pertaining to the 2000 Edenvale SEIR and adopting a mitigation monitoring and reporting program, all pursuant to the provisions of CEQA; and

WHEREAS, the City prepared, completed, and adopted in accordance with CEQA the Final Program Environmental Impact Report for the Envision San José 2040 General Plan (“General Plan FPEIR”), which analyzed the environmental impacts set forth from the land use and development assumptions of the Envision San José 2040 General Plan; and

WHEREAS, the Planning Commission of the City certified said General Plan FPEIR, which certification was not appealed; and

WHEREAS, in connection with the adoption of a resolution approving said Envision San José 2040 General Plan (Planning File No. PP09-011), the City Council adopted Resolution No. 76041 on November 1, 2011, setting forth certain findings pertaining to the General Plan FPEIR and adopting a mitigation monitoring and reporting program, all pursuant to the provisions of CEQA; and

WHEREAS, subsequent to said actions on the General Plan FPEIR, the City prepared, completed, and adopted in accordance with CEQA the Supplemental Environmental Impact Report for the Envision San José 2040 General Plan, Greenhouse Gas Reduction Strategy (Planning File No. PP15-060) (“General Plan SEIR”); and

WHEREAS, the Planning Commission of the City of San José certified said General Plan SEIR, which certification was not appealed; and

WHEREAS, the City Council adopted Resolution No. 77617 on December 15, 2015 setting forth certain findings pertaining to the General Plan SEIR, 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 and approved an Addendum to the 2000 Edenvale FEIR, 2000 Edenvale SEIR, the General Plan FPEIR, General Plan SEIR, and Addenda thereto for the San José Behavioral Health Hospital Expansion Project under Planning File Nos. C18-022 & CP18-029 (the “Addendum”), all in accordance with CEQA; and

WHEREAS, the San José Behavioral Health Hospital Expansion Project (the “Project”) analyzed under the Addendum consists of a Conventional Rezoning from A(PD) Planned Development Zoning District to CIC Combined Industrial/Commercial Zoning District and a Conditional Use Permit to allow the expansion of up to 59,365 square feet

for an existing behavioral hospital in two phases (Phases I and II) and the addition of up to 88 beds for a total of up to 168 patient beds, the removal of 15 ordinance-size trees, and associated site circulation, parking and landscape improvements, all on a 6.9-gross acre site located on the southwest corner of Silicon Valley Boulevard and Eden Park Place at 455 Silicon Valley in San José, California; 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 2000 Edenvale FEIR, 2000 Edenvale SEIR, General Plan FPEIR and General Plan SEIR, and Addenda thereto, nor will the Project result in an increase in the severity of significant effects identified in the 2000 Edenvale FEIR, 2000 Edenvale SEIR, General Plan FPEIR and General Plan SEIR, and Addenda thereto and identified mitigation measures, as amended, would continue to reduce each of those significant effects to a less than significant level; and

WHEREAS, although the Project will not result in any new significant effects or an increase in the severity of an existing significant effect on the environment, revisions to standard measures and mitigation measures are being made to reflect current General Plan policies and current protocols, which have been updated to incorporate applicable mitigations from the 2000 Edenvale FEIR, 2000 Edenvale SEIR, General Plan FPEIR and General Plan SEIR into the Project; and

WHEREAS, the related mitigation measures are described in the Addendum; and

WHEREAS, a related Mitigation Monitoring and Reporting Program (“Mitigation Monitoring and Reporting Program”) was prepared that incorporates certain mitigation measures from the previously certified 2000 Edenvale FEIR, 2000 Edenvale SEIR, General Plan FPEIR and General Plan SEIR, which have been updated and refined to reflect the current regulatory context; 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 2000 Edenvale FEIR, 2000 Edenvale SEIR, General Plan FPEIR and General Plan SEIR, and the Addendum, including the related Mitigation Monitoring and Reporting Program for the Project and intends to take action on the Project in compliance with CEQA and state and local guidelines implementing CEQA; and

WHEREAS, the 2000 Edenvale FEIR, 2000 Edenvale SEIR, General Plan FPEIR and General Plan SEIR, 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, 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 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 2000 Edenvale FEIR, 2000 Edenvale SEIR, and General Plan FPEIR and General Plan SEIR, as all 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 2000 Edenvale FEIR, 2000 Edenvale SEIR, and General Plan FPEIR and General Plan SEIR 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 2000 Edenvale FEIR, 2000 Edenvale SEIR, and General Plan FPEIR and

General Plan SEIR 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 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 and related Mitigation Monitoring and Reporting Program prepared for the Project (Planning File Nos. C18-022 & CP18-029). The Mitigation Monitoring and Reporting Program is attached hereto as Exhibit "A" and is fully incorporated herein by this reference. The 2000 Edenvale FEIR, 2000 Edenvale SEIR, General Plan FPEIR and General Plan SEIR, and Addenda thereto and the Addendum and Mitigation Monitoring and Reporting Program are: (1) on file in the Office of the Director of Planning, located at 200 East Santa Clara Street, 3rd Floor Tower, San José, California, 95113, and (2) available for inspection by any interested person.

