RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE ADOPTING THE 2020 EVERGREEN CIRCLE REZONING 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 2020 Evergreen Circle Rezoning Project under Planning File No. PDC20-002 (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 2020 Evergreen Circle Rezoning Project (the "Project") analyzed under the Initial Study/Mitigated Negative Declaration consists of a Planned Development rezoning of the project site from A(PD) Planned Development Zoning District to a new A(PD) Planned Development Zoning District to allow an increase of allowable commercial/retail space from up to 344,000 square feet to up to 370,000 square feet which would allow for the development of a 150,000-square foot of medical office space on a 28.99 acre site located in Evergreen Circle in San José, south of Quimby Road and west of Capitol Expressway, (Assessor's Parcel Number 670-29-032, 670-29-033, 670-29-035, and 670-50-001, 670-50-002, 670-50-003, 670-50-004, 670-50-005), in the City of 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 on the Department of Planning, Building and Code Enforcement webpage (www.sanjoseca.gov/departments) 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. PDC20-002). 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 on the Department of Planning,

Building and Code Enforcement webpage (www.sanjoseca.gov/departments), and (2) available for inspection by any interested person.

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

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

EXHIBIT "A"

MITIGATION MONITORING AND REPORTING PROGRAM

EVEGREEN CIRCLE REZONING
FILE NO. PDC20-002
APRIL 2021

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

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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 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 Evergreen Circle Rezoning Project (File No. PDC20-002) 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, Michael Fletcher, the applicant, on the behalf of Evergreen Circle, LLC, 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 DocuSigned by: Michael Fletcher AFF8971FDB0A40C...

Date 8/2/2021

Evergreen Circle, LLC
By: Arcadia Development Co., Its Manager
By: Michael Fletcher, President

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MITIGATIONS	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [Project Applicant/Proponent Responsibility]		**Documentation of Compliance [Lead Agency Responsibility]**		
	Method of Compliance Or Mitigation Action	**Timing of Compliance**	**Oversight Responsibility**	**Actions/Reports**	**Monitoring Timing or Schedule**
AIR QUALITY					
Impact AQ-1: Development of future development on the project site with medical or commercial use equivalency would exceed BAAQMD thresholds from construction and operation activities, since the maximum unmitigated cancer risk and PM2.5 concentration exceed the BAAQMD single-source thresholds.					
MM AQ-1 Prior to the issuance of any grading or demolition permits, the project 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. Feasible plans to achieve this reduction would include the following: • All diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously or 20 total hours 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).[1] Equipment that is electrically powered or uses non-diesel fuels would also meet this requirement. • Provide line power to the site during the early phases of construction to minimize the use of	Prepare 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. Submit the construction operation plan to the Director of Planning, Building, and Code Enforcement or the Director's designee	Prior to the issuance of any grading and/or building permits, whichever occur the earliest.	Director of Planning, Building, and Code Enforcement or the Director's designee.	Review and approve the construction operations plan and requirements to reduce construction equipment diesel particulate matter exhaust emissions.	Prior to the issuance of any grading and/or building permits, whichever occur the earliest. Implement requirements during construction.

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[1] See http://www.arb.ca.gov/diesel/verdev/vt/cvt.htm

diesel-powered stationary equipment, such as generators. • Other measures may include the use of added exhaust devices; or a combination of measures, provided that these measures are demonstrated to reduce community risk impacts to less than significant. 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 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 future development of the project site could result in the loss of fertile eggs of nesting raptors or other migratory birds or nest abandonment.					
MM BIO-1 Prior to the issuance of any grading or building permits (whichever occurs first), the project applicant shall schedule all 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). If construction cannot be scheduled to occur between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist 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 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/biologist shall inspect all trees and other possible nesting habitats within 250 feet of the construction areas for nests.	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. The ornithologist/biologist shall submit a report indicating the results of the survey and any designated buffer zones to the Director of Environmental Planner of Planning, Building, and Code Enforcement or the Director's designee.	Prior to any site disturbance such as tree removal, or issuance of any grading, building or demolition permits (whichever occurs first).	Director of Environmental Planner of Planning, Building, and Code Enforcement or the Director's designee.	Review report of the results of the survey and any designated buffer zones.	Prior to issuance of any grading or building permits (whichever occurs first). DS MF

