

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE ADOPTING THE 715 WEST JULIAN MIXED-USE PROJECT ADDENDUM TO THE DIRIDON STATION AREA PLAN FINAL ENVIRONMENTAL IMPACT REPORT, THE ENVISION SAN JOSE 2040 GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT, SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT, AND ADDENDA THERETO, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM

WHEREAS, prior to the adoption of this Resolution, the Planning Director of the City of San José prepared an Initial Study and approved an Addendum to the Final Environmental Impact Report for the Diridon Station Area Plan (“DSAP FEIR”) under Planning File No. PP06-163 and City Council adopted Resolution No. 77096, the Final Program Environmental Impact Report for the Envision San José 2040 General Plan (“General Plan Update FPEIR”) under Planning File No. PP09-011 and City Council adopted Resolution No. 76041, Supplemental EIR (“SEIR”) for the Envision San José 2040 General Plan, Greenhouse Gas Reduction Strategy under Planning File No. PP15-060 and City Council adopted Resolution No. 77617, and Addenda thereto, for the 715 West Julian Mixed Use project under Planning File Nos. PDC17-058, PD17-029 and PT17-063 (the “Project”), all in accordance with the requirements of the California Environmental Quality Act of 1970, together with state and local guidelines implementing said Act, all as amended to date (collectively “CEQA”); and

WHEREAS, the City prepared, completed, and adopted in accordance with CEQA the General Plan Update FPEIR, which analyzed the environmental impacts set forth from the land use and development assumptions of the Envision San José General Plan; and

WHEREAS, the Planning Commission of the City certified said General Plan Update FPEIR, which certification was not appealed; and

WHEREAS, in connection with the adoption of a resolution approving said Envision San José 2040 General Plan (Planning File No. PP09-011), the City Council adopted Resolution No. 76041 on November 1, 2011 setting forth certain findings pertaining to the General Plan Update FPEIR and adopting a mitigation monitoring and reporting program, all pursuant to the provisions of CEQA; and

WHEREAS, subsequent to said actions on the General Plan Update FPEIR, the City prepared, completed, and adopted in accordance with CEQA the DSAP FEIR, which analyzed the environmental impacts set forth from the land use and development assumptions of the Diridon Station Area Plan; and

WHEREAS, the Planning Commission of the City certified said DSAP FEIR, which certification was not appealed; and

WHEREAS, in connection with the adoption of a resolution approving said Diridon Station Area Plan (Planning File No. PP09-163), the City Council adopted Resolution No. 77096 on July 17, 2014 setting forth certain findings pertaining to the DSAP FEIR and adopting a mitigation monitoring and reporting program, all pursuant to the provisions of CEQA; and

WHEREAS, subsequent to said actions on the DSAP FEIR and the General Plan Update FPEIR, the City prepared, completed, and adopted in accordance with CEQA the Supplemental EIR ("SEIR") for the Envision San José 2040 General Plan, Greenhouse Gas Reduction Strategy (Planning File No. PP15-060); and

WHEREAS, the Planning Commission of the City certified said SEIR, which certification was not appealed; and

WHEREAS, the City Council adopted Resolution No. 77617 on December 15, 2015 setting forth certain findings pertaining to the SEIR, all pursuant to the provisions of CEQA, and adopting a mitigation monitoring and reporting program, all pursuant to the provisions of CEQA; and

WHEREAS, the 715 West Julian Mixed Use project (the "Project") analyzed under the Addendum consists of a Planned Development Rezoning, a Vesting Tentative Map, and a Planned Development Permit to consolidate two parcels into one parcel, and to allow construction of up to 249 apartments and approximately 26,585 square feet of ground level commercial space on the site. The project includes demolition of five existing buildings, removal of existing on-site trees, and the construction of a new mixed-use seven-story building, with two sub-grade parking levels. The ground floor will consist of commercial and/or retail space, residential lobby, leasing office, and additional parking. Residential units and related space are proposed on floors 2 through 7 on a 1.22-gross acre site, located at the northwest corner of West Julian Street and Stockton Avenue at 715 West Julian Street in San José, California; and

WHEREAS, the Addendum concluded that implementation of the Project would not result in new significant effects on the environment beyond those already identified in the previously approved DSAP FEIR, General Plan FPEIR, SEIR and Addenda thereto, nor will the Project result in an increase in the severity of significant effects identified in the EIRs and the identified mitigation measures, as amended, would continue to reduce each of those significant effects to a less-than significant level; and