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ADOPTED this _____ day of _____, 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

MITIGATION MONITORING AND REPORTING PROGRAM

San José Behavioral Health Hospital Expansion Project File Nos. C18-022 & CP18-029 January 2018



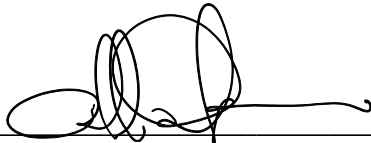
PREFACE

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 (IS)/Addendum prepared for the San José Behavioral Health Expansion 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 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 IS/Addendum concluded that the impacts from implementation of the project would be less than significant.

I, Jeffery Nelson, the applicant, on the behalf of ACADIA HEALTHCARE, hereby agree to fully implement the Mitigation Measures described below which have been developed in conjunction with the preparation of an IS/Addendum 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, where feasible.

Project Applicant's Signature  _____

Date 02/19/2019 _____

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
BIOLOGICAL RESOURCES					
Impact BIO-1: Construction activities associated with the proposed project could result in the loss of fertile eggs, nesting raptors or other migratory birds, or nest abandonment.					
<p>MM BIO-1.1: 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).</p> <p>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 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. 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 (CDFW), 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>Avoidance of construction activities during nesting seasons.</p> <p>Retain a qualified ornithologist to conduct a pre-construction nesting bird survey. If an active nest is discovered, define a construction-free buffer zone.</p> <p>Submit a report indicating the results of the survey and any designated buffer zones to the Supervising Environmental Planner of the San José Department of Planning, Building and Code Enforcement</p>	<p>Prior to issuance of any tree removal, grading, demolition, and/or building permits or activities.</p>	<p>Supervising Environmental Planner of the San José Department of Planning, Building and Code Enforcement</p>	<p>Confirm that demolition and construction activities are scheduled outside of the nesting season.</p> <p>Receive and approve report indicating the results of the survey and any designated buffer zones.</p>	<p>Prior to issuance of any tree removal, grading, demolition, and/or building permits or activities.</p>

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Prior to any tree removal, or issuance 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 Supervising Environmental Planner.					
CULTURAL RESOURCES					
Impact CUL-1: Expansion of the existing behavioral health facility could impact unknown buried subsurface cultural resources.					
<p>MM CUL-1.1: The project applicant shall retain a qualified professional to conduct archaeological monitoring for any subsurface activities where there is potential for discovery of important subsurface prehistoric remains. Following demolition activities and prior to the issuance of any grading or building permits, an archaeological monitor shall check the newly exposed and re-exposed soils to determine whether undisturbed soil is present and the horizontal and vertical extent of any undisturbed soil within the construction area. In the event any prehistoric or historic resources are encountered during any construction activity, all activity within a 100-foot radius of the find shall be stopped, the City of San José Department of Planning, Building and Code Enforcement shall be notified, and the archaeologist shall examine the find and make appropriate recommendations.</p> <p>Documentation of the retention of archaeological monitor shall be provided to the Supervising Environmental Planner prior to the issuance of any</p>	<p>Retain a qualified archaeologist to monitor all ground disturbing activities within the project area and check any newly exposed and re-exposed soils.</p> <p>If any prehistoric or historic resources are encountered, all activity within a 100-foot radius of the find shall be stopped and the qualified archaeologist shall make appropriate recommendations.</p> <p>The archaeologist shall submit a report documenting any data recovery to the</p>	<p>Prior to the start of any construction excavation or the issuance of any grading or building permits.</p>	<p>Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement</p>	<p>Receive notification of prehistoric or historic resources encounter.</p> <p>Receive report documenting any data recovery.</p> <p>Receive and approve archaeologist’s report summarizing the discovery of any cultural materials</p>	<p>Prior to the issuance of any grading or building permits.</p>

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grading permit and a report of findings documenting any data recovery during monitoring shall be submitted to the satisfaction of the Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement.	Director of Planning, Building and Code Enforcement.				
<p>MM CUL-1.2: If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed. In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The project applicant shall immediately notify the Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement and the qualified archaeologist, who shall then notify the Santa Clara County Coroner. The Coroner shall make a determination as to whether the remains are Native American.</p> <p>If the remains are believed to be Native American, the Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC shall then designate a Most Likely Descendant (MLD). The MLD shall inspect the remains and make a recommendation on the treatment of the remains and associated artifacts.</p>	<p>In the event of the discovery of human remains during construction, excavation or any other ground disturbance activity shall cease.</p> <p>Notify the Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement and the Santa Clara County Coroner</p>	<p>If any human remains are found during field investigation, grading, or other construction activities.</p>	<p>Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement</p> <p>Santa Clara County Coroner</p>	<p>Receive notification if human remains are found during field investigation, grading, or other construction activities.</p> <p>Coroner shall contact Native American Heritage Commission if remains are Native American.</p>	<p>Prior to the issuance of any grading or building permits and during field investigations and construction activities.</p>

