

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

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE ADOPTING THE BELLARMINE COLLEGE PREPARATORY MASTER PLAN UPDATE PROJECT MITIGATED NEGATIVE DECLARATION, FOR WHICH AN INITIAL STUDY WAS PREPARED, AND ADOPTING A RELATED MITIGATION MONITORING AND REPORTING PROGRAM ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

**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 Bellarmine College Preparatory Master Plan Update Project under Planning File Nos. PDC220-099, PD22-030 and ER22-166 (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 Bellarmine College Preparatory Master Plan Update Project (the “Project”) analyzed under the Initial Study/Mitigated Negative Declaration consists of a Planned Development Rezoning maintaining the PQP(PD) zoning and a Planned Development Permit to increase the maximum building square footage from 347,561 square feet to 485,000 square feet for an existing school campus on an approximately 17.64-gross-acre site. The project includes demolition of two existing structures, renovation of two buildings, and relocation of a historic structure (Assessor’s Parcel Numbers 261-11-005, 261-12-001, 261-12-002, 261-12-074, 261-12-087, 230-41-043, 230-41-029, 230-41-030, 230-41-031, 230-41-032, 261-10-095, 261-10-096, 261-10-104, 261-10-105, and 261-10-106); 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 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-line 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 incorporate the foregoing recitals by reference into the body of this Resolution.

**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 Nos. PDC220-099, PD22-030 & ER22-166). 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 (2) available for inspection by any interested person.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2023, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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MATT MAHAN  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk

# MITIGATION MONITORING AND REPORTING PROGRAM

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## **Bellarmino College Preparatory Master Plan Update Project** **File No. PDC22-099** **June 2023**

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## PREFACE

Section 21081.6 of the California Environmental Quality Act (“CEQA”) requires a Lead Agency to adopt a Mitigation Monitoring and Reporting Program (“MMRP”) whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the monitoring and reporting program is to ensure compliance with the mitigation measures during project implementation.

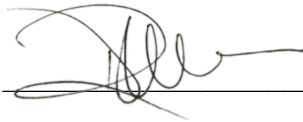
The Initial Study/Mitigated Negative Declaration (“IS/MND”) prepared for the Bellarmine College Preparatory Master Plan Update project concluded that implementation of the project could result in significant effects on the environment and mitigation measures were incorporated into the proposed project or are required as a condition of project approval. This MMRP addresses those measures in terms of how and when they will be implemented.

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.

This document does *not* discuss those subjects for which the IS/MND concluded that the impacts from implementation of the project would be less than significant.

I, Ronald Miller, CFO, the applicant, on the behalf of Bellarmino College Preparatory hereby agree to implement the mitigation measures described below which have been developed in conjunction with the preparation of an IS/MND for my proposed project. I understand that these mitigation measures or substantially similar measures will be adopted as conditions of approval with my development permit request to avoid or significantly reduce potential environmental impacts to a less than significant level.

Project Applicant's Signature



Date June 28, 2023



*Planning, Building and Code Enforcement*

CHRISTOPHER BURTON, DIRECTOR

**Bellarmine College Preparatory Master  
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File Nos. PDC22-099**

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [Project Applicant/Proponent Responsibility]		Documentation of Compliance [Lead Agency Responsibility]		
	Method of Compliance Or Mitigation Action	Timing of Compliance	Oversight Responsibility	Actions/Reports	Monitoring Timing or Schedule
<b>AIR QUALITY</b>					
<b>Impact AQ-1:</b> Construction activities associated with the proposed project would expose sensitive receptors at the maximally exposed individual (“MEI”) to toxic air contaminants (“TAC”) emissions (cancer risk would be 20.80 per million and annual PM <sub>2.5</sub> emissions of 0.36 micrograms) in excess of the BAAQMD thresholds for cancer risk and annual PM <sub>2.5</sub> emissions of 10 per million and 0.3 micrograms, respectively.					
<p><b>MM AQ-1.1:</b> Prior to issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the project applicant shall submit a construction operations plan to the Director of Planning, Building, and Code Enforcement or the Director’s designee that includes specifications of the equipment to be used during construction. The plan shall be accompanied by a letter signed by a qualified air quality specialist, verifying that the equipment included in the plan meets the standards set forth below.</p> <ul style="list-style-type: none"> <li>• 1. All construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA Tier 4 emission standards for PM (PM10 and PM2.5), if feasible, otherwise,</li> <li>• If use of Tier 4 equipment is not available, alternatively use equipment that meets U.S. EPA emission standards for Tier 3 engines and include particulate matter emissions control equivalent to CARB Level 3 verifiable diesel emission control devices that altogether achieve a 60 percent reduction in particulate matter exhaust in</li> </ul>	Submit a construction operations plan to the Director of Planning, Building, and Code Enforcement or the Director’s designee.	Prior to City’s issuance of any demolition, grading, and/or building permits (whichever occurs earliest).	Director of Planning, Building, and Code Enforcement or the Director’s designee	Review and verify construction operations plan meets the requirements of MM AQ-1.1.	Prior to issuance of any demolition, grading, and/or building permits (whichever occurs earliest).