WHEREAS, in connection with the approval of a project involving the preparation of an EIR or MND that identifies one or more significant environmental effects, CEQA requires the decision-making body of the lead agency to incorporate feasible mitigation measures that would reduce those significant environment effects to a less-than-significant level; and

WHEREAS, whenever a lead agency approves a project requiring the implementation of measures to mitigate or avoid significant effects on the environment, CEQA also requires a lead agency to adopt a mitigation monitoring and reporting program to ensure compliance with the mitigation measures during project implementation, and such a mitigation monitoring and reporting program has been prepared for the Project for consideration by the decision-maker of the City of San José as lead agency for the Project; and

WHEREAS, the Project will not result in any new significant effect or increase in the severity of an existing significant effect on the environment, a project specific Mitigation Monitoring and Reporting Program ("Mitigation Monitoring and Reporting Program") was prepared to reflect current General Plan policies and current protocols, which have been updated to incorporate applicable mitigation measures from the DSAP FEIR, General Plan Update FPEIR, SEIR, and Addenda thereto into the Project; and

WHEREAS, the City of San José is the lead agency on the Project, and the City Council is the decision-making body for the proposed approval to undertake the Project; and

WHEREAS, the City Council has reviewed and considered the Addendum along with the certified DSAP FEIR, General Plan Update FPEIR, and SEIR, and Addenda thereto, and the related Mitigation Monitoring and Reporting Program for the Project and intends

to take actions on the Project in compliance with CEQA and state and local guidelines implementing CEQA; and

WHEREAS, the Addendum along with the DSAP FEIR, General Plan Update FPEIR, SEIR, and Addenda thereto, and related Mitigation Monitoring and Reporting Program for the Project are on file in the Office of the Director of Planning, located at 200 East Santa Clara Street, 3rd Floor Tower, San José, California, 95113, are available for inspection by any interested person at that location and are, by this reference, incorporated into this Resolution as if fully set forth herein;

WHEREAS, the Project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.4 of the California Department of Fish and Game Code.

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

THAT THE CITY COUNCIL does hereby make the following findings: (1) it has independently reviewed and analyzed the DSAP FEIR, General Plan Update FPEIR, SEIR, and Addenda thereto, as all modified by the Addendum, as well as other information in the record and has considered the information contained therein, prior to acting upon or approving the Project, (2) the Addendum modifying the DSAP FEIR, General Plan Update FPEIR, SEIR, and Addenda thereto prepared for the Project has been completed in compliance with CEQA and is consistent with state and local guidelines implementing CEQA, and (3) the Addendum modifying the DSAP FEIR, General Plan Update FPEIR, SEIR, and Addenda thereto represents the independent judgment and analysis of the City of San José, as lead agency for the Project. The City Council designates the Director of Planning at the Director's Office at 200 East Santa

Clara Street, 3rd Floor Tower, San José, California, 95113, as the custodian of documents and records of proceedings on which this decision is based.

THAT THE CITY COUNCIL does hereby find that based upon the entire record of proceedings before it and all information received that there is no substantial evidence that the Project will have a significant effect on the environment and does hereby adopt the Addendum and related Mitigation Monitoring and Reporting Program prepared for the Project (Planning File Nos. PDC17-058, PD17-029 and PT17-063). The Mitigation Monitoring and Reporting Program for the Project is attached hereto as Exhibit "A" and fully incorporated herein. The Addendum and Mitigation Monitoring and Reporting Program are: (1) on file in the Office of the Director of Planning, located at 200 East Santa Clara Street, 3rd Floor Tower, San José, California, 95113 and (2) available for inspection by any interested person.

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ADOPTED this day of , , by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

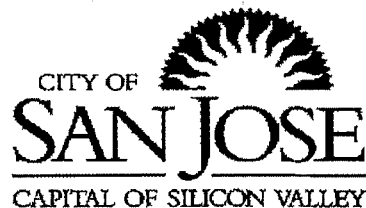
SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

MITIGATION MONITORING AND REPORTING PROGRAM

715 West Julian Mixed Use
File Nos. PDC17-058, PD17-029, PT17-063
August 2018



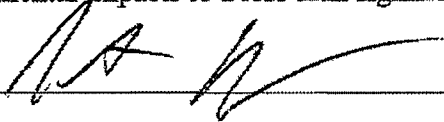
PREFACE

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.