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<p>If one of the following conditions occur, the landowner or their authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:</p> <ul style="list-style-type: none"> ○ The NAHC is unable to identify a most likely descendant or the most likely descendant failed to make a recommendation within 24 hours after being notified by the commission. ○ The descendant identified failed to make a recommendation; or ○ The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the NAHC fails to provide measures acceptable to the landowner. 					
HAZARDOUS MATERIALS					
Impact HAZ-1: Implementation of the proposed project could expose construction workers and future site users to residual agricultural soil contamination.					
<p>MM HAZ-1.1: The project applicant shall obtain the services of a qualified environmental professional to take shallow soil samples to determine if contaminants from previous agricultural operations are located on-site in concentrations above regulatory environmental screening levels. Once the soil sampling analysis is complete, a report of the findings shall be provided to the Supervising Environmental Planner of Planning,</p>	<p>Retain a qualified environmental professional to collect and analyze shallow soil samples.</p>	<p>Prior to the issuance of any grading permits.</p>	<p>Supervising Environmental Planner of the Department of Planning, Building, and Code Enforcement</p>	<p>Receive and review report on the findings of the soil sampling analysis.</p>	<p>Prior to the issuance of any demolition or grading permits</p>

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Building and Code Enforcement for review prior to issuance of any grading permits.					
<p>MM HAZ-1.2: If contaminants are found above the regulatory environmental screening levels, a Site Management Plan (SMP) shall be prepared and implemented (as outlined below) and any contaminated soils found in concentrations above established thresholds shall be removed and disposed of according to California Hazardous Waste Regulations or the contaminated portions of the site shall be capped beneath the planned development under the regulatory oversight of the Santa Clara County Department of Environmental Health (SCCDEH) or State Department of Toxic Substances Control (DTSC). The contaminated soil removed from the site shall be hauled off-site and disposed of at a licensed hazardous materials disposal site.</p> <p>Components of the SMP shall include, but shall not be limited to:</p> <ul style="list-style-type: none"> • A detailed discussion of the site background; • Preparation of a Health and Safety Plan (HSP); • Notification procedures if previously undiscovered significantly impacted soil or free fuel product is encountered during construction; • On-site soil reuse guidelines based on the California Regional Water Quality Control 	Develop and implement a SMP. Provide copies of the SMP to the Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement and the Municipal Compliance Officer for review and approval prior to submittal to SCCDEH or DTSC.	Prior to the issuance of any grading permits.	Supervising Environmental Planner of the Department of Planning, Building, and Code Enforcement Municipal Compliance Officer of the Environmental Services Department Santa Clara County Department of Environmental Health (or equivalent regulatory agency)	Receive the SMP with approval from SCCDEH or DTSC.	Prior to the issuance of any demolition or grading permits

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<p>Board (RWQCB), San Francisco Bay Region's reuse policy;</p> <ul style="list-style-type: none"> • Sampling and laboratory analyses of excess soil requiring disposal at an appropriate off-site water disposal facility; • Soil stockpiling protocols. 					
<p>MM HAZ-1.3: If soils are found to be contaminated, all contractors and subcontractors at the project site shall develop a Health and Safety Plan (HSP) specific to their scope of work and based upon the known environmental conditions for the site. The HSP shall be submitted to the Supervising Environmental Planner of the Planning, Building and Code Enforcement Department and the Environmental Compliance Officer of the Environmental Services Department (ESD) and implemented under the direction of a Site Safety and Health Officer. The HSP shall include, but shall not be limited to, the following elements, as applicable:</p> <ul style="list-style-type: none"> • Provisions for personal protection and monitoring exposure to construction workers; • Procedures to be undertaken in the event that contamination is identified above action levels or previously unknown contamination is discovered; • Procedures for the safe storage, stockpiling, and disposal of contaminated soils; 	<p>Retain a contractor and subcontractor to develop a HSP specific to the project's scope of work.</p>	<p>Prior to the issuance of any grading permits.</p>	<p>Supervising Environmental Planner of the Department of Planning, Building, and Code Enforcement</p> <p>Municipal Compliance Officer of the Environmental Services Department</p>	<p>Receive the HSP with approval from SCCDEH or DTSC.</p>	<p>Prior to the issuance of any demolition or grading permits</p>

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<ul style="list-style-type: none"> Provisions for the on-site management and/or treatment of contaminated groundwater during extraction or dewatering activities; and Emergency procedures and responsible personnel. <p>The SMP shall be submitted to SCCDEH, DTSC, or equivalent regulatory agency for review and approval. Copies of the approved SMP shall be provided to the Planning, Building and Code Enforcement Supervising Environmental Planner and ESD prior to issuance of grading permits.</p>					

Source: City of San José. Initial Study/Addendum. San José Behavioral Health Hospital Expansion Project. January 2018.