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<p>comparison to uncontrolled equipment; alternatively (or in combination).</p> <ul style="list-style-type: none"> <li>• Use of electrical welders during construction of the new academic building and new administration building.</li> <li>• Use of other electrical or non-diesel fueled equipment.</li> </ul> <p>• Alternatively, the applicant may develop another construction operations plan demonstrating that the construction equipment used on-site would achieve a reduction in construction diesel particulate matter emissions by 60 percent or greater. Elements of the plan could include a combination of some of the following measures:</p> <ul style="list-style-type: none"> <li>• Implementation of No. 1 above to use Tier 4 or alternatively fueled equipment,</li> <li>• Installation of electric power lines during early construction phases to avoid use of diesel generators and compressors,</li> <li>• Use of electrically-powered equipment,</li> <li>• Forklifts and aerial lifts used for exterior and interior building construction shall be electric or propane/natural gas powered,</li> <li>• Change in construction build-out plans to lengthen phases, and</li> <li>• Implementation of different building techniques that result in less diesel equipment usage.</li> </ul>					





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<p>With implementation of Mitigation Measure MM AQ-1.1 and the Standard Permit Conditions, the cancer risk would be reduced to 6.95 per million and the annual PM2.5 would be reduced to 0.15 µg/m<sup>3</sup>, which is below the single-source thresholds of 10.0 per million and 0.03 µg/m<sup>3</sup>. Therefore, the project would have a less than significant impact.</p>					
BIOLOGICAL RESOURCES					
<p><b>Impact BIO-1:</b> Project construction could directly or indirectly impact nesting birds protected under the Migratory Bird Treaty Act and the California Fish and Game Code.</p>					
<p><b>MM BIO-1.1:</b> The project applicant shall schedule demolition and construction activities to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st (inclusive).</p>	<p>Schedule construction activities during non-nesting season.</p>	<p>Prior to City’s issuance of any tree removal, grading, demolition, and/or building permit or activities.</p>	<p>Director of Planning, Building and Code Enforcement or Director’s designee</p>	<p>Confirm that demolition and construction activities are scheduled outside of the nesting season.</p> <p>Review and approve the report of the results of the survey and any designated buffer zones.</p>	<p>Prior to issuance of any tree removal, grading, demolition, and/or building permit or activities.</p>



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<p><b>MM BIO-1.2:</b> If demolition and construction cannot be scheduled between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no 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.</p>	<p>Conduct a pre-construction nesting bird survey by a qualified ornithologist and designate a construction-free buffer zone around any discovered nest.</p>	<p>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).</p>	<p>Director of Planning, Building and Code Enforcement or Director’s designee</p>	<p>Review and approve the construction free buffer zone identification demarcation.</p>	<p>Prior to issuance of any tree removal, grading, demolition, and/or building permit or activities.</p>



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<p><b>MM BIO-1.3:</b> 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 (typically 250 feet), to ensure that raptor or migratory bird nests shall not be disturbed during project construction.</p> <p><b>MM BIO-1.4:</b> Prior to any tree removal, or City’s 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 Director of Planning or Director’s designee of the Department of Planning, Building and Code Enforcement.</p> <p>With implementation of mitigation measures MM BIO-1.1 through MM BIO-1.4, the project’s impacts to nesting birds would be less than significant.</p>	<p>Identify a construction free buffer zone.</p> <p>Submit a report indicating the results of the survey and any designated buffer zones.</p>	<p>Prior to City’s issuance of any tree removal, grading, demolition, and/or building permit or activities.</p> <p>Prior to any tree removal or City’s issuance of any grading or demolition permits (whichever occurs first).</p>	<p>Director of Planning, Building and Code Enforcement or Director’s designee</p> <p>Director of Planning, Building and Code Enforcement or Director’s designee</p>	<p>Review and approve the ornithologist’s report.</p>	<p>Prior to issuance of any tree removal, grading, demolition, and/or building permit or activities.</p> <p>Prior to any tree removal or issuance of any grading or demolition permits (whichever occurs first).</p>



