

MITIGATION MONITORING AND REPORTING PROGRAM

Bassett Street Residential (Aviato) Project

File No. SP17-023

CITY OF SAN JOSE

August 2017



P R E F A C E

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

The Initial Study/Mitigated Negative Declaration prepared for the Bassett Street Residential (Aviato) 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 Mitigation Monitoring and Reporting Program addresses those measures in terms of how and when they shall be implemented.

This document does *not* discuss those subjects for which the Initial Study/Mitigated Negative Declaration concluded that the impacts from implementation of the project would be less than significant.

MARK E. TERSINI
I, _____, the applicant, on the behalf of _____, hereby agree to fully implement the Mitigation Measures described below which have been developed in conjunction with the preparation of an Initial Study/Mitigated Negative Declaration for my proposed project. I understand that these mitigation measures or substantially similar measures shall 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, where feasible.

Project Applicant's Signature _____

Mark E. Tersini

Date _____

10/06/17

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [Project Applicant/Proponent Responsibility]		Documentation of Compliance [Lead Agency Responsibility]		
	Method of Compliance Or Mitigation Action	Timing of Compliance	Oversight Responsibility	Actions/Reports	Monitoring Timing or Schedule
AIR QUALITY					
Impact AIR-1: Construction of the proposed project would result in a temporary community risk impact					
Mitigation Measure AIR-1.1: All mobile diesel-powered off-road equipment larger than 25 horsepower and operating on-site for more than two days shall meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent. The project applicant shall prepare a construction operations plan that includes specifications of the equipment to be used during construction. The plan shall be submitted to the Supervising Environmental Planner of the City of San José Department of Planning, Building and Code Enforcement, accompanied by a letter signed by an air quality specialist, verifying that the equipment included in the plan meets the standards set forth in these mitigation measures. The plan shall be submitted prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest).					
	Prepare and submit a construction operations plan that includes specifications of equipment to be used during construction. The plan shall be accompanied by a letter signed by an air quality specialist.	Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest)	Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement.	Review the construction operations plan and letter	Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest)
BIOLOGICAL RESOURCES					
Impact BIO-1: Construction activities associated with the proposed project could result in the loss of fertile eggs, nesting raptors or other migratory birds, or nest abandonment.					
Mitigation Measure BIO-1.1: The project applicant shall schedule demolition and construction activities to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st (inclusive).					
	Avoidance of construction activities during nesting seasons. If it is not possible, preconstruction surveys shall be conducted by a qualified	Prior to any tree removal, demolition permits, or grading permits (whichever occurs first)	Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement.	Review report indicating the results of the survey (or any other environmental	Prior to any tree removal, demolition permits, or grading permits

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
<p>If it is not possible to schedule demolition and construction between September 1st and January 31st, pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st inclusive). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests. 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 (CDFW), shall determine the extent of a construction-free buffer zone to be established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests shall not be disturbed during project construction.</p> <p>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 Supervising Environmental</p>	<p>ornithologist and construction-free buffer zones shall be designed around discovered nest.</p> <p>The ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement.</p>			<p>investigation reports, if applicable) and any designated buffer zones.</p>	

