

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

**A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN JOSE CERTIFYING THE BERRYESSA MIXED USE  
DEVELOPMENT PROJECT ENVIRONMENTAL IMPACT  
REPORT AND MAKING CERTAIN FINDINGS  
CONCERNING SIGNIFICANT IMPACTS, MITIGATION  
MEASURES, AND ALTERNATIVES, AND ADOPTING A  
RELATED MITIGATION MONITORING AND REPORTING  
PROGRAM, ALL IN ACCORDANCE WITH THE  
CALIFORNIA ENVIRONMENTAL QUALITY ACT**

**WHEREAS**, the City of San José (“City”), acting as lead agency under the California Environmental Quality Act (“CEQA”), prepared an environmental impact report (“EIR”) for the Berryessa Mixed Use Development Project (File Nos. PDC18-036, PD21-009, and PT21-030); and

**WHEREAS**, the EIR analyzed the environmental impacts of a Planned Development (PD) Zoning for development of approximately 850 residential units, 480,000 square feet of commercial space, and a 0.9-acre park on a 13-acre site located at 1655 Berryessa Road in the City of San José, California (the “Project”), which was a slightly a higher intensity development than the 455,000 square feet of commercial space, 820 dwelling units, and a 0.92-acre park noted in the PD21-009 permit; and

**WHEREAS**, the EIR concluded that implementation of the Project could result in certain significant effects on the environment and identified mitigation measures that would reduce those significant effects to a less-than-significant level; and

**WHEREAS**, the City is the lead agency for the Project and has prepared a Final Environmental Impact Report for the Project pursuant to and in accordance with CEQA, which the Final EIR is comprised of the Draft EIR and the First Amendment to the Draft EIR (collectively, the “FEIR”); and

**WHEREAS**, the FEIR concluded that implementation of the Project could result in certain significant effects on the environment and identified mitigation measures that would reduce all of those significant impacts 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**, on May 10, 2023, the Planning Commission of the City of San José reviewed the FEIR prepared for the Berryessa Mixed Use Development Project and recommended to the City Council that it finds the environmental clearance for the proposed Project was completed in accordance with the requirements of CEQA and further recommended the City Council adopt a resolution certifying the FEIR;

**NOW, THEREFORE**, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE:

1. That the above recitals are true and correct and incorporated herein as if fully set forth in the body of this Resolution; and
2. That the City Council does hereby find and certify that the FEIR has been prepared and completed in compliance with CEQA; and
3. The City Council was presented with, and has independently reviewed and analyzed the FEIR and other information in the record and has considered the information contained therein, including the written and oral comments received at the public hearings on the FEIR and the Project, prior to acting upon or approving the Project, and has found that the FEIR represents the independent judgment of the City of San José (“City”) as lead agency for the Project, and designated 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 record of proceedings on which the decision of the City is based; and

4. That the City Council does hereby find and recognize that the FEIR contains additions, clarifications, modifications, and other information in its response to comments on the Draft EIR or obtained by the City after the Draft EIR was issued and circulated for public review and does hereby find that such changes and additional information are not significant new information as that phrase is described under CEQA because such changes and additional information do not indicate that any of the following would result from approval and implementation of the Project: (i) any new significant environmental impact or substantially more severe environmental impact not already disclosed and evaluated in the Draft EIR, (ii) any feasible mitigation measure considerably different from those analyzed in the Draft EIR that would lessen a significant environmental impact of the Project has been proposed and would not be implemented, or (iii) any feasible alternative considerably different from those analyzed in the Draft EIR that would lessen a significant environmental impact of the Project has been proposed and would not be implemented; and
5. That the City Council does hereby find and determine that recirculation of the FEIR for further public review and comment is not warranted or required under the provisions of CEQA; and
6. That the City Council does hereby make the following findings with respect to the significant effects of the environment of the Project, as identified in the FEIR with the understanding that all of the information in this Resolution is intended as a summary of the full administrative record supporting the FEIR; which full administrative record should be consulted for the full details supporting these findings.

## **BERRYESSA MIXED USE DEVELOPMENT PROJECT SIGNIFICANT ENVIRONMENTAL IMPACTS**

### **Air Quality**

**Impact:** **Impact AIR-1:** Construction period emissions would exceed Bay Area Air Quality Management District (BAAQMD) thresholds of 54 pounds per day for reactive organic gas (ROG) exhaust by 21.25 pounds per day, during the final year of construction, which would result in a cumulatively considerable impact to regional ROG emissions.

**Mitigation:** **MM AIR-1.1:** Prior to the issuance of any demolition, grading and/or building permits (whichever occurs first), the project applicant shall prepare a construction equipment plan 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:

- 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 ROG, NO<sub>x</sub>, and PM (PM<sub>10</sub> and PM<sub>2.5</sub>), if feasible, as confirmed by a qualified air quality consultant and submitted to the City, otherwise:
- If use of Tier 4 equipment is not available, alternatively use equipment that meets U.S. EPA emission standards for Tier 2 or 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 comparison to uncontrolled equipment; alternatively (or in combination):
- Use alternatively fueled equipment with lower emissions that meet the reduction requirements above.

Prior to issuance of any demolition, grading, and/or building permits, whichever occurs first, the project applicant shall submit a copy of the construction equipment plan to the Director of Planning, Building and Code Enforcement or Director's designee, for review and approval.

**MM AIR-1.2:** Prior to the issuance of any demolition, grading and/or building permits (whichever occurs first), the project applicant shall prepare a construction equipment plan that includes a description of the location of construction site signs to be posted restricting idling of diesel-operated equipment to two minutes or less with clearly listed exceptions based on applicable state regulations. The project applicant shall submit the construction equipment plan to the Director of Planning, Building and Code Enforcement or the Director's designee. Diesel engines, whether for off-road equipment or on-road vehicles, shall not be left idling for more than two minutes, except as provided in exceptions to the applicable state regulations (e.g., traffic conditions, safe operating conditions). The construction sites shall have posted legible and visible signs in designated queuing areas to clearly notify operators of idling limit.

Prior to issuance of any demolition, grading, and/or building permits, whichever occurs first, the project applicant shall submit a copy of the construction equipment plan to the Director of Planning, Building and Code Enforcement or Director's designee, for review and approval.

**MM AIR-1.3:** Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs first), the project applicant shall include in the construction equipment plan a description of the electrical source of power that the powerline will connect to and identify the approximate route of the powerline through the construction site, and submit to the Director of Planning, Building and Code Enforcement or the Director's designee. The

line power to the site shall be provided during the early phases of construction to minimize the use of diesel-powered stationary equipment. Prior to issuance of any demolition, grading, and/or building permits, whichever occurs first, the project applicant shall submit a copy of the construction equipment plan to the Director of Planning, Building and Code Enforcement or Director's designee, for review and approval.

**MM AIR-1.4:** Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs first), the project applicant shall include a stipulation in the Declaration of Covenants, Conditions, and Restrictions requiring the use of low volatile organic compound or VOC (i.e., ROG) coatings, that are below current BAAQMD requirements (i.e., Regulation 8, Rule 3: Architectural Coatings), for at least 90 percent of all residential and nonresidential interior paints and 90 percent of exterior paints. This includes all architectural coatings applied during both construction and reapplications throughout the project's operational lifetime. At least 90 percent of coatings applied must meet a "super-compliant" VOC standard of less than 10 grams of VOC per liter of paint. For reapplication of coatings during the project's operational lifetime, the Declaration of Covenants, Conditions, and Restrictions shall contain a stipulation for low VOC coatings to be used. Examples of "super-compliant" coatings are contained on the South Coast Air Quality Management District's website.

Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs first), the project applicant shall submit all construction documents and plans, including the Declaration of Covenants, Conditions, and Restrictions, shall be submitted to the Director of Planning, Building and Code Enforcement, or the Director's designee for review and approval.

**Finding:** With implementation of mitigation measures MM AIR-1.1 through MM AIR-1.4, on-site construction ROG emissions would be reduced by 85 percent and would be below the BAAQMD significant threshold. The project would result in less than significant ROG emissions impacts. **(Less than Significant Impact with Mitigation)**

**Facts in Support of the Finding:** The project's annualized construction ROG emissions are predicted to exceed the BAAQMD significance thresholds for ROG during the year 2026. Implementation of mitigation measures MM AIR-1.1 through MM AIR-1.4 would reduce ROG emissions to below the BAAQMD threshold of 54 pounds per day during construction by requiring use of equipment that meets U.S. EPA standards for emissions, compliance with a construction equipment plan that restricts idling, and use of low VOC paint coatings. The California Emissions Estimator Model (CalEEMod) was used to estimate the effectiveness of mitigation measures MM AIR-1.1 through MM AIR-1.3 using Tier 4 interim construction equipment. In addition, the CalEEMod model was used to estimate the effectiveness of MM AIR-1.4 using 90 percent interior and exterior super-compliant VOC coatings. These

measures together were found to reduce on-site construction ROG emissions by 85 percent and below the BAAQMD significant threshold, or average construction emissions of 11.23 pounds of ROG per day during. Therefore, with the implementation of MM AIR-1.1 through MM AIR-1.4 during project construction, the project would not result in a significant ROG emissions impact.