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<b>CULTURAL RESOURCES</b>					
<b>Impact CUL-1:</b> Relocation of the architecturally significant Berchmans Hall to a site directly west across Elm Street could result in the loss of its historic integrity.					
<p><b>MM CUL-1.1:</b> Prior to the issuance of any demolition, grading or building permits for the project, whichever occurs first, the Permittee shall retain a qualified professional meeting the Secretary of the Interior’s Professional Qualification Standards to prepare a Relocation Plan that fully outlines and documents the relocation plans for the architecturally significant Berchmans Hall, the proposed schedule of such work, and identifies the location of construction staging and storage on-site in relation to Berchmans Hall. The plan shall demonstrate compliance with the Secretary of the Interior’s Standards for the Treatment of Historic Properties, which includes the preservation of the character-defining features of Berchmans Hall. The Relocation Plan shall be reviewed and approved by the City’s Historic Preservation Officer or designee prior to issuance of any grading, demolition or building permits, whichever comes first, for the project.</p>	<p>Retain a qualified professional meeting the Secretary of the Interior’s Professional Qualification Standards to prepare a Relocation and Rehabilitation Plan that outlines and documents the relocation and rehabilitation plan for Berchmans Hall.</p>	<p>Prior to City’s issuance of any demolition, grading, or building permits, whichever occurs first.</p>	<p>City of San José Historic Preservation Officer</p>	<p>Review and verify that the Relocation and Rehabilitation Plan meets (or does not meet) the Secretary of the Interior’s Standards.</p>	<p>Prior to issuance of any demolition, grading, or building permits, whichever occurs first.</p>
<p><b>MM CUL-1.2:</b> Prior to relocation of the architecturally significant Berchmans Hall, the Permittee shall retain a qualified historic building mover and a qualified Historic Architect to document the existing conditions and features of the building and stabilize the structure prior to relocation. Documentation of the existing</p>	<p>Retain a qualified historic building mover and a qualified Historic Architect to document the existing conditions and features of the building and stabilize</p>	<p>Prior to City’s issuance of any grading, demolition or building permits, whichever comes first, for the project.</p>	<p>City of San José Historic Preservation Officer</p>	<p>Review and approve qualifications of and letter with historic building</p>	<p>Prior to issuance of any grading, demolition or building permits,</p>



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<p>building conditions shall be reviewed and approved by the City’s Historic Preservation Officer or designee prior to issuance of any grading, demolition, or building permits, whichever comes first, for the project.</p> <p><b>MM CUL-1.3:</b> Prior to issuance of an occupancy permit for the new Academic Building, the Permittee shall retain a qualified professional meeting the Secretary of the Interior’s Professional Qualification Standards to prepare a Rehabilitation Plan. The plan shall demonstrate compliance with the Secretary of the Interior’s Standards for the Treatment of Historic Properties, which includes the preservation of the character-defining features of Berchmans Hall. The Rehabilitation Plan shall be reviewed and approved by the City’s Historic Preservation Officer or designee. Upon completion of the buildings’ rehabilitation in accordance with the approved Rehabilitation Plan, a qualified Historic Architect shall prepare a Completion Report (including photographs) to document conformance with the Secretary of the Interior’s Standards for the Treatment of Historic Properties and the in preservation of the character-defining features of Berchmans Hall, the historic resource. The Completion Report shall be submitted to the City’s Historic Preservation Officer or designee and the Director of Planning, Building and Code Enforcement or Director’s Designee for review and approval once rehabilitation of</p>	<p>the structure. Submit a letter from the mover and architect verifying that they are under contract and demonstrating their qualifications according to the Secretary of Interior Standards to City’s Historic Preservation Officer for review.</p> <p>Retain a qualified a qualified professional meeting the Secretary of the Interior’s Professional Qualification Standards to prepare a Rehabilitation Plan.</p> <p>Submit the Rehabilitation Plan to the City.</p> <p>Rehabilitate the Berchmans Hall in accordance with the</p>	<p>Prior to City’s issuance of an occupancy permit for the new Academic Building.</p> <p>Prior to City’s issuance of an occupancy permit for the new Academic Building.</p> <p>Prior to issuance of occupancy permits for Matthewson Hall</p>	<p>1. City’s Historic Preservation Officer, and</p> <p>2. the Director of Planning, Building and Code Enforcement or Director’s designee</p>	<p>mover and Historic Architect.</p> <p>Review and verify Rehabilitation Plan documents conformance with Secretary of the Interior Standards for the Treatment of Historic Properties.</p> <p>Review and verify Completion Report documents conformance with the Secretary of the Interior Standards for the Treatment of Historic Properties.</p>	<p>whichever comes first, for the project.</p> <p>Prior to issuance of an occupancy permit for the new Academic Building.</p> <p>Prior to issuance of an occupancy permit for Matthewson Hall.</p>



