



## Memorandum

**TO:** TRANSPORTATION &  
ENVIRONMENT COMMITTEE

**FROM:** Rosalynn Hughey

**SUBJECT:** SEE BELOW

**DATE:** October 23, 2018

Approved

Date

10-25-18

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

### RECOMMENDATION

Accept the semi-annual status report on the City of San José's CEQA Mitigation Monitoring and Reporting Program (MMRP) for the period of April 2018 to September 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 for mitigation monitoring under CEQA Guidelines Section 15097. Specifically, this report highlights the on-going projects and key accomplishments achieved during the reporting period. The Committee's attention to this Program has assisted with compliance and fulfillment of the City's environmental mitigation commitments.

### BACKGROUND

This is the 18<sup>th</sup> progress report on the status of the implementation and improvements to the City's Mitigation Monitoring and Reporting Program (MMRP). The Transportation and Environment Committee heard the prior status report on May 7, 2018.

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. The timing for mitigation measure implementation and compliance is prior to the issuance of the grading permit.

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 mitigation compliance for projects during the grading permitting process as the timing for compliance is triggered with grading. 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 the applicants, Department of Public Works, and the Environmental Services Department.

### **Mitigation Monitoring Report Card**

#### ***Approved Projects***

In the reporting period from April to September 2018, fifteen (15) projects completed the mitigation compliance reviews. 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 Urban Oak-Phase 1, 2, 3, and 5 (iStar Project), San Pedro Square Residences-Block B & Tract 10449, Edenvale Storage, and Columbine Reservoir Replacement Project. Typical mitigation compliance requirements reviewed by staff are preconstruction bird surveys, archaeological resources management, site management plans for hazardous materials clean-up, construction air quality, and noise mitigation.

One of the approved projects, Oakmont of Evergreen Assisted Living Facility at 3556 San Felipe Road required pro-active management to remedy actions related to move of a historic property (Smith House). The City caught the oversight and engaged the applicant and their teams to comply with the requirements of the rezoning, conditional use permit, historic preservation permit and the MMRP adopted with the Mitigated Negative Declaration.



### ***Projects Under Review***

Currently, the Environmental Review team is reviewing several grading permits for compliance with the adopted MMRPs. Twenty-two (22) projects are under review for mitigation compliance with the on-going grading permit review. The review of these projects, identified in Attachment B, is incomplete as of the time of this report preparation.

### **Coordination and Training**

Through enhanced coordination between the Departments of Public Works and Planning, 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 October 2018 and March 2019. The next report to the Committee is scheduled for May 2019.

### **PUBLIC OUTREACH/INTEREST**

The Project information related to CEQA Mitigation Monitoring and Reporting Program is posted on the Planning Division's Environmental Review web page.

### **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.

Attachment A – Approved Mitigation Compliance for Grading Permits from April 2018 to September 2018

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