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
Planner.					
CULTURAL RESOURCES					
Impact CUL-1: Subsurface cultural resources could be uncovered and disturbed during demolition/construction of the proposed project, resulting in a significant impact.					
<p>Mitigation Measure CUL-1.1: A qualified archaeologist, meeting the Professional Qualifications Standards of the Secretary of the Interior's Standards and Guidelines, shall monitor all ground disturbing activity within the project area. This monitoring shall continue until, in the archaeologist's judgment, a depth has been reached at which cultural resources are not likely to be encountered by project-related activities.</p> <p>In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Supervising Environmental Planner and Historic Preservation Officer of the City of San José Department of Planning, Building and Code Enforcement shall be notified, and a qualified archaeologist shall examine the find. Project personnel shall not collect or move any cultural material. The archaeologist shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds prior to issuance of any occupancy permits. If the finds do not meet the definition of a historical or</p>	<p>A qualified archaeologist shall monitor all ground disturbing activities within the project area.</p> <p>In the event that prehistoric or historic resources are discovered during excavation and/or grading of the site, stop all activity within a 50-foot radius of the find, and immediately notify the Supervising Environmental Planner and Historic Preservation Officer of the Department of Planning, Building and Code Enforcement.</p> <p>Submit a report of findings documenting any data recovery to the Supervising Environmental Planner and</p>	Prior to the issuance of any occupancy permit	<p>Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement</p> <p>Historic Preservation Officer</p>	<p>Review site and construction plans to ensure measure is incorporated. Review additional report of findings, if applicable.</p>	<p>During earthmoving activities and prior to issuance of any occupancy permit.</p>



Planning, Building and Code Enforcement
ROSALYNN HUGHEY, INTERIM DIRECTOR

Bassett Street Residential (Aviato)
Project
File Nos. SP17-023

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
<p>archaeological resources, no further study or protection is necessary prior to project implementation. If the find(s) does meet the definition of a historical or archaeological resource, then it shall be avoided by project activities. Project personnel shall not collect or move any cultural material. Fill soils that may be used for construction purposes shall not contain archaeological materials.</p> <p>If avoidance is not feasible, adverse effects to such resources shall be mitigated in accordance with the recommendations of the archaeologist. Recommendations shall include, but are not limited to, collection, recordation, and analysis of any significant cultural materials. Data recovery methods may include, but are not limited to, backhoe trenching, shovel test units, hand augering, and hand-excavation.</p> <p>Data recovery shall include excavation and exposure of features, field documentation, and recordation. A report of findings documenting any data recovery shall be submitted to the Supervising Environmental Planner and Historic Preservation Officer of the City of San José Department of Planning, Building and Code Enforcement and the Northwest Information Center prior to issuance of occupancy permits. All documentation and recordation shall be submitted to the Northwest Information Center (NWIC).</p>		<p>Historic Preservation Officer of the City of San José Department of Planning, Building and Code Enforcement and the Northwest Information Center.</p> <p>This measures shall be incorporated into site and construction plans prior to the issuance of any grading permits.</p>			

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
<p><u>Mitigation Measure CUL-1.2:</u> If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed. In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The project applicant shall immediately notify the Supervising Environmental Planner of the City of San José Department of Planning, Building and Code Enforcement and the qualified archaeologist, who shall then notify the Santa Clara County Coroner. The Coroner shall make a determination as to whether the remains are Native American.</p> <p>If the remains are believed to be Native American, the Coroner shall contact the NAHC within 24 hours. The NAHC shall then designate a Most Likely Descendant (MLD). The MLD shall inspect the remains and make a recommendation on the treatment of the remains and associated artifacts.</p> <p>If one of the following conditions occurs, the landowner or his authorized representative shall work</p>	<p>In the event human remains are discovered during construction, stop all construction activities and immediately notify the Santa Clara County Coroner.</p> <p>This measures shall be incorporated into site and construction plans prior to the issuance of any grading permits.</p>	<p>Prior to any grading permits and during earthmoving activities.</p>	<p>Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement</p> <p>Historic Preservation Officer</p>	<p>Review site and construction plans to ensure measure is incorporated. Review additional report of findings, if applicable.</p>	<p>During earthmoving activities and prior to issuance of any occupancy permit.</p>

