



Memorandum

TO: TRANSPORTATION &
ENVIRONMENT COMMITTEE

FROM: Christopher Burton

SUBJECT: SEE BELOW

DATE: April 13, 2022

Approved

Date

4/20/22

**SUBJECT: CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
MITIGATION MONITORING AND REPORTING PROGRAM SEMI-
ANNUAL STATUS REPORT**

RECOMMENDATION

Accept the semi-annual status report on the California Environmental Quality Act (CEQA) Mitigation Monitoring and Reporting Program (MMRP) for the period of October 2021 through March 2022.

OUTCOME

The purpose of this semi-annual report is to provide the Transportation and Environment Committee with an update on the mitigation compliance program and conformance to CEQA's requirements for mitigation monitoring under CEQA Guidelines Section 15097. Specifically, this report highlights the on-going projects and key accomplishments achieved during the reporting period. The Committee's attention to this Program has assisted with compliance and fulfillment of the City's environmental mitigation commitments and obligations pursuant to CEQA.

BACKGROUND

This is the 25th progress report on the status of the implementation and improvements to the City's MMRP. CEQA requires that the City include feasible mitigation measures to reduce or eliminate potentially significant environmental impacts as part of the City's approval of projects, including land use approvals and other actions taken by the City Council or other decision-making bodies. These mitigation measures are identified through environmental analyses

prepared for individual projects in the form of Mitigated Negative Declarations or Environmental Impact Reports under CEQA. At the time of approval, the City is required to make findings as to how each project will specifically avoid or substantially reduce its potentially significant environmental effects through either modification to the project, or the incorporation of environmental mitigation measures described in the project's Mitigated Negative Declaration or Environmental Impact Report. CEQA mandates that the City adopt and implement a MMRP for individual projects. Mitigation measures are required to be fully enforceable through permit conditions, agreements, or other measures with an expectation that there will be consequences to the project for non-compliance. The timing for mitigation measure implementation and compliance is mostly prior to the issuance of the grading permit. However, under certain circumstances, there are some mitigation measures that may be required to be implemented post-occupancy with required ongoing measures during project operations.

Over the past few years, staff has been working to improve the City's MMRP implementation to better conform to the requirements of CEQA and to further the City's goals for stewardship of the natural environment. The Transportation and Environment Committee has been an active participant in this process, reviewing staff progress and making recommendations on a periodic basis.

ANALYSIS

This part of the report focuses on mitigation compliance for projects during the grading permitting process as the timing for most compliance is triggered with grading. The Department of Planning, Building and Code Enforcement Environmental Review team leads the review of required mitigation compliance associated with projects that include approval of grading permits. Planning, Building and Code Enforcement's efforts are coordinated with applicants, the Department of Public Works, the Environmental Services Department and other city departments as applicable.

Mitigation Monitoring Report Card

Approved Projects

In the reporting period from October 2021 through March 2022, eight (8) projects completed the mitigation compliance requirements in accordance with their MMRP adopted as part of the entitlement review under CEQA. An additional two (2) projects completed mitigation monitoring for compliance with the National Environmental Policy Act. The current reporting period's completed project list is summarized in Attachment A of this report with project name, project description, completed mitigations requirements, and review completion dates.

The number of projects completing mitigation compliance during this reporting period is steady compared with the last two reporting periods. Eight (8) projects completed mitigation compliance review in the last reporting period between April and September 2021 and six (6) projects completed the mitigation compliance review process between October 2020 and March

2021. While working remotely during this time, the Planning, Building and Code Enforcement Environmental Review Team staff coordinated with applicants, consultants, and the Department of Public Works staff to ensure MMRP requirements were met in a timely manner.

Some of the projects that completed mitigation compliance review in this reporting period include one residential high-rise in Downtown (27 South 1st Street), four affordable housing projects, a warehouse distribution center, and several small commercial projects. Typical mitigation compliance requirements for these projects include demonstration of compliance with measures to reduce construction air quality, preconstruction bird surveys, archaeological resources management, confirmation of approved site management plans for residual soil contamination, and compliance with construction noise mitigation.

Projects Under Review

The Environmental Review team is currently reviewing 42 projects for compliance with the adopted MMRPs. This includes 21 projects that have been inactive since the last reporting period and several multi-phased projects which completed mitigation monitoring for earlier phases (Cityview Plaza, Winchester Ranch, and Samaritan Medical Center). It also includes the start of mitigation compliance for the Downtown West project. Attachment B of this report lists these projects by their project name, project description, grading permit description, and pending mitigation requirements.

Since the start of the current reporting period in October 2021, an additional 12 projects started the MMRP compliance review process. This is a decrease from 18 new projects in the previous reporting period from April – September 2021.

EVALUATION AND FOLLOW-UP

In the next report to the Transportation and Environment Committee, staff will provide updates to the monitoring activity between April 2022 and October 2022. The next report to the Committee is scheduled for November 2022.

PUBLIC OUTREACH

Information related to the CEQA MMRP and latest reports will be updated on the Planning Division's Environmental Review web page at this link: <https://www.sanjoseca.gov/your-government/departments/planning-building-code-enforcement/planning-division/environmental-planning/environmental-review/mitigation-monitoring-reports>.

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Subject: CEQA Mitigation Monitoring and Reporting Program Semi-Annual Status Report

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CEQA

Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

/s/

Christopher Burton, Director

Planning, Building and Code Enforcement

For questions, please contact David Keyon, Principal Planner, at david.keyon@sanjoseca.gov.

Attachments:

- Attachment A: Approved Mitigation Compliance for Grading Permits from October 2021 through March 2022.
- Attachment B: On-going Mitigation Compliance for Grading Permits under Review as of March 2022.