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<p>the house is complete and prior to issuance of occupancy permits for Matthewson Hall.</p> <p>With the incorporation of MM CUL-1.1 through MM CUL-1.3, impacts to Berchmans Hall, the on-site historical resources would be mitigated to a less than a significant level.</p>	<p>approved Relocation and Rehabilitation Plan.</p> <p>Prepare a Completion Report to document conformance with the Secretary of the Interior’s Standards for the Treatment of Historic Properties.</p>	<p>Prior to issuance of occupancy permits for Matthewson Hall</p>			
<b>HAZARDS AND HAZARDOUS MATERIALS</b>					
<p><b>Impact HAZ-1:</b> Due to the site history, previously unidentified features or conditions and/ or residual soil contamination associated with the former Leaking Underground Storage Tank (LUST) on-site could be encountered during construction and result in exposure risks to construction workers, the nearby community, and the environment.</p>					
<p><b>MM HAZ-1.2:</b> Prior to issuance of a grading permit, the applicant shall hire a qualified environmental professional to develop a self-directed Site Management Plan (“SMP”) due to a portion of the site being listed as a closed Leaking Underground Storage Tank cleanup site with a potential to encounter residual soil contamination. The SMP is intended to provide guidelines and protocols in the event of encountering any previously unidentified features or conditions and/or soil contamination during redevelopment. Components of the SMP shall include, but shall not be limited to:</p> <ul style="list-style-type: none"> <li>• A detailed discussion of the site background;</li> <li>• Preparation of a Health and Safety Plan (HASP);</li> </ul>	<p>Qualified environmental professional shall develop a self-directed Site Management Plan (SMP) to provide guidelines and protocols in the event of encountering any previously unidentified features or conditions and/or soil contamination during redevelopment and submit to the City’s 1. Director of Planning,</p>	<p>Prior to City’s issuance of a grading permit</p>	<ol style="list-style-type: none"> <li>1. Director of Planning, Building and Code Enforcement or Director’s designee, and</li> <li>2. the Environmental Compliance Officer in the City of San José’s Environmental Services Department</li> </ol>	<p>Review and approve the Site Management Plan</p>	<p>Prior to the issuance of a grading permit</p>



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<ul style="list-style-type: none"> <li>• Notification procedures if previously undiscovered significantly impacted soil or free fuel product is encountered during construction;</li> <li>• On-site soil reuse guidelines based on the California Regional Water Quality Control Board (RWQCB), San Francisco Bay Region’s reuse policy;</li> <li>• Sampling and laboratory analyses of excessive soil requiring disposal at an appropriate off-site waste disposal facility;</li> <li>• Soil stockpiling protocols; and</li> <li>• Protocols to manage groundwater that may be encountered during trenching and/or subsurface excavation activities.</li> </ul> <p>Conformance with MM HAZ-1, and the regulatory requirements, and standard permit conditions above, would result in a less than significant impact from ACMs, LBPs, and PCBs, and potential ground contamination.</p>	Building, and Code Enforcement or the Director’s designee, and 2. The City’s Environmental Compliance Officer in the City of San José Environmental Services Department.				
<b>NOISE</b>					
<b>Impact NOI-1:</b> Project construction activities would take place for a period of more than 12 months, which may cause adverse construction noise impacts on nearby residential and commercial land uses.					
<b>MM NOI-1.1:</b> 1. Pursuant to General Plan Policy EC-1.7, project construction operations shall use best available noise suppression devices and techniques including, but not limited to the following:	Submit the construction noise logistics plan that specifies hours of construction, noise, and vibration minimization	Prior to the issuance of any grading or demolition permits.	Director of Planning, Building and Code Enforcement or Director’s designee	Review and approve the noise logistics plan	Prior to the issuance of any grading or demolition permits



