

RESOLUTION NO. _____

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE
ADOPTING THE 3315 SIERRA ROAD RESIDENTIAL 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 the 3315 Sierra Road Residential Project under Planning File Nos. CP23-008/PD24-018/T24-033/ER23-079 (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 3315 Sierra Road Residential Project (the “Project”) analyzed under the Initial Study/Mitigated Negative Declaration consists of a Planned Development Rezoning to rezone the property to an R-1-8(PD) Planned Development Zoning District to allow for the redevelopment of an egg ranch for 25 single family detached homes and five accessory dwelling units located at 3315 Sierra Road, 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 the 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 in digital format on the Department of Planning, Building and Code Enforcement webpage, and are, by this reference, incorporated into this Resolution as if fully set forth herein; and

WHEREAS, the Project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the California Department of Fish and Game Code;

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. CP23-008/PD24-018/T24-033/ER23-079). 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 in digital format on the Department of Planning, Building and Code Enforcement webpage, and (2) available for inspection by any interested person.

ADOPTED this _____ day of _____, 2025, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, MMC
City Clerk

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

3315 Sierra Road Residential Project
File No. PDC23-008 and ER23-079
February 2025



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 prepared for the 3315 Sierra Road Project ("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 Initial Study 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, Mark Robson, the applicant, on the behalf of Robson Homes LLC, hereby agree to fully implement the mitigation measures described below which have been developed in conjunction with the preparation of an Initial Study 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



President of the Manager.

Robson Properties, Inc., a California Corporation.

Date

4/28/2025

MITIGATIONS					
	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: Prior to the issuance of any tree removal, demolition, grading, and/or building permits (whichever occurs first), the project applicant shall schedule demolition and construction activities to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1 through August 31 (inclusive).</p> <p>MM BIO-1.2: If demolition and construction cannot be scheduled between September 1 and January 31 (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests are disturbed during project implementation. This survey shall be completed no more than 14 calendar days prior to the initiation of construction activities during the breeding season (February 1 through August 31, inclusive). During this survey, the ornithologist shall inspect all trees and</p>	<p>Complete disturbance activities described in MM BIO-1.1 outside of the nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1 through August 31 (inclusive).</p> <p>The qualified ornithologist to complete pre-construction surveys in accordance with MM BIO-1.2. If active nests are discovered close to work areas such that nesting could be disturbed, MM BIO-1.3 shall be initiated. The results of the pre-construction surveys shall be described in</p>	<p>Prior to tree removal or the issuance of any demolition, grading, and/or building permits (whichever occurs first).</p> <p>Prior to tree removal or 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 (Supervising Environmental Planner).</p> <p>Director of Planning, Building and Code Enforcement or the Director's designee (Supervising Environmental Planner).</p>	<p>Confirm that of construction activities are scheduled outside of nesting season.</p> <p>Receive the ornithologist report.</p>	<p>Prior to issuance of any demolition, grading, and/or building permits (whichever occurs first).</p> <p>Prior to any demolition, grading, and/or building permits (whichever occurs first).</p>

MITIGATIONS					
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<p>other possible nesting habitats immediately adjacent to the construction areas for nests.</p> <p>MM BIO-1.3: If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist shall determine the extent of a construction free buffer zone to be established around the nest to ensure that bird nests shall not be disturbed during project construction.</p> <p>MM BIO-1.4: Prior to any issuance of tree removal, demolition, or grading and/or building permits (whichever occurs first), the ornithologist shall submit a 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.</p>	<p>the report required by MM BIO-1.4.</p> <p>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 to ensure that bird nests shall not be disturbed during project construction. The construction free buffer zones shall be described in the report required by MM BIO-1.4.</p> <p>Following completion of MM BIO-1.2 and MM BIO-1.3, the ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the City's Director of</p>	<p>Prior to issuance of any demolition, grading, and/or building permits (whichever occurs first).</p> <p>Prior to tree removal or 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 (Supervising Environmental Planner)</p> <p>Director of Planning, Building and Code Enforcement or the Director's designee (Supervising Environmental Planner).</p>	<p>Receive the ornithologist report.</p> <p>Receive the ornithologist report for consistency with MM BIO-1.2 through MM BIO-1.3.</p>	<p>Prior to issuance of any demolition, grading, and/or building permits (whichever occurs first).</p> <p>Prior to tree removal or the issuance of any demolition, grading, and/or building permits</p>