### **Biological Resources**

**Impact:** **Impact BIO-1:** Development of the proposed project and proposed tree removals would result in impacts to nesting birds, if present on the site at the time of construction.

**Mitigation:** **MM BIO-1.1:** Prior to the issuance of any tree removal, demolition, or grading 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.

**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 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 1 through April 30 inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1 through August 31 inclusive). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests.

**MM BIO-1.3:** If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with the California Department of Fish and Wildlife, 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.

**MM BIO-1.4:** Prior to any tree removal, or approval 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, Building and Code Enforcement or the Director's designee.

**Finding:** With implementation of mitigation measures MM BIO-1.1 through MM BIO-1.4, the project's impact to nesting birds would be less than significant. **(Less than Significant Impact with Mitigation)**

**Facts in Support of the Finding:** Development of the project would result in the removal of trees on the project site. Trees could provide nesting habitat for birds,

7including migratory protected species under provisions of the e federal Migratory Bird Treaty Act and California Department of Fish and Wildlife code. Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes abandonment and/or removal and site grading that disturbs a nesting bird on-site or immediately adjacent to the construction zone would constitute a significant impact. The mitigation measure would require pre-construction surveys and appropriate buffers to ensure nesting birds are not impacted during construction.

### **Cultural Resources**

**Impact:** **Impact CUL-1:** Subsurface archaeological resources could be encountered during project construction.

**Mitigation:** **MM CUL-1.1:** Prior to the issuance of any grading permits and prior to construction-related ground disturbance, a qualified archaeologist in coordination with a Native American Tribal Representative shall complete mechanical presence/absence exploration to explore for buried historical and Native American resources. Subsurface exploration shall be completed by an archaeologist trained in current California methods for prehistoric and historic archaeological resources. All crews and individuals who will be moving any earth shall be cultural sensitivity trained. Narrow, deep trenches shall be created to search for Native American use of this site, and shallower, wide trenches employed near the potentially sensitive historic areas.

The results of the presence/absence exploration shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee and the City's Historic Preservation Officer for review and approval prior to issuance of any grading permit. Based on the findings of the presence/absence exploration, an archaeological resources treatment plan (as described in mitigation measure MM CUL-1.2) shall be prepared by a qualified archaeologist in consultation with the Native American Tribal representative, if necessary.

**MM CUL-1.2:** If required by mitigation measure MM CUL1-1, the project applicant, prior to issuance of any grading permits, shall retain a qualified archaeologist to prepare a treatment plan in consultation with a Tribal representative that reflects the permit-level detail pertaining to depths and locations of all ground disturbing activities. The treatment plan shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee and the City's Historic Preservation Officer 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 plan shall utilize data recovery methods to reduce impacts to subsurface resources. The project applicant shall submit copies of the treatment plan to the Director of Planning, Building and Code Enforcement or the Director's designee.

**MM CUL-1.3:** Prior to issuance of any grading permits, the project applicant shall report any preliminary field investigation, grading, or other construction activities findings to the Director of Planning, Building and Code Enforcement or the Director's designee. Any historic or prehistoric material identified in the project area during the preliminary field investigation and/or 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. The techniques used for data recovery shall follow the protocols identified in the approved treatment plan. All documentation and recordation shall be submitted to the Northwest Information Center and Native American Heritage Commission/Sacred Land Files prior to the issuance of an occupancy permit. A copy of the evaluation shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee, and the Tribe.

**Finding:** With implementation of mitigation measures MM CUL-1.1 through MM CUL-1.3, the project's impact to unknown buried archaeological resources (if present on-site) would be less than significant. **(Less than Significant Impact with Mitigation)**

**Facts in Support of the Finding:** Development of the project would require construction activities such as grading and excavation, which could result in the accidental destruction or disturbance of archaeological sites that could convey important information about San José's history. Due to the project site's proximity to Upper Penitencia Creek and Coyote Creek (located 105 feet south and 2,000 feet west of the project site, respectively), both of which are considered sensitive areas for buried prehistoric/Native American resources, there is a moderate to high potential to contain historic-era



archaeological features. Implementation of measures CUL-1.1 through CUL-1.3 would reduce impacts to buried archaeological resources to less than significant levels by conducting a presence/absence exploration and developing an archaeological treatment plan if necessary to ensure any resources encountered are appropriately treated.

#### **Hazards and Hazardous Materials**

**Impact:** **Impact HAZ-1:** Residual concentrations of hazardous chemicals and metals including organochlorine pesticides and pesticide-related metals (in the southern portion of the site) from prior agricultural use, underground storage tanks (UST), and truck parking and storage at the site could expose construction workers, neighboring uses, and the environment to hazardous materials.

**Mitigation:** **MM HAZ-1.1:** Prior to issuance of any demolition or grading permits (whichever occurs first), the project applicant shall enter into an agreement with the Santa Clara County Department of Environmental Health's (SCCDEH's) Site Cleanup Program to provide regulatory oversight. The applicant shall meet with the SCCDEH and perform additional soil and groundwater sampling and testing to adequately define the known and suspected contamination. A Corrective Action/Risk Management Plan (e.g., Remedial Action Work Plan and/or Soil Management Plan) shall be prepared and submitted to the agency for their approval to demonstrate that cleanup standards shall be met for the development of the site. The Corrective Action/Risk Management Plan shall describe measures necessary to protect the health and safety of construction workers and future site occupants and establish appropriate management practices for handling and monitoring impacted soil, soil vapor and groundwater that potentially may be encountered during construction activities. The Correction Action/Risk Management Plan will also include measures to prevent the discharge of contaminants from dewatering. The dewatering system would be designed so that the volume and duration of dewatering are minimized to the greatest extent possible. All measures identified in the plan(s) shall be implemented during all phases of construction, as applicable. The Corrective Action/Risk Management Plan shall also describe protocols for profiling of soil planned for off-site disposal. The plan shall be prepared by an environmental professional and submitted to the SCCDEH.

**MM HAZ-1.2:** Prior to issuance of any demolition or grading permits (whichever occurs first), a Health and Safety Plan (HASP) shall be prepared to establish health and safety protocols for construction workers at the site. All measures identified in the plan(s) shall be implemented during all phases of construction, as applicable. The HASP shall be prepared by an environmental professional and submitted to the SCCDEH.

**MM HAZ-1.3:** Prior to issuance of any demolition or grading permits (whichever occurs first), additional shallow soil sampling shall be completed at the southern portion of the site including areas near the existing industrial buildings and former residence and outbuildings. The site shall be sampled for organochlorine pesticides and associated metals (including lead and arsenic). If elevated concentrations of these contaminants are discovered, the project applicant shall notify the Director of Planning, Building and Code Enforcement or the Director's Designee and SCCDEH and prepare a remedial action plan in accordance with SCCDEH requirements. The sampling, preparation of the remedial action plan, and remediation shall be completed by an environmental professional, under the oversight of SCCDEH.

**Finding:** Implementation of mitigation measures MM HAZ-1.1 through MM HAZ-1.3 will reduce the significant impact to construction workers and neighboring uses from residual concentrations of hazardous chemicals and metals stated above to a less than significant level. **(Less than Significant Impact with Mitigation)**

**Facts in Support of the Finding:** As discussed in Section 3.9 of the Draft EIR, soil samples from the project site were collected and analyzed for organochlorine pesticides due to the site's former agricultural uses, and soil and groundwater samples were analyzed for total petroleum hydrocarbons (TPH) due to former USTs and the truck parking and storage uses on-site. Based on 2011 and 2018 soil sampling results, the site's soils on the northern section of the site contain organochlorine pesticide and polychlorinated biphenyls (PCB) concentrations above regulatory screening levels. Samples for TPHs were collected in soil and groundwater beneath the site; however, based on the results, no samples of TPHs were detected above regulatory screening levels. Since the samples were primarily collected in the northern portion of the site, there is a potential for contaminated soils in other portions of the site. The release of these contaminants could be hazardous to construction workers and adjacent residences. With implementation of MM HAZ-1.1 through MM HAZ-1.3, the project applicant will enter into an agreement with the Santa Clara County Department of Environmental Health's (SCCDEH's) Site Cleanup Program and would complete soil sampling to determine if elevated pesticide, pesticide-related metals, lead, and TPH are present in other soils on site. By implementing these measures, the project would not create a significant hazard to the public or environment from hazardous materials. Therefore, the impacts of the project related to hazardous materials would be less than significant.