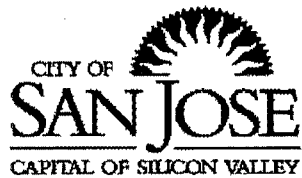
The Addendum to the Diridon Station Area Plan Environmental Impact Report (EIR), the Envision San José 2040 General Plan EIR, the General Plan Supplemental EIR, and all addenda thereto ("EIR Addendum") prepared for the 715 W. Julian Mixed Use project (File Nos. PDC17-058, PD17-029, PT17-063) concluded that the implementation of the project could result in significant effects on the environment consistent with the Diridon Station Area Plan, General Plan and Supplemental EIRs, and mitigation measures were incorporated into the proposed project or are required as a condition of project approval. This Mitigation Monitoring and Reporting Program identifies those measures and how and when they will be implemented.

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

I, Scott Yonckall, the applicant, on the behalf of 715 W. Julian LLC, hereby agree to fully implement the Mitigation Measures described below which have been developed in conjunction with the preparation of an EIR Addendum 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, where feasible.

Project Applicant's Signature 

Date 8/29/18



Planning, Building and Code Enforcement
ROSALYNN HUGHEY, DIRECTOR

715 West Julian Mixed Use
File Nos. PDC17-058, PD17-029, PT17-063

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 AQ-1: Exhaust from diesel powered construction equipment would exceed the regulatory toxic air contaminant threshold and predicted cancer risk at the nearest residential uses.					
MM AQ-1 The project applicant shall develop a plan demonstrating that the off-road equipment used on-site to construct the project would achieve a fleet-wide average of 81 percent reduction in diesel particulate matter (DPM) exhaust emissions or greater. Measures that can be implemented to achieve this reduction include, but are not limited to, the following: - All mobile diesel-powered off-road equipment larger than 25 horsepower and operating on the site for more than two days continuously shall meet, at a minimum, U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent. - The use of equipment with CARB-certified Level 3 Diesel Particulate Filters or alternatively-fueled equipment (i.e., non-diesel), and/or additional exhaust devices. The construction contractor could use other measures to minimize construction period DPM emissions to reduce the predicted cancer risk below the thresholds. A written plan to achieve a fleet-wide average reduction in DPM emissions shall be prepared by a	Submit a written plan demonstrating a fleet-wide average of 81% reduction in DPM emissions to the Supervising Environmental Planner of the Planning, Building and Code Enforcement; implement requirements into construction specifications.	Prior to issuance of any grading permits.	Supervising Environmental Planner of the Planning, Building and Code Enforcement	Review plan and ensure implementation of requirements to reduce construction equipment DPM.	Prior to issuance of any grading permits; implement requirements during construction.

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qualified consultant and submitted to the Supervising Environmental Planner of the Planning, Building and Code Enforcement Department prior to issuance of any grading permits.					
BIOLOGICAL RESOURCES					
Impact BIO-1: If project demolition and tree removal occur during the breeding season, the project could result in a significant impact to nesting raptors.					
MM BIO-1: 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). If demolition and construction activities cannot be scheduled between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist or biologist 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 ground disturbance 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 ground disturbance activities during the late part of the breeding season (May 1st through August 31st inclusive). During this survey, the ornithologist/biologist 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	Schedule construction activities outside of nesting season (September 1st through January 31st). If construction cannot be scheduled between September 1st and January 31st, a qualified ornithologist shall conduct preconstruction surveys and establish construction-free buffer zones. The ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the Supervising Environmental Planner of Planning, Building and Code Enforcement.	Prior to tree removal, or prior to approval of grading or demolition permits (whichever occurs first).	Supervising Environmental Planner of Planning, Building, and Code Enforcement.	Review report of the results of the survey and any designated buffer zones.	Prior to any tree removal, or approval of any grading or demolition permits (whichever occurs first).

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work areas to be disturbed by construction, the ornithologist/biologist, 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. Prior to any tree removal, or issuance of any grading or demolition permits (whichever occurs first), the ornithologist/biologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement.					
CULTURAL RESOURCES					
Impact CR-1: The project may impact prehistoric and historic era archaeological deposits during excavation and construction activities.					
MM CR-1 The project applicant shall retain a qualified archaeologist to conduct mechanical presence/absence exploration on the project site to determine if there are any indications of subsurface archaeological deposits. The mechanical presence/absence exploration shall be conducted after the buildings have been demolished and all of the asphalt removed, prior to any construction activities. If any indications of prehistoric or historic-era resources are identified, the qualified archaeologist shall make recommendations for further evaluation that may include measures to protect potential resources. The	Qualified archaeologist to submit results of exploration testing to Supervising Environmental Planner of PBCE. A final report of findings of the mitigation efforts to be submitted to the Supervising Environmental Planner of the Planning, Building and Code Enforcement and the	After demolition and prior to the start of any construction activities.	Supervising Environmental Planner of the Planning, Building and Code Enforcement	Review archaeological testing and recovery plan if resources are discovered.	After demolition and prior to the start of any construction activities.