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	Planning, Building and Code Enforcement or the Director's designee. All measures shall be printed on all construction documents, contracts, and project plans.				(whichever occurs first).
Hazards and Hazardous Materials					
Impact HAZ-1: Development of the proposed project could result in an impact to construction workers from exposure to arsenic in the shallow soil and chloroform and benzene in soil gas in excess of risk-based screening levels.					
MM HAZ-1.1: Prior to issuance of a demolition or grading permit (whichever occurs first) the applicant shall hire a qualified environmental professional to develop a Risk Management Plan (RMP) to address any potential issues with arsenic in the shallow soil and chloroform and benzene in soil gas during construction or redevelopment. The Risk Management Plan shall include appropriate procedures to mitigate potential risks during construction or redevelopment activities that could result in disturbing impacted media or encountering unknown environmental conditions.	Project applicant shall prepare and submit a RMP to the Building and Code Enforcement or the Director's designee (Supervising Environmental Planner). The RMP shall include measures as outlined in MM HAZ-1.1.	Prior to the issuance of a demolition or grading permit (whichever occurs first)	Director of Planning, Building and Code Enforcement or the Director's designee (Supervising Environmental Planner)	Receive the RMP	Prior to the issuance of a demolition or grading permit (whichever occurs first).

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<p>Disturbed soil shall be appropriately tested and handled during construction.</p> <p>The Risk Management Plan shall be provided to the Director of Planning, Building and Code Enforcement or the Director's designee, and Environmental Services Department (ESD) Municipal Environmental Compliance Officer prior to issuance of a grading permit.</p>					
<p>Impact HAZ-2: Grading and construction activities on the project site could result in the generation of asbestos-containing dust resulting in exposure to construction workers and nearby community.</p>					
<p>MM HAZ-2.1: Prior to issuance of a grading permit, an Asbestos Dust Mitigation Plan (ADMP) shall be prepared and submitted to the Bay Area Air Quality Management District (BAAQMD) for approval. The ADMP must describe dust control measures during grading as well as long term dust control measures. The ADMP shall comply with the California Air Resources Board (CARB) Asbestos Airborne Toxic Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, which could include measures such as the following:</p>	<p>Project applicant shall prepare and submit an ADMP. The ADMP shall include measures to control dust as outlined in MM HAZ-2.1.</p>	<p>Prior to the issuance of a grading permit</p>	<p>Director of Planning, Building and Code Enforcement or the Director's designee (Supervising Environmental Planner) and BAAQMD</p>	<p>Receive the ADMP and documentation of BAAQMD approval</p>	<p>Prior to the issuance of a grading permit.</p>

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<ul style="list-style-type: none"> Track-out prevention and control measures; Active stockpiles shall be adequately wetted or covered with tarps; Control for disturbed surface areas and storage piles that remain inactive for more than seven days; Control for traffic on unpaved roads, parking lots, and staging areas; Control for earthmoving activities; and, Control for off-site transport. 					
Noise					
Impact NOI-1: Construction of the proposed project would result in noise generating activities above the City's noise construction threshold by exceeding 12 months and occurring within 500 feet of residential uses.					
MM NOI-1.1: Prior to the issuance of any demolition or grading permits, a qualified acoustical consultant shall develop a construction noise logistics plan. The construction noise logistics plan shall include noise reduction measures to prevent substantial noise disturbances of affected sensitive receptors. A typical construction noise logistics plan shall include, but not be limited to, the following measures to reduce construction noise levels as low as feasible:	The qualified acoustical consultant to prepare a construction noise logistics plan in accordance with MM NOI-1.1. Submit the construction noise logistics plan to the Supervising Environmental Planner.	Prior to the issuance of any demolition or grading permits (whichever occurs first).	Director of Planning, Building and Code Enforcement or the Director's designee (Supervising Environmental Planner).	Receive and review the construction noise logistics plan for compliance with MM NOI-1.1.	Prior to the issuance of any demolition or grading permits (whichever occurs first).