**Impact:** **Impact HAZ-2:** Project construction could expose construction workers to potential TPHs in the soil beneath the oil-water separator.

**Mitigation:** **MM HAZ-2.1:** Prior to issuance of any grading permits, upon removal of the site's oil-water separator, soil underlying the separator shall be evaluated for the presence of TPH, volatile organic compounds (VOCs), and metals. The confirmation sampling shall be completed by an environmental professional following commonly accepted sampling protocols which shall be coordinated with SCCDEH and the City of San José Environmental Services Department. The sampling data shall be provided to SCCDEH, and approval shall be received prior to issuance of any grading permits. If elevated concentrations of these contaminants are discovered, the project applicant shall notify the Director of Planning, Building and Code Enforcement or Director's designee and the SCCDEH, prior to issuance of a grading permit, and prepare a remedial action plan in accordance with SCCDEH requirements. The sampling, preparation of the remedial action plan, and remediation shall be completed by an environmental professional, under the oversight of SCCDEH.

**Finding:** Implementation of mitigation measure MM HAZ-2.1 will avoid or reduce the potential impact of TPHs on construction workers, neighbor to a less than significant level. **(Less than Significant Impact with Mitigation)**

**Facts in Support of the Finding:** An oil-water separator is present on-site on the north side of the industrial building occupied by AT&T (which is the northernmost building on-site). The oil-water separator was cleaned out and filled with concrete during the late 1990s. The project proposes to remove the oil-water separator located near the AT&T industrial building. Soil beneath the oil-water separator could contain concentrations of TPHs which could affect construction workers, neighboring residents, and the environment. Mitigation measure MM HAZ-2.1 requires soil underlying the separator shall be evaluated for the presence of TPH, volatile organic compounds (VOCs), and metals prior to the issuance of any grading permits. If elevated concentrations of these contaminants are discovered, the project applicant would notify the Director of Planning, Building, and Code Enforcement or Director's Designee and the SCCDEH and prepare a remedial action plan in accordance with SCCDEH requirements. With implementation of MM HAZ-2.1, the proposed project would not result in significant impacts to construction workers, neighboring residents, or the environment due to the release of contaminated soil or groundwater resulting from the removal of the oil separator. Therefore, the impacts of the project related to hazardous materials would be less than significant.

## **Noise**

**Impact:** **Impact NOI-1:** Project construction would result in elevated noise levels of five dBA or more above ambient conditions at nearby residences for a period exceeding 12 months.

**Mitigation:** **MM NOI-1.1:** Prior to the issuance of any demolition or grading permits (whichever occurs first), an acoustic engineer shall prepare and implement a construction noise logistics plan, in accordance with General Plan Policy EC-1.7, prior to issuance of any demolition or grading permits. A typical construction noise logistics plan will include, but is not limited to, the following measures to reduce construction noise levels:

- Construction shall be limited to the hours of 7:00 AM to 7:00 PM Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. 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 Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
- The contractor shall use “new technology” power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poorly maintained engines or other components.
- The unnecessary idling of internal combustion engines shall be prohibited.
- Staging areas and stationary noise-generating equipment shall be located as far as possible from noise-sensitive receptors such as residential uses (a minimum of 200 feet).
- The surrounding neighborhood shall be notified early and frequently of the construction activities.
- A “noise disturbance coordinator” shall be designated to respond to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g., beginning work too early, bad muffler, etc.) and institute reasonable measures warranted to correct the problem. A telephone number for the disturbance coordinator would be conspicuously posted at the construction site.
- Implementation of a construction noise logistics plan, which would include the following measures:
  - Utilize “quiet” models of air compressors and other stationary noise sources where technology exists.
  - Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.

- Construct temporary noise barriers, where feasible, to screen stationary noise-generating equipment when located within 200 feet of adjoining sensitive land uses. Temporary noise barrier fences would provide at least a 5 dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receptor and if the barrier is constructed in a manner that eliminates any cracks or gaps. A typical temporary construction noise barrier reaching 14 feet in height shall be installed along the northern and western borders of the site to provide up to 14 dBA of noise reduction.
- If stationary noise-generating equipment must be located near receptors, adequate muffling of the equipment (with enclosures where feasible and appropriate) shall be used. Any enclosure openings or venting shall face away from sensitive receptors.
- Ensure that generators, compressors, and pumps are housed in acoustical enclosures.
- Locate cranes as far from adjoining noise-sensitive receptors as possible.
- 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, where feasible.
- Substitute electrically powered tools for noisier pneumatic tools, where feasible.
- The contractor shall prepare a detailed construction plan identifying the 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.

**Finding:** With implementation of mitigation measure MM NOI-1.1 and standard permit conditions, the project would have a less than significant construction noise impact. **(Less than Significant Impact with Mitigation Incorporated)**

**Facts in Support of the Finding:** As discussed in Section 3.13 of the Draft EIR and the supporting Noise and Vibration Assessment prepared for the Project (Appendix H of the Draft EIR), the Project is located within 25 feet of existing residences. Construction of the Project within 500 feet of any residential unit is limited to the hours of 7:00 a.m. and 7:00 p.m. Construction-related noise would exceed ambient noise levels by five dBA for a period of more than 12 months, which exceeds City thresholds defined in General Plan Policy EC-1.7 which considers significant construction impacts to occur if a project is located within 500 feet of residential uses or 200 feet of commercial or office uses and involves substantial noise generating activities continuing for

more than 12 months. Implementation of the MM NOI-1.1, including installing temporary construction noise barriers reaching 14 feet in height along the northern and western borders of the site, using quiet models of air compressors and other stationary noise sources, and using new technology power construction equipment with noise shielding and muffling devices, construction noise levels would be reduced by up to 14 dBA, below ambient levels. The mitigation measure also includes preparation and implementation of a construction noise logistics plan which would manage any noise complaints for the duration of construction. With inclusion of the implementation of the measures included in MM NOI-1.1 and compliance with General Plan Policy EC-1.7 and the City's Municipal Code, construction-related noise impacts would be less than significant.

**Impact:** **Impact NOI-2:** Noise from the project's mechanical equipment could exceed 55 dBA DNL at sensitive residential noise-receptors near the project site.

**Mitigation:** **MM NOI-2.1:** Prior to the issuance of any demolition or grading permits (whichever occurs first), the project applicant shall select and design mechanical equipment and generators to reduce excessive noise levels at the nearby noise-sensitive land uses to meet the City's 55 BA DNL noise level requirement. A qualified acoustical consultant shall be retained to review mechanical noise as these systems are selected to determine specific noise reduction measures necessary to reduce noise to comply with the City's Municipal Code noise level requirements. Noise reduction measures could include, but are not limited to, selection of equipment that emits low noise levels and installation of noise barriers, such as enclosures and parapet walls, to block the line-of-sight between the noise source and the nearest receptors. Other alternate measures may be optimal, such as locating equipment in less noise-sensitive areas, such as along the building facades farthest from adjacent neighbors, where feasible. The proposed mechanical equipment shall be approved by the City's Director of Planning, Building and Code Enforcement.

**Finding:** Implementation of mitigation measure MM NOI-2.1 would reduce noise impacts from mechanical equipment to a less than significant level. **(Less than Significant Impact with Mitigation Incorporated)**

**Facts in Support of the Finding:** As discussed in Section 3.13 of the Draft EIR and supporting Noise and Vibration Assessment prepared for the Project (Appendix H of the Draft EIR), construction of the project includes heating, ventilation, and air conditioning (HVAC) equipment that would produce noise levels of about 66 dBA at a distance of three feet during operation. An emergency backup generator associated with the commercial building is also included as part of the project. Noise levels resulting from operation of HVAC equipment alone would not result in noise levels exceeding General Plan or Municipal Code standards. However, with a worst-case, two-hour

test of a 1,000-kilowatt generator, the 55 dBA DNL criterion would be exceeded at multiple residences near the project site. Implementation of MM NOI-2.1 would ensure mechanical equipment would comply with the City's noise standards, and the permanent increase in noise due to the project's mechanical equipment would result in less than significant impacts.