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findings and recommendations shall be submitted to the City's Environmental Supervising Planner prior to the start of any construction activities.	Northwest Information Center.				
If potholing for utilities must be completed prior to the archaeological survey, an archaeological monitor shall observe the potholing process. The northwest quarter of the property is most sensitive for historic-era archaeological deposits, but the entire project shall be explored for additional historical and prehistoric resources. If any indications are identified, additional recommendations will be tailored to the type of resource identified and the proposed planned improvements. The findings and recommendations shall be submitted to the Environmental Supervising Planner of the Department of Planning, Building and Code Enforcement prior to the start of any construction activities.	Qualified archaeologist to monitor potholing and submit findings and recommendations to the Supervising Environmental Planner of the Planning, Building and Code Enforcement.	Prior to the start of any construction activities.	Supervising Environmental Planner of the Planning, Building and Code Enforcement	Review findings and recommendations.	Prior to the start of any construction activities.
HAZARDS & HAZARDOUS MATERIALS					
Impact HAZ-1: Historic activities on the project site have impacted subsurface soil and groundwater in specific areas.					
MM HAZ-1.1 The project applicant shall retain a qualified consultant and obtain regulatory oversight from the Santa Clara County Department of Environmental Health's (SCCDEHs) Voluntary Cleanup Program to address soil and groundwater contamination discovered on the property. Removal and off-site disposal of the soil at appropriate landfills during construction of the two-level underground parking lot will likely constitute the mitigation	Qualified consultant to submit a report indicating extent of contamination on the site and any required remediation actions in consultation with SCCDEH.	Prior to the issuance of any grading permits.	Supervising Environmental Planner of Planning, Building, and Code Enforcement and SCCDEH.	Review report and any remediation actions required; review SCCDEH documentation. Ensure remediation measures per SCCDEH	Prior to the issuance of any grading permits.

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
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required; however, the SCCDEH will approve the proposed mitigation, or if additional groundwater sampling and mitigation is necessary. The mitigation may come in the form of a Removal Action Plan, Soil Mitigation Plan, or a Site Management Plan documenting the soil removal and any other investigations or mitigations required. All documentation showing implementation of mitigation with the SCCDEH shall be provided to the Supervising Environmental Planner of the Planning, Building and Code Enforcement Department prior to issuance of any grading permits.	Applicant to provide documentation showing implementation of mitigation with SCCDEH to Supervising Environmental Planner of Planning, Building, and Code Enforcement. Include all remediation requirements in final plans.	Remediation measures per SCCDEH shall be printed on all plans and contracts prior to the issuance of any grading permits.		documentation are implemented.	
MM HAZ-1.2 The project applicant shall retain a qualified consultant to determine appropriate discharge requirements during construction dewatering activities to address the presence of contaminants in groundwater. Documentation outlining the discharge requirements shall be provided to the Supervising Environmental Planner of the Planning, Building and Code Enforcement Department prior to issuance of any grading permit.	Qualified consultant to provide discharge requirements during construction dewatering activities to the Supervising Environmental Planner of the Planning, Building and Code Enforcement prior to issuance of any grading permits.	Measures shall be printed on all plans and contracts prior to the issuance of any grading permits. Implement measures during construction.	Supervising Environmental Planner of the Planning, Building and Code Enforcement	Approval of final plans. Ensure measures are implemented during construction.	Prior to issuance of any grading permits. Implement measures during construction.
Impact HAZ-2: Naturally occurring asbestos (NOA) is documented on the project site and may be released during ground disturbance activities, such as grading, demolition, or construction.					
MM HAZ-2 The project applicant shall retain a qualified consultant to prepare an asbestos dust mitigation plan (ADMP). The ADMP is subject to	Qualified consultant to provide ADMP to BAAQMD; BAAQMD	Prior to issuance of any grading permits.	Supervising Environmental Planner of the Planning,	Receive approved ADMP and	Prior to issuance of any grading permits;