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<ul style="list-style-type: none"> A temporary eight-foot noise barrier shall be constructed along the north and east property line of the project site to shield adjacent residential land uses from ground-level construction equipment and activities. The noise barrier shall be solid over the face and at the base of the barrier in order to provide a five dBA noise reduction. The noise barrier is required for the construction period prior to the Building Interior/Architectural Coating phase to meet the construction noise standards. This temporary noise barrier shall be constructed if the project's solid sound wall and good neighbor fence (minimum five feet), respectively are not constructed first. Temporary noise barrier fences having a minimum surface density of two lbs/ft² (e.g. such as ¾" plywood) provide a five dB noise reduction if the noise barrier interrupts the line-of-sight between the noise source and the receptor and if the barrier is constructed in a manner that eliminates any cracks or gaps. If stationary noise-generating equipment such as power generators or pumps must be located near sensitive receptors (within 50 feet), adequate muffling (with enclosures where 	All measures shall be printed on all construction documents, contracts, and project plans.				

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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"> • During final grading, substitute graders for bulldozers, where feasible. Wheeled heavy equipment are quieter than track equipment and should be used where feasible. • Substitute nail guns for manual hammering and electrically powered tools for noisier pneumatic tools, where feasible. • Assign a designated “noise disturbance coordinator” who would respond to any local complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem within 24 to 48 hours. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule at least one week prior to start of construction and prior to each “noisy” phase of construction 					

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including demolition, site grading, roadway paving, and framing.					
Impact NOI-2: The project would exceed the City's vibration limit of 0.2 in/sec PPV for buildings of conventional construction at 3581 Ivalynn Place and 3319 Sierra Road.					
MM NOI-2.1: Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs first), the project applicant shall contract with a Qualified acoustical professional in the State of California to prepare a construction vibration monitoring plan that includes measures to reduce vibration impacts to achieve vibration limit of 0.2 in/sec PPV. During construction, the project applicant shall implement the following vibration reduction measures: <ul style="list-style-type: none"> Prohibit the use of heavy vibration-generating construction equipment within 30 feet of adjacent residential buildings. Use a smaller vibratory roller, such as the Caterpillar model CP433E vibratory compactor, when compacting materials within 30 feet of adjacent residential buildings. Only 	Contract with a licensed Professional Structural Engineer in the State of California to prepare a construction vibration monitoring plan that includes the measures outlined in MM NOI-2.1; the plan shall be submitted to the Director of Planning, Building, and Code Enforcement or the Director's designee (Supervising Environmental Planner). Implement vibration reduction measures. All measures shall be printed on all construction	Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs first)	Director of Planning, Building and Code Enforcement or the Director's designee (Supervising Environmental Planner).	Receive and review the construction vibration monitoring plan for compliance with MM NOI-2.1.	Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs first).

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<p>use the static compaction mode when compacting materials within 15 feet of residential buildings.</p> <ul style="list-style-type: none"> • 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 residential buildings. • Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site. 	documents, contracts, and project plans.				
Transportation					
Impact TRN-1: The project would exceed the City's residential threshold of 11.39 VMT per capita resulting in a significant impact.					
<p>Prior to the issuance of the Certificate of Occupancy, the project applicant shall implement the following mitigation measures MM TRN-1.1 through MM TRN-1.5:</p> <p>MM TRN-1.1: Bike Access Improvements. The project shall construct a 150-foot-long Class II</p>	Construct a 150-long Class II buffered bike lane along northbound Piedmont Road and the proposed biotreatment area.	Prior to Certificate of Occupancy	Director of Public Works or the Director's designee	Review improvement plans showing the planned improvement.	Prior to the issuance of Certificate of Occupancy.

MITIGATIONS					
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buffered bike lane along northbound Piedmont Road between Sierra Road and the existing driveway serving the gas station.					
MM TRN-1.2: Pedestrian Network Improvements and Traffic Calming Measures. The project shall remove the pork-chop island on the northeast corner of the Piedmont Road/Sierra Road intersection and reconstruct/extend the curb line (i.e., square off the corner and remove the westbound right-turn pocket on Sierra Road). The corner would be reconstructed to include new ADA compliant curb ramps with truncated domes. Some restriping would also be necessary.	Remove the pork-chop island on the northeast corner of the Piedmont Road/Sierra Road intersection and reconstruct/extend the curb line (i.e., square off the corner on Sierra Road)..	Prior to Certificate of Occupancy	Director of Department of Public Works or Director's designee and the Director of Planning, Building and Code Enforcement, or Director's designee (Supervising Environmental Planner).	Review improvement plans showing the planned improvement.	Prior to the issuance of Certificate of Occupancy.
MM TRN-1.3: Transit Accessibility. The project shall relocate the Piedmont and Sierra VTA bus stop (Stop ID 65526) along northbound Piedmont Road closer to the intersection of Piedmont Road/Sierra Road. ¹ The project may have to implement additional bus stop improvements (i.e., new bus pad, metal bench) that will need to be coordinated with VTA.	Coordinate with VTA on the relocation of the bus stop along northbound Piedmont Road closer to the intersection of Piedmont Road/Sierra Road.	Prior to Certificate of Occupancy	VTA and Director of Department of Public Works or Director's designee and the Director of Planning, Building and Code Enforcement, or	Review improvement plans showing the planned improvement.	Prior to the issuance of Certificate of Occupancy.