**Impact:** **Impact NOI-3:** Vibration levels would have the potential to exceed San José's General Plan guidelines at residential uses in the site vicinity (0.2 in/sec PPV) and could result in damage to nearby structures.

**Mitigation:** **MM NOI-3.1:** Prior to the issuance of any demolition or grading permits (whichever occurs first), a qualified professional structural engineer, licensed in the State of California, shall prepare a construction vibration monitoring plan to reduce construction-related vibration impacts below 0.2 in/sec PPV. The plan shall include, but is not limited to, the following measures:

- Prohibit impact pile driving as a method of construction within 125 feet of any surrounding vibration-sensitive building. Prohibit vibratory pile driving as a method of construction within 85 feet of any surrounding vibration-sensitive building. As an alternative, drilled piles, which generate substantially lower levels of vibration, may be used.
- Limit the use of vibratory rollers, hoe rams, large bulldozers, and caisson drilling, and avoid clam shovel drops within 20 feet of the property lines shared with residences and commercial structures adjacent to the site.
- Place operating equipment on the construction site at least 30 feet from vibration-sensitive receptors.
- Use a smaller vibratory roller, such as the Caterpillar method CP433E vibratory compactor, when compacting materials within 30 feet of adjacent buildings. Only use the static compaction mode when compacting materials within 15 feet of buildings.
- Select demolition methods not involving impact tools.
- Avoid dropping heavy objects or materials within 30 feet of vibration sensitive locations.
- A list of all heavy construction equipment to be used for this project known to produce high vibration levels (tracked vehicles, vibratory compaction, jackhammers, hoe rams, etc.) shall be submitted to the City 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.
- A construction vibration-monitoring plan shall be implemented to document conditions at the residences and commercial structures adjacent to the site 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 should be implemented to include the following tasks:

- Identification of sensitivity to ground-borne vibration of the residence and commercial structures adjacent to the site. A vibration survey would need to be performed.
- Performance of a photo survey, elevation survey, and crack monitoring survey for the residences and commercial structures nearest to the site. Surveys shall be performed prior to and after completion of vibration generating construction activities located within 20 feet of the structure. This distance shall be extended to 80 feet for vibratory pile driving and 120 feet for impact pile driving. The surveys shall include internal and external crack monitoring in the structure, settlement, and distress, and shall document the condition of the foundation, walls, and other structural elements in the interior and exterior of the structure.
- Conduct a post-survey on the structure where either monitoring has indicated high levels or complaints of damage. Make appropriate repairs where damage has occurred as a result of construction activities.
- The results of any vibration monitoring shall be summarized and submitted in a report shortly after substantial completion of each phase identified in the project schedule. The report shall include a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations. An explanation of all events that exceeded vibration limits shall be included together with proper documentation supporting any such claims.
- 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.

Implementation of the construction vibration monitoring plan shall occur during construction activities to reduce vibration levels below 0.2 in/sec PPV.

Prior to issuance of any demolition or grading permits, the project applicant shall submit the construction vibration monitoring plan to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval.

**Finding:** Implementation of mitigation measure MM NOI-3.1 would reduce impacts from construction-related groundborne vibration and noise levels to a less than significant level. **(Less than Significant Impact with Mitigation Incorporated)**



**Facts in Support of the Finding:** As discussed in Section 3.13 of the Draft EIR and supporting Noise and Vibration Assessment prepared for the project (Appendix H of the Draft EIR), construction of the project would generate vibration when heavy equipment or impact tools are used. Construction activities would include the demolition of existing structures, site preparation work, excavation of the below-grade parking level, foundation work, and new building framing and finishing. Construction vibration levels could exceed the 0.2 in/sec PPV threshold, for buildings of conventional construction, at residences to the northwest and southwest. Mitigation measure MM NOI-3.1 requires a professional structural engineer to prepare a construction vibration monitoring plan to reduce construction-related vibration impacts below 0.2 in/sec PPV. The measures in the plan would include limiting the use of vibratory rollers, hoe rams, large bulldozers, and caisson drilling, within 20 feet of the property lines shared with structures adjacent to the site, completing a vibration survey to identify the sensitivity to groundborne vibration of the adjacent structures, and selecting demolition methods not involving impact tools. Implementation of MM NOI-3.1 would reduce construction vibration levels at nearby buildings to below the 0.2 in/sec PPV threshold, which would reduce the impact from groundborne construction vibration to less than significant.

## **FINDINGS CONCERNING ALTERNATIVES**

To comply with the purposes of CEQA, it is important to identify alternatives that reduce the significant impacts that are anticipated to occur if the project is implemented and to try to meet as many of the project's objectives as possible. The CEQA Guidelines emphasize a commonsense approach -- the alternatives should be reasonable, should "foster informed decision making and public participation," and should focus on alternatives that avoid or substantially lessen the significant impacts.

The alternatives analyzed in the DEIR were developed with the goal of being at least potentially feasible, given Project objectives and site constraints, while avoiding or reducing the Project's identified environmental effects. The following are evaluated as alternatives to the proposed Project:

1. No Project – No Development Alternative
2. No Project – Existing Plans and Policies Alternative
3. Reduced Parking Alternative

### **Project Objectives**

The project applicant's objectives for the Project are:

1. Construct residential development with connection to public transit, open space and creeks, and existing neighborhoods;
2. Use the area adjacent to the Berryessa BART Station for Transit Oriented Development;
3. Provide housing with accessibility to alternative forms of transportation including public transit, walking, and cycling;
4. Enhance pedestrian-oriented design by providing residential uses proximate to commercial development;
5. Achieve sustainability policies, goals, and standards of the Berryessa BART Urban Village Plan by achieving the residential density and commercial development intensity envisioned by the Berryessa BART Urban Village Plan (BBUV);
6. Increase access to local and regional trail systems by improving sidewalks;
7. Provide opportunities for job creation via additional commercial development consistent with the BBUV requirements.

#### Selection of Alternatives

CEQA, the CEQA Guidelines, and case law on the subject have found that feasibility can be based on a wide range of factors and influences. The CEQA Guidelines advise that such factors can include (but are not necessarily limited to) the suitability of an alternative site, economic viability, availability of infrastructure, consistency with the general plan or other plans or regulatory limitations, jurisdictional boundaries, and whether the project proponent can “reasonably acquire, control or otherwise have access to the alternative site” (Section 15126.6[f][1]).

### **1. No Project – No Development Alternative**

- A. **Description of Alternative:** The No Project – No Development Alternative would retain the existing land uses on-site as is, with predominantly impervious surfaces, and would continue to operate as an industrial use. If the project site were to remain undeveloped as is, the significant impacts resulting during construction and operation of the proposed project would not occur.
- B. **Comparison of Environmental Impacts:** Implementation of the No Project – No Development Alternative would avoid all the significant environmental impacts of the Project in the areas of air quality (construction TACs and operational emissions of ROG), biological resources (on-site man-made pond and nesting birds), cultural resources (archaeological resources and tribal cultural resources), hazardous materials (soil and groundwater quality), and noise (construction noise and vibration).
- C. **Finding:** This alternative would largely maintain the baseline conditions described throughout this EIR and avoid the significant impacts resulting during construction and operation of the proposed project. However, this alternative would not meet any of the project objectives. Therefore, because this alternative would not meet the project objectives, this alternative is rejected.

## **2. No Project – Existing Plans and Policies Alternative**

- A. **Description of Alternative:** Under this alternative, the project site would be developed consistent with the existing capacity and density permitted by the BBUV Plan. Under the BBUV Plan, eight acres of the site is designated Urban Residential, 2.1 acres of the site is designated Transit Employment Center, 2.0 acres of the site is designated Mixed-Use Neighborhood, and 0.9 acres of the site is proposed to be Open Space, Parkland, and Habitat. The remaining four acres of the site is designated for internal roadways. This Alternative would allow for development of up to 1,000 multifamily units, 60 units of townhouses and/or single-family houses, and 480,000 square feet of commercial space at the project site. Given the site is currently zoned Light Industrial and Agricultural Land, this alternative would also require a Planned Development Rezoning and Planned Development Permit.
- B. **Comparison of Environmental Impacts:** The No Project – Existing Plans and Policies Alternative and proposed project are both consistent with the BBUV Plan and policies. However, the BBUV Plan allows for a greater residential density than what is proposed by the Project. The Project would consist of 802 multi-family residential units under the Urban Residential designation, which would equate to approximately 200 units per acre. The Existing Plans and Policies Alternative would allow up to 250 units per acre resulting in approximately 1,000 multifamily units. This alternative would also allow approximately 60 units of townhouses and/or single-family houses (within the Mixed-Use Neighborhood designation), compared to the proposed project, which proposes 24 single family units and 24 townhouse units. The VMT per capita per resident for the proposed project would be 8.02, which is below the 10.12 VMT per resident threshold. Given the alternative would have the same proximity to transit, the project alternative would result in approximately the same VMT per capita when compared to the proposed project. Given this alternative would be slightly larger in size when compared to the proposed project, the alternative would have a slightly longer construction duration, resulting in slightly longer exposure of the adjacent residences to construction emissions and noise. However, the alternative would implement the same standard permit conditions and mitigation measures MM AIR-1.1 through MM AIR-1.4, MM NOI-1.1 and MM NOI-2.1 to reduce construction emissions and construction noise/vibration impacts to less than significant.