If an active nest is found within 250 feet of the 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 for raptors and 100 feet for other birds), to ensure that raptor or migratory bird nests shall not be disturbed during project construction. Prior to any construction activities or issuance of any grading or building permits, 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 the Planning, Building, and Code Enforcement or the Director's designee.					
Impact BIO-2: Future development on the project site could impact burrowing owls if they recolonize the site after the site lays fallow and is repopulated by ground squirrels.					
MM BIO-2 Prior to the issuance of any grading or building permits, future development on the site shall incorporate the following measures. <u>Preconstruction Surveys:</u> Preconstruction surveys shall be conducted for burrowing owls regardless of whether impacts are to occur during the breeding or non-breeding season. These surveys consist of a minimum of two surveys conducted for a minimum of a 3-hour period within 1 hour of sunrise and/or sunset, with the first survey no more than 14 days prior to initial construction activities (i.e., vegetation removal, grading, excavation, etc.) and the second survey conducted no more than two days prior to initial construction activities. The survey shall ensure complete visual coverage of the site and a 250-foot radius of the site. These survey results shall be documented in a letter report to be submitted to the Director of Planning, Building, and Code Enforcement or Director's designee for review and approval. <u>Burrowing Owl Monitoring Plan:</u> If burrowing owls are observed during the preconstruction surveys, occupied burrows shall be identified by the qualified biologist and a buffer shall be established. The qualified biologist shall submit a Burrowing Owl Monitoring Plan that shall include, but would not be limited to, the following:	Qualified ornithologist/ biologist to conduct pre-construction surveys for burrowing owls no more than 14 days prior to construction, and establish construction-free buffer zones. The ornithologist/biologist shall submit a report indicating the results of the survey and any designated buffer zones to the Director of Environmental Planner of Planning, Building, and Code Enforcement or the Director's designee.	Prior to the issuance of any grading or building permits and during construction.	Director of Environmental Planner of Planning, Building, and Code Enforcement or the Director's designee.	Review report of the results of the survey and any designated buffer zones.	Prior to issuance of any grading or building permits (whichever occurs first).

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○ Identification of appropriate non-disturbance buffers (i.e., 250-foot) around all active burrows as identified and defined by a qualified biologist. ○ Determination of nests and occupancy (i.e., vacant or not) ○ Determination of protocols to relocate nests, collapse suitable vacant burrows, or other equivalent protocol to ensure the safety of owls and habitat, consistent with Santa Clara Valley Habitat Plan (SCVHP) protocols. ○ Protocols for monitoring during non-nesting seasons if owls are found. ○ Protocols for avoidance measures. ○ Protocols for on-going reporting to the necessary agency. Only after the biologist determines that the active burrow has become vacant can the non-disturbance buffer zone be removed. This Monitoring Plan shall be documented in a letter report to be submitted to the Director of Planning, Building, and Code Enforcement or Director's designee for review and approval. <u>Non-nesting Season Reduced Buffer Exception:</u> Should a burrowing owl be located onsite in the non-breeding season (September 1 through January 31), construction activities would not be allowed within this 250-foot buffer of the active burrow(s) used by any burrowing owl unless the following avoidance measures are adhered to. These include: ○ A qualified biologist monitors the owls for at least 3 days prior to construction to determine baseline nesting and foraging behavior (i.e., behavior without construction). ○ The qualified biologist monitors the owls during construction and finds no change in owl nesting and foraging behavior in response to construction activities. ○ However, if the qualified biologist finds that there is any change in owl nesting and foraging behavior as a result of construction activities, these activities will cease within the 250-foot buffer. Construction cannot resume within the 250-foot buffer until the					DS MF