¹ Removal of the pork-chop island and extension of the curb line on the northeast corner of the intersection would make this transit improvement possible.

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	Implement improvements as agreed to with VTA.		Director's designee (Supervising Environmental Planner).		
<p>MM TRN-1.4: School Pool Program. The project shall implement a School Pool Program. The purpose of this program would be to match parents of the proposed residential development who transport students to schools without a bussing program, including private schools, charter schools, and neighborhood schools where students cannot walk or bike. The school pool program would be open to all families of the development.</p> <p>School pool program information will be provided to new homeowners and renters in welcome packets. A Transportation Demand Management (TDM) webpage and/or periodic newsletters with current school pool program information will also be made available for continued reference by homeowners and renters. Residents interested in the program will be able to connect with other interested residents to schedule carpools either directly or through one of the 511.org</p>	Develop a school pool program and online kiosk. HOA shall be responsible for implementing program.	Prior to Certificate of Occupancy.	Director of Planning, Building and Code Enforcement, or Director's designee (Supervising Environmental Planner).	Review school pool program and online kiosk.	Prior to Certificate of Occupancy .

MITIGATIONS					
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online services. The developer will be responsible for initially creating a TDM webpage or newsletter for the project and providing a welcome packet to each homeowner and renter upon move-in. The Home Owner's Association (HOA) will be responsible for maintaining the TDM webpage and/or newsletters to ensure the information remains current					
MM TRN-1.5: Voluntary Travel Behavior Change Program. The project shall implement a voluntary travel behavior change program. The project HOA will be responsible for facilitating a voluntary travel behavior change program that targets individual attitudes and behaviors towards travel and helps individuals analyze and alter their travel choices to encourage the use of shared ride modes, transit, walking, and biking. These programs will include an annual resident travel survey and year-round communications. These programs may also feature mass communication campaigns such as community travel surveys, green trip competitions, and web-based tools that promote cost savings, pro-environmental, and pro-healthy impacts of travel choices (the Voluntary Travel Behavior Change Program).	Develop a voluntary travel behavior change program prior to Certificate of Occupancy and provide to all residents. HOA shall be responsible for implementing the program.	Prior to Certificate of Occupancy	Director of Planning, Building and Code Enforcement, or Director's designee (Supervising Environmental Planner).	Review voluntary travel behavior change program.	Prior to Certificate of Occupancy.

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<p>All homeowners and renters of the proposed development shall be provided with the information/tools/access to take full advantage of the Voluntary Travel Behavior Change Program. Accordingly, 100 percent of the residents would qualify as “participants” in this TDM program. A TDM/Transportation Coordinator, likely an employee of the HOA Management Company, shall administer the Voluntary Travel Behavior Change Program. Mass communication campaigns will keep the homeowners and renters informed of transportation options available to them. Communications may include emails, newsletters, postcards, and/or fliers. Travel surveys are a way to investigate residential travel modes, trip purposes, trip frequency, and perceptions toward alternative travel options, routes, services, and benefits. The results of the residential travel surveys will provide quantitative data (e.g., mode split) and qualitative data (e.g., resident perception of alternative transportation programs). The travel surveys will be conducted annually and will help to determine the effectiveness of the program and whether any changes should be made. Survey data will indicate where to focus ongoing TDM marketing with a goal of</p>					

MITIGATIONS					
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<p>maintaining the project's commitment to use alternative transportation.</p> <p>Implementation of mitigation measures MM TRN-1.1 through MM TRN-1.5 reduces the project's VMT to 11.37 per capita, which would be below the City's threshold of 11.39 VMT per capita.</p>					
<p>Source: City of San José. <i>3315 Sierra Road Residential Project Initial Study</i>. February 2025.</p>					