The project alternative would increase the number of trips generated from 14,240 net new trips generated by the proposed project to approximately 15,338 net new trips under this alternative. The alternative could result in an increase in operational emissions. Similar to the proposed project, operational criteria pollutant (ROG) emissions would be reduced to a less than significant impact through compliance

with the TDM measures set forth by the BBUV Parking and TDM Plan, which would reduce vehicle trips and emissions by 30 percent.

Similar to the proposed project, the No Project – Existing Plans and Policies Alternative would entail similar development activity and disturbance across the project site. Therefore, this alternative would have impacts similar to the proposed project related to biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, and tribal cultural resources.

- C. **Finding:** The No Project – Existing Plans and Policies Alternative could achieve all of the project objectives including meeting the sustainability policies, goals, and standards of the Berryessa BART Urban Village Plan by achieving the residential density and commercial development intensity envisioned by the BBUV Plan and including housing with accessibility to alternative forms of transportation including public transit, walking, and cycling. However, this alternative would result in increased air quality impacts, as it would increase operational emissions with increased vehicle trips. Therefore, because this alternative is not environmentally superior, and in some instances would cause greater environmental impacts, this alternative is rejected.

### **3. Reduced Parking Alternative**

- A. **Description of Alternative:** The project proposes to develop up to 850 residential units and 480,000 square feet of commercial space. The multi-family residential buildings would have up to two levels of underground parking and the commercial building would have up to three levels of underground parking and two levels of above ground parking. The Reduced Parking Alternative would include one less underground parking level at the proposed commercial building, thereby reducing the amount of construction activity required, and the amount of trips to the site.
- B. **Comparison of Environmental Impacts:** The Reduced Parking Alternative would reduce operational vehicle ROG emissions. This alternative would include the removal of one commercial parking level, which would reduce the number of cars parked on-site by approximately 12 percent, resulting in a reduction in operational vehicle emissions by approximately 12 percent (assuming site commercial occupants and visitors/clients/customers would travel to the site via alternate modes of travel due to reduced parking). This project alternative would be required to implement BBUV Parking and TDM measures, as this is required for all developments in the BBUV, which would reduce the operational ROG emissions by 30 percent (resulting in a less than significant impact). Removal of one of the three commercial parking levels would result in an approximate additional 12 percent reduction in emissions. This project alternative, however, would not substantially lessen the project's impacts to biological resources, cultural resources (archaeological resources), or hazardous materials (soil and groundwater quality). This project alternative would implement mitigation

measures to reduce these above impacts to less than significant. This project alternative would reduce construction emissions, as the amount of soil required for excavation would be reduced by 35 percent (to 100,000 cubic yards of soil), resulting in fewer truck trips and less emissions; however, mitigation measures to reduce emissions would still be required, resulting in less than significant impacts.

- C. **Finding:** This alternative would meet all of the project objectives and would reduce operational and construction ROG emissions; however, it would not substantially reduce any impacts to avoid the need for mitigation measures related to air quality, biological resources, cultural resources, hazards and hazardous materials, and noise. Reducing the number of parking spaces by 240 spaces in the commercial parking garage would reduce the parking ratio to two (2) spaces per 1,000 square feet. Although this alternative would not achieve the 20 percent VMT per capita reduction parking goal, the alternative would result in a lower VMT per capita than the proposed project (given that less parking spaces would result in less trips). While this alternative is considered an environmentally superior alternative, its rejected from further consideration as the viability of leasing commercial space with less parking is uncertain. Moreover, The reduction in parking incrementally reduces the degree of some impacts identified for the Project, but still requires the same mitigation measures. Therefore, this alternative is rejected from further consideration.

### **Environmentally Superior Alternative**

The CEQA Guidelines mandate that an EIR identify an environmentally superior alternative if the project would result in one or more significant unavoidable impact. Based on the foregoing, the environmentally superior alternative is the No Project – No Development Alternative. When that is the case, the CEQA Guidelines require that an additional alternative be identified that is also an environmentally superior alternative. (Section 15126.6(e)(2).) The Reduced Parking Alternative is the environmentally superior alternative to the proposed project because it would reduce operation and construction ROG emissions and operational VMT and would support all of the project's objectives.

### **MITIGATION MONITORING AND REPORTING PROGRAM**

Attached to this Resolution as Exhibit "A" and incorporated and adopted as part of this Resolution herein is the Mitigation Monitoring and Reporting Program (MMRP) for the Project required under Section 21081.6 of the CEQA Statute and Section 15097(b) of the CEQA Guidelines. The MMRP identifies impacts of the Project, corresponding mitigation, designation of responsibility for mitigation implementation and the agency responsible for the monitoring action.

### **LOCATION AND CUSTODIAN OF RECORDS**

The documents and other materials that constitute the record of proceedings on which the City Council based the foregoing findings and approval of the Project are located at the Department of Planning, Building and Code Enforcement, 200 East Santa Clara Street, Third Floor Tower, San José, CA 95113.

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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## **Berryessa Road Mixed Use Development Project**

### **File Nos. PDC18-036, ER20-260, PD21-009, and PT21-030**

### **April 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 Environmental Impact Report (EIR) prepared for the Berryessa Road Mixed Use Development 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 EIR concluded that the impacts from implementation of the project would be less than significant.

I, ROBERT FACCHINO, the applicant, on the behalf of Berryessa Rd mixed use development hereby agree to implement the mitigation measures described below which have been developed in conjunction with the preparation of an EIR 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 MAY 2, 2023



## Exhibit "A"

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 AIR-1:</b> Construction period emissions would exceed BAAQMD thresholds of 54 pounds per day for ROG exhaust by 21.25 pounds per day, during the final year of construction, which would result in a cumulatively considerable impact to regional ROG emissions.					
<b>MM-AIR-1.1:</b> Prior to the issuance of any demolition, grading and/or building permits (whichever occurs first), the project applicant shall prepare a construction equipment plan 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: <ul style="list-style-type: none"> <li>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 ROG, NOx, and PM (PM10 and PM2.5), if feasible, as confirmed by a qualified air quality consultant and submitted to the City, otherwise.</li> <li>If use of Tier 4 equipment is not available, alternatively use equipment that meets U.S. EPA emission standards for Tier 2 or 3</li> </ul>	<p>Prepare a construction equipment plan demonstrating that construction equipment used on-site would achieve a low diesel particulate matter exhaust and NOx emissions. The construction equipment plan shall be verified by a qualified air quality consultant and submitted to the Director of Planning, Building and Code Enforcement, or the Director's designee.</p> <p>All measures shall be printed on all construction documents, contracts, and project plans.</p>	<p>Construction documents and plans shall be submitted for review and approval prior to the issuance of any demolition, grading, and/or building permits (whichever occurs first).</p> <p>Construction equipment measures shall be implemented during all phases of construction.</p>	<p>Director of Planning, Building and Code Enforcement, or the Director's designee.</p>	<p>Review and approve the construction equipment plan.</p> <p>Ensure that all measures are printed on all construction documents, contracts, and project plans.</p>	<p>Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs first).</p>

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<p>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 comparison to uncontrolled equipment; alternatively (or in combination).</p> <ul style="list-style-type: none"> <li>Use of alternatively fueled equipment with lower emissions that meet the reduction requirements above.</li> </ul> <p>Prior to issuance of any demolition, grading, and/or building permits, whichever occurs first, the project applicant shall submit a copy of the construction equipment plan to the Director of Planning, Building and Code Enforcement or Director's designee, for review and approval.</p>					
<p><b>MM-AIR-1.2:</b> Prior to the issuance of any demolition, grading and/or building permits (whichever occurs first), the project applicant shall prepare a construction equipment plan that includes a description of the location of construction site signs to be posted restricting idling of diesel-operated equipment to two minutes or less with clearly listed exceptions based on applicable state regulations. The project applicant shall submit the construction equipment plan to the Director of Planning, Building and Code Enforcement or the Director's designee. Diesel engines, whether for off-road equipment or on-road vehicles, shall not be left</p>	<p>Prepare a construction equipment plan demonstrating the location of construction site signs to be posted restricting idling for more than two minutes with clearly listed exceptions based on applicable state regulations.</p> <p>All measures shall be printed on all construction</p>	<p>Construction documents and plans shall be submitted for review and approval prior to 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.</p>	<p>Review and approve the construction equipment plan.</p> <p>Ensure that all measures are printed on all construction documents, contracts, and project plans.</p>	<p>Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs first).</p>