adults and juveniles from the occupied burrows have moved out of the project site. o If monitoring indicates that the nest is abandoned prior to the end of nesting season and the burrow is no longer in use by owls, the non-disturbance buffer zone may be removed. The biologist will excavate the burrow to prevent reoccupation after receiving approval from the Wildlife Agencies. Nesting Season Reduced Buffer Exception: For permission to engage in construction activities within 250 feet of such burrows during the nesting season (February 1 through August 31), an Avoidance, Minimization, and Monitoring Plan shall be prepared by a qualified biologist and approved by the SCVHP Implementing Agency (i.e., the City of San José) and the Wildlife Agencies prior to such encroachment. The plan shall ensure that burrowing owls and active nests are not impacted by the encroachment, based on the professional judgement of the qualified biologist, and shall include the same criteria for non-nesting season encroachment.					
CULTURAL RESOURCES					
Impact CR-1: If future development of the project site requires excavation (e.g., for basement parking), this could result in the loss of unknown subsurface historic resources on the site.					
CR-1.1: Preliminary Investigation: Prior to excavation activities, including grading and potholing for utilities, a qualified archaeologist who is trained in both local prehistoric and historical archaeology shall complete subsurface exploration at the site and a Native American representative, registered with the Native American Heritage Commissions for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, shall be present to determine if there are any indications of discrete historic-era subsurface archaeological features. Exploring for historic-era features shall consist of at least one trench mechanically excavated below existing stratigraphic layers to evaluate the potential for Native American and historic-era resources. If any archaeological resources are exposed, these should be briefly documented, tarped for protection, and left in place. The results of the presence/absence exploration, including any treatment recommendations if any, shall be submitted to the	Complete subsurface testing and submit the preliminary field investigation and results to the Director of Planning or Director's designee of the City of San Jose Department of Planning, Building and Code Enforcement.	Prior to any ground disturbance activities such as grading permits.	Director of Planning, Building and Code Enforcement or the Director's designee	Review and approve results of preliminary investigation.	Prior to any ground disturbance activities such as grading permits.

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Director or Director's designee of the City of San José Department of Planning, Building, and Code Enforcement for review and approval prior to issuance of any grading permit. Based on the findings of the subsurface testing, an archaeological resources treatment plan as described in MM CR-1.2 shall be prepared by a qualified archaeologist if necessary.					
CR-1.2: Treatment Plan. If MM CR-1.1 is applicable, a qualified archeologist, with consultation from a Native American representative registered with the Native American Heritage Commissions for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, the project applicant shall prepare a treatment plan that reflects permit-level detail pertaining to depths and locations of excavation activities. The treatment plan shall be prepared and submitted to the Director or Director's designee of the City of San José Department of Planning, Building, and Code Enforcement prior to approval of any grading permit. The treatment plan shall contain, at a minimum: • Identification of the scope of work and range of subsurface effects (including location map and development plan), including requirements for preliminary field investigations. • Description of the environmental setting (past and present) and the historic/prehistoric background of the parcel (potential range of what might be found). • Development of research questions and goals to be addressed by the investigation (what is significant vs. what is redundant information). • Detailed field strategy to record, recover, or avoid the finds and address research goals. • Analytical methods. • Report structure and outline of document contents. • Disposition of the artifacts. • Appendices: all site records, correspondence, and consultation with Native Americans, etc. Implementation of the plan, by a qualified archaeologist, shall be required prior to the issuance of any grading permits. The treatment	If applicable, a qualified archaeologist shall implement the project-specific archaeological resources treatment plan.	Prior to any ground disturbance activities such as grading permits.	Director of Planning, Building and Code Enforcement or the Director's designee	Review the archaeological resource treatment plan, if applicable.	Prior to any ground disturbance activities such as grading permits.

