



Memorandum

TO: TRANSPORTATION &
ENVIRONMENT COMMITTEE

FROM: Rosalynn Hughey

SUBJECT: MMRP SEMI-ANNUAL REPORT

DATE: April 19, 2018

Approved

Date

30 APRIL 2018

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

RECOMMENDATION

Staff recommends that the Transportation & Environment Committee (T&E Committee) accept the semi-annual status report on the City of San José's CEQA Mitigation Monitoring and Reporting Program (MMRP) for the period of October 2017 to March 2018.

OUTCOME

The purpose of this semi-annual report is to provide the T&E Committee with an update on the mitigation compliance program and conformance to CEQA's requirements under Section 15097. Specifically, this report highlights the ongoing projects and key accomplishments achieved during the reporting period. The Committee's attention to this Program has assisted with compliance and fulfillment of the City's environmental mitigation commitments.

BACKGROUND

This is the 17th progress report on the status of the implementation and improvements to the City's Mitigation Monitoring and Reporting Program (MMRP). The Committee heard the prior status report on November 6, 2017.

CEQA requires that the City include feasible mitigation measures to reduce or eliminate potentially significant environmental impacts as part of the City's approval of projects, including land use approvals and other actions taken by the City Council or other decision-making bodies. These mitigation measures are identified through environmental analyses prepared for individual projects in the form of Mitigated Negative Declarations (MNDs) or Environmental Impact

Reports (EIRs) under CEQA. At the time of approval, the City is required to make findings as to how each project will specifically avoid or substantially reduce its potentially significant environmental effects through either modifications of the project or the incorporation of environmental mitigation measures described in the project MND or EIR. CEQA mandates that the City adopt and implement a Mitigation Monitoring and Reporting Program (MMRP) for individual projects. Mitigation measures are required to be fully enforceable through permit conditions, agreements, or other measures with an expectation that there will be consequences to the project for non-compliance.

Over the past few years, staff has been working to improve the City's MMRP implementation to better conform to the requirements of CEQA and to further the City's goals for stewardship of the natural environment. The T&E Committee has been an active participant in this process, reviewing staff progress and making recommendations on a periodic basis.

ANALYSIS

This part of the report focuses on compliance for projects during the grading permitting process. The Department of Planning, Building and Code Enforcement (PBCE) Environmental Review team leads the review of required mitigation compliance associated for projects with approval of grading permits. PBCE's efforts are coordinated with applicants, Public Works Department, and the Environmental Services Department.

Mitigation Monitoring Report Card

Approved Projects

In the reporting period from October 2017 to March 2018, twenty-one (21) projects completed the mitigation compliance process and received approval for grading permits. The current reporting period's compliance review is summarized in Attachment A of this report with project name, project description, completed mitigations, and completion dates.

Some of the approved projects include SJSC Towers, Communication Hill Phase 2, Hispanic University, The Graduate, River Corporation, and Almaden Ranch Hotel. Typical compliance requirements reviewed by staff include mitigation related to preconstruction bird surveys, archaeological resources management, site management plans for hazardous materials clean-up, construction air quality, and noise mitigation.

Projects Under Review

Currently, the Environmental Review team is reviewing several grading permits for compliance with the adopted MMRPs. There are thirteen (13) active projects for mitigation compliance with ongoing grading permit review. The review of these projects is included Attachment B.

Coordination and Training

Through enhanced coordination between the Public Works Department and Planning Division, the City continues to see improved compliance with mitigation requirements that must be satisfied prior to the issuance of a grading permit.

EVALUATION AND FOLLOW-UP

In the next report to the T&E Committee, staff will provide updates to the monitoring activity between April and September 2018. The next report to the Committee is scheduled for November 2018.

PUBLIC OUTREACH/INTEREST

- ☐ **Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater.
(Required: Website Posting)
- ☐ **Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- ☐ **Criterion 3:** Consideration of proposed changes to service delivery, programs, or staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

Although this item does not meet any of the above criteria, information is posted on the Planning Division's Environmental Review web page.

TRANSPORTATION AND ENVIRONMENT COMMITTEE

April 19, 2018

Subject: CEQA Mitigation Monitoring and Reporting Program Status Report

Page 4

CEQA

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

/s/

Rosalynn Hughey, Director
Planning, Building and Code Enforcement

For questions please contact Meenaxi R. Panakkal, Supervising Environmental Planner, at 408-535-7895.

Attachments:

Attachment A – Approved Mitigation Compliance for Grading Permits from October 2017 to March 2018

Attachment B – Mitigation Compliance for Grading Permits under Review (On-going)