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<p>idling for more than two minutes, except as provided in exceptions to the applicable state regulations (e.g., traffic conditions, safe operating conditions). The construction sites shall have posted legible and visible signs in designated queuing areas to clearly notify operators of idling limit.</p> <p>Prior to issuance of any demolition, grading, and/or building permits, whichever occurs first, the project applicant shall submit a copy of the construction equipment plan to the Director of Planning, Building and Code Enforcement or Director's designee, for review and approval.</p>	documents, contracts, and project plans.	Construction sign measures shall be implemented during all phases of construction.			
<p><b>MM-AIR-1.3:</b> Prior to the issuance of any demolition, grading and/or building permits (whichever occurs first), the project applicant shall prepare a construction equipment plan that includes a description of the electrical source of power that the powerline will connect to and identifies the approximate route of the powerline through the construction site to the Director of Planning, Building and Code Enforcement or the Director's designee. The line power to the site shall be provided during the early phases of construction to minimize the use of diesel-powered stationary equipment.</p> <p>Prior to issuance of any demolition, grading, and/or building permits, whichever occurs first, the project applicant shall submit a copy of the construction</p>	<p>Prepare a construction equipment plan shall demonstrate the electrical source of power that the powerline will connect to and the approximate route of the powerline through the construction site.</p> <p>Construction documents and plans shall be submitted to the Director of Planning, Building and Code Enforcement for review and approval.</p>	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.	<p>Review and approve the construction plan.</p> <p>Ensure that all measures are printed on all construction documents, contracts, and project plans.</p>	Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs first).

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equipment plan to the Director of Planning, Building and Code Enforcement or Director's designee, for review and approval.					
<p><b>MM-AIR-1.4:</b> Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs first), the project applicant shall include a stipulation in the Declaration of Covenants, Conditions, and Restrictions requiring the use of low volatile organic compound or VOC (i.e., ROG) coatings that are below current BAAQMD requirements (i.e., Regulation 8, Rule 3: Architectural Coatings), for at least 90 percent of all residential and nonresidential interior paints and 90percent of exterior paints. This includes all architectural coatings applied during both construction and reapplications throughout the project's operational lifetime. At least 90 percent of coatings applied must meet a "super-compliant" VOC standard of less than 10 grams of VOC per liter of paint. For reapplication of coatings during the project's operational lifetime, the Declaration of Covenants, Conditions, and Restrictions shall contain a stipulation for low VOC coatings to be used. Examples of "super-compliant" coatings are contained in the South Coast Air Quality Management District's website.</p> <p>Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs first), the project applicant shall submit all construction documents and plans, including the Declaration of Covenants, Conditions, and Restrictions, shall be submitted to the</p>	<p>Include a stipulation in the Declaration of Covenants, Conditions, and Restrictions to require low-VOC coatings meeting "super-compliant" standard based on BAAQMD and as noted in the mitigation measure in all phases of the project.</p> <p>Construction documents and plans, including the Declaration of Covenants, Conditions, and Restrictions, shall be submitted to the Director of Planning, Building and Code Enforcement, or the Director's designee for review and approval.</p> <p>All measures shall be printed on all construction documents, contracts, and project plans.</p>	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.	<p>Review and approve the construction plan.</p> <p>Ensure that all measures are printed on all construction documents, contracts, and project plans.</p> <p>Confirm the stipulation is included in Declaration of Covenants, Conditions, and Restrictions.</p>	Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs first).

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Director of Planning, Building and Code Enforcement, or the Director's designee for review and approval					
<b>BIOLOGICAL RESOURCES</b>					
<b>Impact BIO-1:</b> Development of the proposed project and proposed tree removals would result in impacts to nesting birds, if present on the site at the time of construction.					
<b>MM BIO-1.1:</b> Prior to the issuance of any tree removal, demolition, or grading permits, 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.	Avoid construction activities during nesting seasons (February 1 through August 31, inclusive).  All measures shall be printed on all construction documents, contracts, and project plans.	Prior to the issuance of any tree removal, demolition, or grading permits.	Director of Planning, Building and Code Enforcement, or the Director's designee.	Review and approve the pre-construction survey report.  Ensure that all measures are printed on all construction documents, contracts, and project plans.	Prior to the issuance of any tree removal, demolition, or grading permits
<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	Submit the ornithologist's 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.	Prior to the issuance of any tree removal, demolition, or grading permits	Director of Planning, Building and Code Enforcement, or the Director's designee.	Review and approve the pre-construction survey report.  Ensure that all measures are printed on all construction documents, contracts, and project plans.	Prior to the issuance of any tree removal, demolition, or grading permits

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survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests.					
<b>MM BIO-1.3:</b> If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with the California Department of Fish and Wildlife, 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.	Submit the ornithologist's 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.	Prior to the issuance of any tree removal, demolition, or grading permits	Director of Planning, Building and Code Enforcement, or the Director's designee.	Review and approve the pre-construction survey report.  Ensure that all measures are printed on all construction documents, contracts, and project plans.	Prior to the issuance of any tree removal, demolition, or grading permits
<b>MM BIO-1.4:</b> Prior to any tree removal, or approval 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, Building and Code Enforcement or Director's designee.	Submit the ornithologist's 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.	Prior to the issuance of any tree removal, demolition, or grading permits	Director of Planning, Building and Code Enforcement, or the Director's designee.	Review and approve the pre-construction survey report.  Ensure that all measures are printed on all construction documents, contracts, and project plans.	Prior to the issuance of any tree removal, demolition, or grading permits

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<b>CULTURAL RESOURCES</b>					
<b>Impact CUL-1:</b> Subsurface archaeological resources could be encountered during project construction.					
<p><b>MM CUL-1.1:</b> Prior to issuance of any grading permits and prior to construction-related ground disturbance, a qualified archaeologist in coordination with a Native American Tribal Representative shall complete mechanical presence/absence exploration to explore for buried historical and Native American resources. Subsurface exploration shall be completed by an archaeologist trained in current California methods for prehistoric and historic archaeological resources. All crews and individuals who will be moving any earth shall be cultural sensitivity trained. Narrow, deep trenches shall be created to search for Native American use of this site, and shallower, wide trenches employed near the potentially sensitive historic areas.</p> <p>The results of the presence/absence exploration shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee and the City's Historic Preservation Officer for review and approval prior to issuance of any grading permit. Based on the findings of the presence/absence exploration, an archaeological resources treatment plan (as described in MM CUL-1.2) shall be prepared by a qualified</p>	<p>A subsurface exploration at the site shall be completed, by a qualified archaeologist in consultation with Native American representative, prior to any excavation activities. If any archaeological resources are exposed, these should be briefly documented, tarped for protection, and left in place.</p>	<p>Prior to issuance of any grading permits.</p>	<p>Director of Planning, Building and Code Enforcement or the Director's designee.</p> <p>City of San José Historic Preservation Officer</p>	<p>Review and approve documentation of a mechanical presence/absence exploration and any treatment recommendations.</p>	<p>Prior to issuance of any grading permits.</p>

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	Method of Compliance Or Mitigation Action	Timing of Compliance	Oversight Responsibility	Actions/Reports	Monitoring Timing or Schedule
archaeologist in consultation with the Native American Tribal representative, if necessary.					
<p><b>MM CUL-1.2:</b> If required by MM CUL-1.1, the project applicant, prior to issuance of any grading permits, shall retain a qualified archaeologist to prepare a treatment plan in consultation with a Tribal representative that reflects the permit-level detail pertaining to depths and locations of all ground disturbing activities. The treatment plan shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee and the City's Historic Preservation Officer prior to approval of any grading permits. The treatment plan shall contain, at a minimum:</p> <ul style="list-style-type: none"> <li>• Identification of the scope of work and range of subsurface effects (including location map and development plan), including requirements for preliminary field investigations.</li> <li>• Description of the environmental setting (past and present) and the historic/prehistoric background of the parcel (potential range of what might be found).</li> <li>• Development of research questions and goals to be addressed by the investigation (what is significant vs. what is redundant information).</li> <li>• Detailed field strategy to record, recover, or avoid the finds and address research goals.</li> </ul>	If any archaeological resources are exposed, prepare a treatment plan that reflects permit-level detail pertaining to depths and locations of excavation activities.	Prior to any issuance of any grading permits.	Director of Planning, Building and Code Enforcement or the Director's designee; City of San José Historic Preservation Officer	Review and approve the treatment plan.	Prior to issuance of any grading permits.