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plan shall utilize data recovery methods to reduce impacts on subsurface resources. • Proposal for treatment, recordation, data recovery and curation. The data recovery shall involve implementation of surface collection and curation/repatriation of artifacts to prevent looting. To the extent feasible, and in consultation with the Native American representative, all recovered Native American artifacts shall be reburied on-site in an area that is unlikely to be disturbed again.					
CR-1.3: Evaluation. The project applicant shall notify the Director or Director's designee of the City of San José Department of Planning, Building, and Code Enforcement of any finds during the preliminary field investigation, grading, or other construction activities. Any historic or prehistoric material identified in the project area during the preliminary field investigation and during excavation activities shall be evaluated for eligibility for listing in the California Register of Historic Resources as determined by the California Office of Historic Preservation. Data recovery methods may include, but are not limited to, backhoe trenching, shovel test units, hand augering, and hand-excavation. The techniques used for data recovery shall follow the protocols identified in the approved treatment plan. Data recovery shall include excavation and exposure of features, field documentation, and recordation. All documentation and recordation shall be submitted to the Northwest Information Center, and/or equivalent.	Notify the Director of Planning, Building and Code Enforcement or the Director's designee of any finds. Submit all documents to NWIC, or equivalent agency.	Prior to any ground disturbance activities such as grading permits.	Director of Planning, Building and Code Enforcement or the Director's designee	Receive all notification of subsurface finds.	Prior to any ground disturbance activities such as grading permits.
HAZARDS & HAZARDOUS MATERIALS					
Impact HAZ 1: The site was historically used for agricultural purposes and may contain agricultural residuals contaminants.					
MM HAZ 1 Prior to the issuance of any grading permits, a qualified consultant shall be retained to conduct shallow soil samples in the near surface soil in the proposed project area and tested for organochlorine pesticides and pesticide-based metals arsenic and lead to determine if contaminants from previous agricultural operations occur at concentrations above established construction worker safety and commercial/industrial standard environmental screening levels. The results of soil sampling and testing shall be submitted to the City's Supervising Environmental Planner and	Retain qualified consultant to conduct test soil samples. Submit the results of soil sampling and testing to the City's Supervising Environmental Planner and Municipal Environmental Compliance Officer.	Prior to the issuance of any grading permits.	City's Supervising Planner and Municipal Environmental Compliance Officer.	Review the results of soil sampling and testing.	Prior to the issuance of any grading permits. DS MF

Municipal Environmental Compliance Officer for review.					
MM HAZ-2 Prior to construction, a qualified consultant shall be retained to prepare a Site Management Plan (SMP) to reduce or eliminate exposure risk to human health and the environment, associated with the presence of agricultural buildings and the potential for the presence of underground storage tanks. At a minimum, the SMP shall include the following: o Stockpile management including dust control, sampling, stormwater pollution prevention and the installation of BMPs o Proper disposal procedures of contaminated materials o Monitoring, reporting, and regulatory oversight notifications o Proper procedure for removal of Underground Storage Tanks o A health and safety plan for each contractor working at the site that addresses the safety and health hazards of each phase of site operations with the requirements and procedures for employee protection o The health and safety plan will also outline proper soil/ and or groundwater handling procedures and health and safety requirements to minimize worker and public exposure to contaminated soil/and or groundwater during construction.	Project proponent shall retain qualified consultant to prepare SMP. Submit the SMP to the City's Supervising Environmental Planner and Municipal Environmental Compliance Officer.	Prior to the issuance of grading permits.	City's Supervising Planner and Municipal Environmental Compliance Officer.	Review of the SMP.	Prior to the issuance of grading permits.
NOISE					
Impact NSE-1: Existing noise-sensitive land uses would be exposed to a temporary increase in ambient noise levels due to construction activities on the project site.					
MM NSE-1 Construction Noise Logistics Plan: Prior to the issuance of any grading or building permits, the project applicant shall submit and implement a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting and notification of construction schedules, equipment to be used, and designation of a noise disturbance coordinator. The noise disturbance coordinator shall respond to neighborhood complaints and shall be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses. The noise logistic plan shall be submitted to the Director of	Submit and implement a construction noise logistics plan that includes identified best management practices. The construction noise logistics plan shall be submitted to the Director of Planning, Building, and Code Enforcement or Director's designee.	Prior to the issuance of any grading or building permits.	Director of Planning, Building, and Code Enforcement or the Director's designee.	Review and approve the construction noise logistics plan.	Prior to the issuance of any grading or building permits.