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
<p>with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:</p> <ul style="list-style-type: none"> The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 24 hours after being notified by the NAHC. The MLD identified fails to make a recommendation; or The landowner or his authorized representative rejects the recommendation of the MLD, and the mediation by the NAHC fails to provide measures acceptable to the landowner. 					
NOISE					
<p>Impact NOI-1: Construction of the project would expose nearby residences to vibration levels in excess of City standards and could result in significant construction-related groundborne vibration impacts.</p>					
<p>Mitigation Measure NOI-1.1: The project applicant shall provide a list to the Supervising Environmental Planner of Planning, Building and Code Enforcement of all pile driving equipment to be used for this project and the anticipated duration of use for each piece of equipment. This list shall be used to identify equipment and activities that would generate substantial vibration and to define the level of effort required for continuous vibration monitoring. Where possible, use of vibration-generating construction</p>	<p>Submit a list of pile-driving equipment to be used for the project.</p> <p>This potential equipment to be used shall be incorporated into site and construction plans prior to the issuance of any grading permits.</p>	<p>Prior to any pile driving construction activity.</p>	<p>Supervising Environmental Planner of the Planning, Building and Code Enforcement</p>	<p>Review list of pile driving equipment and determine appropriate noise monitoring effort.</p>	<p>Prior to any pile driving construction activity.</p>

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
equipment shall be prohibited within 30 feet of any adjacent building.					
<p><u>Mitigation Measure NOI-1.2:</u> The project applicant shall prepare and implement a Construction Vibration Monitoring Plan (Plan) to document conditions prior to, during, and after vibration generating construction activities. The Plan 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 Plan shall include, but is not limited to, the following tasks:</p> <ul style="list-style-type: none"> • Identification of the sensitivity of on- and off-site structures to groundborne vibration. Vibration limits shall be applied to all vibration-sensitive structures located on or within 130 feet of pile driving construction activities identified as sources of high vibration levels. • Performance of a photo survey, elevation survey, and crack monitoring survey for each structure within 130 feet of pile driving construction activities identified as sources of high vibration levels. Surveys shall be performed prior to any pile driving construction activity, in regular interval during construction and after project 	Prepare and implement a Construction Vibration Monitoring Plan prior to the issuance of any grading permits.	Prior to the issuance of any grading permits.	Supervising Environmental Planner of the Planning, Building and Code Enforcement.	Review report summarizing the result of the vibration monitoring process.	Prior to the issuance of any grading permits.

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
<p>completion and shall include internal and external crack monitoring in structures, settlement, and distress and shall document the condition of foundations, walls, and other structural elements in the interior and exterior of said structures.</p> <ul style="list-style-type: none"> • Development of a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure-specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions. Construction contingencies would be identified for when vibration levels approach the limits. • At minimum, vibration monitoring shall be conducted during pile driving activities. Monitoring results may indicate the need for more or less intensive measurements. • If vibration levels approach limits, suspend construction and implement contingencies to either lower vibration levels or secure the affected structures. • Designation of a person responsible for registering and investigating claims of excessive vibration. The contact information 					

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
(i.e., name and phone number) of such person shall be clearly posted on the construction site. <ul style="list-style-type: none"> Direction on conducting post-construction surveys on structures where either monitoring has indicated high levels or complaints of damage have been made. The Plan shall include procedures for making appropriate repairs or providing compensation where damage has occurred as a result of construction activities. The Plan shall be submitted to the Supervising Environmental Planner of the City of San José Department of Planning, Building and Code Enforcement for review prior to the issuance of any grading permits.					
<u>Mitigation Measure NOI-1.3:</u> The project applicant shall submit a report summarizing the result of the vibration monitoring process during all demolition and construction phases to the Supervising Environmental Planner of the City of San José Department of Planning, Building and Code Enforcement no later than a week after substantial completion of each phase identified in the project schedule of the Plan. The report shall include, but is not limited to, a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify	Submit a report summarizing the results of the vibration monitoring process.	Prior to the issuance of any occupancy permit.	Supervising Environmental Planner of the Planning, Building and Code Enforcement	Review the summarized result of the vibration monitoring process.	Prior to issuance of any occupancy permit.

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
vibration-monitoring locations. An explanation of all events that exceeded vibration limits shall be included together with proper documentation supporting such claims.					

Source: City of San José. *Bassett Street Residential Project (Aviato) Initial Study*. September 2017.