## Exhibit "A"

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<ul style="list-style-type: none"> <li>Analytical methods.</li> <li>Report structure and outline of document contents.</li> <li>Disposition of the artifacts.</li> <li>Appendices: all site records, correspondence, and consultation with Native Americans, etc.</li> </ul> <p>Implementation of the plan, by a qualified archaeologist, shall be required prior to the issuance of any grading permits. The treatment plan shall utilize data recovery methods to reduce impacts to subsurface resources. The project applicant shall submit copies of the treatment plan to the Director of Planning, Building and Code Enforcement or the Director's designee.</p>					
<b>MM CUL-1.3:</b> Prior to issuance of any grading permits, the project applicant shall report any preliminary field investigation, grading, or other construction activities findings to the Director of Planning, Building, and Code Enforcement or Director's designee. Any historic or prehistoric material identified in the project area during the preliminary field investigation and/or 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. The techniques used for data recovery shall follow the protocols identified in the approved treatment plan. All documentation and recordation shall be submitted to the Northwest Information Center and Native American Heritage	Evaluate any historic or prehistoric material identified in the project area during the preliminary field investigation and during excavation activities for eligibility for listing in the California Register of Historic Resources as determined by the California Office of Historic Preservation.	During any preliminary field investigation, grading, or other construction activities and prior to the issuance of an occupancy permit.	Director of Planning, Building, and Code Enforcement or Director's designee.  City's Historic Preservation Officer, Northwest Information Center and Native American Heritage Commission (NAHC) Sacred Land Files.	Receive copies of all documentation and recordation of any historic or prehistoric material identified in the project area and data recovery methods and techniques.	During any preliminary field investigation, grading, or other construction activities and prior to the issuance of an occupancy permit.

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Commission\ Sacred Land Files prior to the issuance of an occupancy permit. A copy of the evaluation shall be submitted to the Director of Planning, Building, and Code Enforcement or Director's designee, and the Tribe.					
<b>HAZARDS AND HAZARDOUS MATERIALS</b>					
<b>Impact HAZ-1:</b> Residual concentrations of hazardous chemicals and metals including organochlorine pesticides and pesticide-related metals (in the southern portion of the site) from prior agricultural use, USTs and truck parking and storage at the site could expose construction workers, neighboring uses, and the environment to hazardous materials.					
<b>MM HAZ-1.1:</b> Prior to the issuance of any demolition or grading permits, the project applicant shall enter into an agreement with the Santa Clara County Department of Environmental Health's (SCCDEH's) Site Cleanup Program to provide regulatory oversight. The applicant shall meet with the SCCDEH and perform additional soil and groundwater sampling and testing to adequately define the known and suspected contamination. A Corrective Action/Risk Management Plan (e.g., Remedial Action Work Plan and/or Soil Management Plan) shall be prepared and submitted to the agency for their approval to demonstrate that cleanup standards shall be met for the development of the site. The Corrective Action/Risk Management plan shall describe measures necessary to protect the health and safety of construction workers and future site occupants and establish appropriate management practices for handling and monitoring impacted soil, soil vapor and groundwater that potentially may be encountered during construction activities. The Correction	<p>Coordinate with SCCDEH to develop a Corrective Action/Risk Management Plan (CA/RMP).</p> <p>Submit the CA/RMP, as applicable, to the City of San José Environmental Compliance Officer and SCCDEH for review.</p> <p>A qualified environmental professional shall complete any further work required by the SCCDEH.</p> <p>All measures shall be printed on all construction</p>	Prior to the issuance of any grading or demolition permits.	SCCDEH and City of San José Environmental Compliance Officer	<p>Receive a copy of the CA/RMP.</p> <p>Ensure that all measures are printed on all construction documents, contracts, and project plans.</p> <p>Review the CA/RMP.</p>	Prior to the issuance of any grading or demolition permits.

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Action/Risk Management Plan will also include measures to prevent the discharge of contaminants from dewatering. The dewatering system would be designed so that the volume and duration of dewatering are minimized to the greatest extent possible. All measures identified in the plan(s) shall be implemented during all phases of construction, as applicable. The Corrective Action/Risk Management Plan shall also describe protocols for profiling of soil planned for off-site disposal. The plan shall be prepared by an environmental professional and submitted to the SCCDEH.	documents, contracts, and project plans.				
<b>MM HAZ-1.2:</b> Prior to the issuance of any demolition or grading permits, a Health and Safety Plan (HASP) shall be prepared to establish health and safety protocols for construction workers at the site. All measures identified in the plan(s) shall be implemented during all phases of construction, as applicable. The HASP shall be prepared by an environmental professional and submitted to the SCCDEH.	A qualified environmental professional shall prepare a HASP and submit it to the SCCDEH.  All measures shall be printed on all construction documents, contracts, and project plans.	Prior to the issuance of any demolition or grading permits.	SCCDEH and City of San José Environmental Compliance Officer	Receive a copy of the HASP. Ensure that all measures are printed on all construction documents, contracts, and project plans.	Prior to the issuance of any grading permits.
<b>MM HAZ-1.3:</b> Prior to the issuance of any demolition or grading permits, additional shallow soil sampling shall be completed at the southern portion of the site including areas near the existing industrial buildings and former residence and outbuildings. The site shall be sampled for organochlorine pesticides and associated metals (including lead and arsenic). The	A qualified environmental professional shall complete the soil sampling and submit it to the SCCDEH and submit SCCDEH's approval to the City of San José Compliance officer.	Prior to the issuance of any demolition or grading permits.	SCCDEH and City of San José Environmental Compliance Officer	Receive approval from SCCDEH. Ensure that all measures are printed on all construction documents, contracts, and project plans.	Prior to the issuance of any demolition or grading permits.

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sampling shall be completed by an environmental professional, under the oversight of SCCDEH.	All measures shall be printed on all construction documents, contracts, and project plans.				
<b>Impact HAZ-2:</b> Project construction could expose construction workers to potential total petroleum hydrocarbons (TPH) in the soil beneath the oil-water separator.					
<b>MM HAZ-2.1:</b> Prior to the issuance of any grading permits, upon removal of the site's oil-water separator soil separator, soil underlying the separator shall be evaluated for the presence of TPH, volatile organic compounds (VOCs), and metals. The confirmation sampling shall be completed by an environmental professional following commonly accepted sampling protocols which shall be coordinated with SCCDEH and the City of San José Environmental Services Department. The sampling data shall be provided to SCCDEH, and approval shall be received prior to issuance of any grading permits. If elevated concentrations of these contaminants are discovered, the project applicant shall notify the Director of Planning, Building, and Code Enforcement or Director's Designee and the SCCDEH, prior to issuance of a grading permit, and prepare a remedial action plan in accordance with SCCDEH requirements. The sampling, preparation of the remedial action plan, and remediation shall be completed by an	Following the removal of the oil-water separator, a qualified environmental professional shall coordinate with the San José Fire Department and SCCDEH to follow appropriate protocols for sampling the soil for contaminants.  Submit findings to San José Fire Department and SCCDEH	Prior to the issuance of any grading permits.	SCCDEH and City of San José Environmental Services Department	Receive a copy of the supplemental sampling results or analysis of existing sampling results.  Review the supplemental results and/or analysis of testing results.	Prior to the issuance of any grading permits.