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Planning, Building and Code Enforcement or Director's designee prior to the issuance of any grading or demolition permits. As a part of the noise logistic plan, construction activities for the proposed project shall include, but are not limited to, the following best management practices: o Construction activities shall be limited to the hours between 7:00 AM and 7:00 PM, Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence (San José Municipal Code Section 20.100.450). o Construct temporary noise barriers, where feasible, to screen mobile and stationary construction equipment. The temporary noise barrier fences provide noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receiver and if the barrier is constructed in a manner that eliminates any cracks or gaps. o Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment. o Unnecessary idling of internal combustion engines shall be strictly prohibited. o Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses. o Utilize "quiet" air compressors and other stationary noise sources where technology exists. o Construction staging areas shall be established at locations that would create the greatest distance between the construction-related noise source and					

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noise-sensitive receptors nearest the project site during all project construction. o A temporary noise control blanket barrier shall be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. o If impact pile driving is proposed, foundation pile holes shall be predrilled to minimize the number of impacts required to seat the pile. Pre-drilling foundation pile holes is a standard construction noise control technique. Pre-drilling reduces the number of blows required to seat the pile. o Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors. o Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site. o The project applicant shall prepare a detailed construction 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. o Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences. o Designate a "disturbance coordinator" who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and					

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include it in the notice sent to neighbors regarding the construction schedule.					
Impact NSE-2: Construction of future medical or commercial equivalency development could generate vibration levels exceeding 0.2 in/sec PPV at the nearest residential buildings.					
MM NSE 2 Construction Vibration Monitoring, Treatment, and Reporting Plan: The project applicant shall 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: • The report shall include a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations. • 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. • Prohibit the use of heavy vibration-generating construction equipment within 30 feet of adjacent buildings. • 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	Submit and implement a construction vibration monitoring plan that identifies identified measures. Conduct a post-construction survey for structures where high vibration levels were observed or where complaints of damage have been made. Submit the associated monitoring reports after substantial completion of each phase identified in the project schedule to the Director of Planning, Building, and Code Enforcement or Director's designee.	Prior to the issuance of any grading permits.	Director of Planning, Building, and Code Enforcement or the Director's designee.	Review and approve the construction monitoring vibration plan. Receive associated monitoring reports.	Prior to the issuance of any grading permits.

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mode when compacting materials within 15 feet of buildings. • Document conditions at all structures located within 30 feet of construction 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. Specifically: o Vibration limits shall be applied to vibration-sensitive structures located within 30 feet of all construction activities identified as sources of high vibration levels. o 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. • Avoid dropping heavy equipment and use alternative methods for breaking up existing pavement, such as a pavement grinder, instead of dropping heavy objects, within 30 feet of adjacent buildings. • The contractor shall alert heavy equipment operators to the close proximity of the adjacent structures so they can exercise extra care. • Designate a person responsible for registering and investigating claims of excessive vibration. The					DS MF

contact information of such person shall be clearly posted on the construction site. • Develop a vibration monitoring and construction contingency plan to identify structures where 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. • At a minimum, vibration monitoring shall be conducted during demolition and excavation activities. 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.					

Source: Initial Study/Mitigated Negative for Evergreen Circle Rezoning, (PDC20-002), City of San José, April 2021.