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review and approval by the Bay Area Air Quality Management District (BAAQMD), prior to ground disturbance activities, such as grading, demolition, or construction. The approved ADMP shall be implemented prior to and during construction, in accordance with BAAQMD. All documentation and approvals with the BAAQMD shall be provided to the Supervising Environmental Planner of the Planning, Building and Code Enforcement Department prior to issuance of any grading permits.	documentation to be provided to the Supervising Environmental Planner of the Planning, Building and Code Enforcement prior to issuance of a grading plan.		Building and Code Enforcement	BAAQMD documents. Ensure ADMP is implemented during construction	ADMP during construction.
NOISE & VIBRATION					
Impact NSE-1: Noise from use of outdoor mechanical equipment may exceed noise thresholds on nearby sensitive receptors. Noise levels are limited to 55 dBA Leq at receiving noise-sensitive land uses as per General Plan Policy EC-1.3 and the Municipal Code noise standards.					
MM NSE-1 Prior to the issuance of any building permits, the project applicant shall ensure that mechanical equipment is selected and designed to reduce impacts on surrounding uses to meet the City's requirements. The project applicant shall retain a qualified acoustical consultant to review mechanical noise as the equipment systems are selected in order to determine specific noise reduction measures necessary to reduce noise to comply with the City's 55 dBA Leq noise limit at the shared property line. 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 controls could include, but shall not be limited to, fan silencers,	Qualified acoustical consultant shall submit noise reduction measures for proposed mechanical equipment systems to the Supervising Environmental Planner of Planning, Building, and Code Enforcement.	Measure shall be printed on all plans and contracts prior to the issuance of any building permits. Report shall be submitted for review prior to the issuance of building permit.	Supervising Environmental Planner of Planning, Building, and Code Enforcement.	Review recommendations for proposed mechanical equipment systems. Approval of final plans.	Prior to the issuance of any building permits. Measure shall be printed on all plans and contracts prior to the issuance of grading permit. Report shall be submitted for review prior to the issuance of building permit.



Planning, Building and Code Enforcement
ROSALYNN HUGHEY, DIRECTOR

EXHIBIT "A"
(File Nos. PDC15-058; PD17-029; PT17-063)

715 West Julian Mixed Use
File Nos. PDC17-058, PD17-029, PT17-063

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
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enclosures, and screen walls. Documentation of the acoustical consultant's review and recommendations for noise reduction measures shall be submitted for review to the Supervising Environmental Planner of Planning, Building, and Code Enforcement prior to issuance of any building permits. Additionally, the proposed measures shall be printed on all plans and contracts.					
Impact NSE-2: Construction-related vibration levels would exceed 0.2 in/sec PPV at the adjacent multi-family residences north of the project site and at the commercial building to the west.					
MM NSE-2.1 The project applicant shall implement the following measures during construction: - Prohibit the use of heavy vibration-generating construction equipment, such as vibratory rollers or excavation using clam shell or chisel drops, within 30 feet of any adjacent building. - 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. Confirmation of implementation of these measures (e.g., construction documents, plan specifications, etc.) shall be provided to the Supervising Environmental Planner of the Planning, Building and Code Enforcement Department prior to issuance of any grading permit.	Print all conditions and measures in all plans and contracts.	Prior to the issuance of any grading permits.	Supervising Environmental Planner of Planning, Building, and Code Enforcement.	Review plans and contracts to ensure measures are clearly present.	Prior to the issuance of any grading permits.

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
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MM NSE-2.2: The project applicant shall retain a qualified consultant to prepare a vibration plan that includes, but is not limited to, the following: - List of proposed construction equipment and their specification in regards to vibration generation. The vibration generation should be based on distance, if possible. - Identify the person responsible for noise and vibration complaints and provide contact information. The vibration plan shall be submitted to the Supervising Environmental Planner of the Department of Planning, Building, and Code Enforcement for approval prior to the issuance of any grading permits.	Submit a construction vibration plan for review.	Prior to the issuance of any grading and/or building permits.	Supervising Environmental Planner of Planning, Building, and Code Enforcement.	Approve construction vibration plan.	Prior to the issuance of any grading and/or building permits.

Source: Addendum to the Diridon Station Area Plan Environmental Impact Report (SCH #2011092022), Envision San José 2040 General Plan Environmental Impact Report (SCH #2009072096), Supplemental Environmental Impact Report, and Addenda Thereto, August 2018.