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environmental professional, under the oversight of SCCDEH.					
<b>NOISE AND VIBRATION</b>					
<b>Impact NOI-1:</b> Project construction would result in elevated noise levels of five dBA or more at nearby residences for a period exceeding 12 months.					
<b>MM NOI-1.1:</b> Prior to the issuance of any demolition or grading permits, an acoustic engineer shall prepare and implement a construction noise logistics plan, in accordance with General Plan Policy EC-1.7. A typical construction noise logistics plan includes, but is not limited to, the following measures to reduce construction noise levels: <ul style="list-style-type: none"> <li>Construction shall be limited to the hours of 7:00 AM to 7:00 PM Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. 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 Planning, Building, and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.</li> <li>The contractor shall use “new technology” power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate</li> </ul>	<p>Prepare and submit a construction noise logistics plan.</p> <p>All measures shall be printed on all construction documents, contracts, and project plans.</p>	<p>Prior to issuance of any demolition or grading permits.</p> <p>All measures shall be printed on all measures shall be printed on all construction documents, contracts, and project plans.</p>	<p>Director of Planning, Building and Code Enforcement, or the Director’s designee.</p>	<p>Review and approve the construction noise logistics plan.</p> <p>Ensure that all measures are printed on all construction documents, contracts, and project plans.</p>	<p>Prior to the issuance of any demolition or grading permits.</p>

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<p>mufflers and shall be in good mechanical condition to minimize noise created by faulty or poorly maintained engines or other components.</p> <ul style="list-style-type: none"> <li>• The unnecessary idling of internal combustion engines shall be prohibited.</li> <li>• Staging areas and stationary noise-generating equipment shall be located as far as possible from noise-sensitive receptors such as residential uses (a minimum of 200 feet).</li> <li>• The surrounding neighborhood shall be notified early and frequently of the construction activities.</li> <li>• A “noise disturbance coordinator” shall be designated to respond to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g., beginning work too early, bad muffler, etc.) and institute reasonable measures warranted to correct the problem. A telephone number for the disturbance coordinator would be conspicuously posted at the construction site.</li> <li>• Implementation of a construction noise logistics plan, which would include the following measures: <ul style="list-style-type: none"> <li>○ Utilize “quiet” models of air compressors and other stationary noise sources where technology exists.</li> </ul> </li> </ul>					

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<ul style="list-style-type: none"> <li>○ Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.</li> <li>○ Construct temporary noise barriers, where feasible, to screen stationary noise-generating equipment when located within 200 feet of adjoining sensitive land uses. Temporary noise barrier fences would provide at least a 5 dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receptor and if the barrier is constructed in a manner that eliminates any cracks or gaps. A typical temporary construction noise barrier reaching 14 feet in height shall be installed along the northern and western borders of the site to provide up to 14 dBA of noise reduction.</li> <li>○ If stationary noise-generating equipment must be located near receptors, adequate muffling of the equipment (with enclosures where feasible and appropriate) shall be used. Any enclosure openings or venting shall face away from sensitive receptors.</li> </ul>					

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<ul style="list-style-type: none"> <li>○ Ensure that generators, compressors, and pumps are housed in acoustical enclosures.</li> <li>○ Locate cranes as far from adjoining noise-sensitive receptors as possible.</li> <li>○ During final grading, substitute graders for bulldozers, where feasible. Wheeled heavy equipment are quieter than track equipment and should be used where feasible.</li> <li>○ Substitute nail guns for manual hammering, where feasible.</li> <li>○ Substitute electrically powered tools for noisier pneumatic tools, where feasible.</li> <li>○ The contractor shall prepare a detailed construction plan identifying the 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.</li> </ul>					
<b>Impact NOI-2:</b> Noise from the project's mechanical equipment could exceed 55 dBA DNL at sensitive residential noise-receptors near the project site.					
<b>MM NOI-2.1:</b> Prior to the issuance of any demolition or grading permits, the project applicant shall select and design mechanical equipment and generators to reduce excessive noise levels at the	Project applicant shall provide the Director of Planning, Building and Code Enforcement or the	Prior to the issuance of any demolition or grading permits.	Director of Planning, Building and Code Enforcement, or the Director's designee.	Review and approve the proposed mechanical equipment.	Prior to the issuance of any demolition or grading permits.



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nearby noise-sensitive land uses to meet the City's 55 dBA DNL noise level requirement. A qualified acoustical consultant shall be retained to review mechanical noise as these systems are selected to determine specific noise reduction measures necessary to reduce noise to comply with the City's Municipal Code noise level requirements. Noise reduction measures could include, but are not limited to, selection of equipment that emits low noise levels and installation of noise barriers, such as enclosures and parapet walls, to block the line-of-sight between the noise source and the nearest receptors. Other alternate measures may be optimal, such as locating equipment in less noise-sensitive areas, such as along the building façades farthest from adjacent neighbors, where feasible. The proposed mechanical equipment shall be approved by the City's Director of Planning, Building, and Code Enforcement.	<p>Director's designee with a list of mechanical equipment and generators reviewed by a qualified acoustical consultant.</p> <p>The list of approved mechanical equipment and generators shall be printed on all construction documents, and contracts.</p>			The list of approved mechanical equipment and generators shall be printed on all construction documents, and contracts.	
<b>Impact NOI-3:</b> Vibration levels would have the potential to exceed San José's General Plan guidelines at residential uses in the site vicinity (0.2 in/sec PPV) and could result in damage to nearby structures.					
<b>MM NOI-3.1:</b> Prior to the issuance of any demolition or grading permits, a qualified Professional Structural Engineer, licensed in the State of California, shall prepare a construction vibration monitoring plan to reduce construction-related vibration impacts by below 0.2 in/sec PPV. The plan shall include, but is not limited to, the following measures:	Retain a licensed Professional Structural Engineer in the State of California to prepare and submit a construction vibration monitoring plan including all the measures listed.	<p>Prior to the issuance of any demolition or grading permits.</p> <p>The plan shall be implemented during construction.</p>	Director of Planning, Building and Code Enforcement, or the Director's designee.	<p>Review and approve the construction vibration monitoring plan.</p> <p>Ensure that all measures are printed on all construction documents,</p>	Prior to the issuance of any demolition or grading permits.

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<ul style="list-style-type: none"> <li>Prohibit impact pile driving as a method of construction within 125 feet of any surrounding vibration-sensitive building. Prohibit vibratory pile driving as a method of construction within 85 feet of any surrounding vibration-sensitive building. As an alternative, drilled piles, which generate substantially lower levels of vibration, may be used.</li> <li>Limit the use of vibratory rollers, hoe rams, large bulldozers, and caisson drilling, and avoid clam shovel drops within 20 feet of the property lines shared with residences and commercial structures adjacent to the site.</li> <li>Place operating equipment on the construction site at least 30 feet from vibration-sensitive receptors.</li> <li>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 mode when compacting materials within 15 feet of buildings.</li> <li>Select demolition methods not involving impact tools.</li> <li>Avoid dropping heavy objects or materials within 30 feet of vibration sensitive locations.</li> <li>A list of all heavy construction equipment to be used for this project known to produce high vibration levels (tracked vehicles, vibratory compaction, jackhammers, hoe rams, etc.) shall be submitted to the City by the</li> </ul>	<p>Implement a construction vibration monitoring plan.</p> <p>All measures shall be printed on all construction documents, contracts, and project plans.</p>			contracts, and project plans.	

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<p>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.</p> <ul style="list-style-type: none"> <li>• A construction vibration-monitoring plan shall be implemented to document conditions at the residences and commercial structures adjacent to the site 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 should be implemented to include the following tasks: <ul style="list-style-type: none"> <li>○ Identification of sensitivity to ground-borne vibration of the residences and commercial structures adjacent to the site. A vibration survey would need to be performed.</li> <li>○ Performance of a photo survey, elevation survey, and crack monitoring survey for the residences and commercial structures nearest to the site. Surveys shall be performed prior to and after completion of vibration generating construction activities located within 20 feet of the structure. This distance shall be</li> </ul> </li> </ul>					

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<p>extended to 80 feet for vibratory pile driving and 120 feet for impact pile driving. The surveys shall include internal and external crack monitoring in the structure, settlement, and distress, and shall document the condition of the foundation, walls, and other structural elements in the interior and exterior of the structure.</p> <ul style="list-style-type: none"> <li>○ Conduct a post-survey on the structure where either monitoring has indicated high levels or complaints of damage. Make appropriate repairs where damage has occurred as a result of construction activities.</li> <li>○ The results of any vibration monitoring shall be summarized and submitted in a report shortly after substantial completion of each phase identified in the project schedule. The report shall include a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations. An explanation of all events that exceeded vibration limits shall be included together with proper documentation supporting any such claims.</li> </ul>					

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<ul style="list-style-type: none"> <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> </ul> <p>Implementation of the construction vibration monitoring plan shall occur during construction activities to reduce vibration levels below 0.2 in/sec PPV.</p> <p>Prior to the issuance of any demolition or grading permits, the project applicant shall submit the construction vibration monitoring plan to the Director of Planning, Building and Code Enforcement or Director's designee for review and approval.</p>					

Source: City of San José. *Berryessa Mixed Use Development Project Environmental Impact Report*. April 26, 2023.