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<ul style="list-style-type: none"> <li>• Limit construction hours to 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. Construction outside of these hours may be approved through a development permit based on a site-specific “construction noise mitigation plan” and a finding by the Director of PBCE that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.</li> <li>• Construct solid plywood fences around construction sites adjacent to operational business, residences, or other noise-sensitive land uses.</li> <li>• Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.</li> <li>• Prohibit unnecessary idling of internal combustion engines.</li> <li>• 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.</li> <li>• Utilize “quiet” air compressors and other stationary noise sources where technology exists.</li> </ul>	<p>measures, posting and notification of construction schedules, equipment to be used, and designation of a noise disturbance coordinator to the Director of Planning, Building and Code Enforcement or Director’s designee.</p> <p>Implement noise logistics plan.</p>	<p>Implement plan during all phases of construction.</p>			





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<ul style="list-style-type: none"> <li>• Control noise from construction workers’ radios to a point where they are not audible at existing residences bordering the project site.</li> <li>• 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 adjacent land uses and nearby residences.</li> <li>• If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket barrier along surrounding building facades that face the construction sites.</li> <li>• Designate a “disturbance coordinator” who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to current the problem, 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.</li> <li>• A construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance</li> </ul>					



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<p>coordinator who would respond to neighborhood complaints shall be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.</p> <p>Compliance with MM NOI-1.1 would ensure the project’s construction noise impacts would be less than significant.</p>					
<p><b>Impact NOI-2:</b> Construction vibration levels at adjacent structures on Myrtle Street and University Avenue would range from 0.003 to 0.210 in/sec PPV, exceeding the General Plan threshold of 0.2 in/sec PPV for buildings of conventional construction approximately 30 feet or less from the project site.</p>					
<p><b>MM NOI-2.1:</b> The following measures shall be included in a Construction Vibration Operations Plan and implemented during construction to reduce vibration levels to 0.2 in/sec PPV or less at 878, 884, 896, and 898 Myrtle Street and 959 and 971 University Avenue.</p> <ul style="list-style-type: none"> <li>• Place operating equipment on the construction site as far as possible from vibration-sensitive receptors.</li> <li>• Use smaller vibratory rolling equipment, for example the Caterpillar model CP433E vibratory compactor, within 30 feet of normal buildings.</li> <li>• Select demolition methods not involving impact tools.</li> <li>• Avoid dropping heavy equipment within 30 feet of normal buildings, and use alternative methods for breaking up existing pavement, such as a pavement grinder.</li> </ul>	<p>Submit the Construction Vibration Operations plan that reduces vibration levels to 0.2 in/sec PPV or less at 878, 884, 896, and 898 Myrtle Street and 959 and 971 University Avenue to the Director of Planning, Building and Code Enforcement or Director’s designee.</p> <p>Implement Construction Vibration Operations plan.</p>	<p>Prior to the issuance of any grading or demolition permits</p> <p>Implement plan during all phases of construction.</p>	<p>Director of Planning, Building and Code Enforcement or Director’s designee</p>	<p>Review and approve the noise logistics plan</p>	<p>Prior to the issuance of any grading or demolition permits</p>



*Planning, Building and Code Enforcement*

CHRISTOPHER BURTON, DIRECTOR

**Bellarmine College Preparatory Master Plan Update Project**  
**File Nos. PDC22-099**

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
<ul style="list-style-type: none"> <li>• Hoe rams, large bulldozers, drill rigs, loaded trucks, and other similar equipment shall not be used within 15 feet of adjacent buildings.</li> <li>• Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.</li> <li>• Prior to issuance of any demolition, grading, or building permits for the project, the applicant shall submit a Construction Vibration Operations Plan shall be submitted to the Director of Planning, Building, and Code Enforcement or Director’s designee prior to issuance of demotion, grading, or building permits for review and approval. Additionally, the measures shall be included on the issued Grading Permit and Building Permit plan sets.</li> </ul> <p>With implementation of the above mitigation measures, project construction vibration would be reduced to below the City’s 0.2 in/sec PPV threshold at 878, 884, 896, and 898 Myrtle Street and 959 and 971 University Avenue.</p>					

*Source:* City of San José. Initial Study for the Bellarmine College Preparatory Master Plan Update Project. May1 2023.