

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE ADOPTING THE EVANS LANE COMMUNITY VILLAGE PROJECT ADDENDUM TO THE EVANS LANE TRANSITIONAL HOUSING PROJECT MITIGATED NEGATIVE DECLARATION, FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND ADOPTING A RELATED MITIGATION MONITORING AND REPORTING PROGRAM

WHEREAS, the City of San José (“City”) acting as lead agency under the California Environmental Quality Act of 1970, together with state and local guidelines implementing said Act, all as amended to date (collectively “CEQA”), prepared the Initial Study/Mitigated Negative Declaration for the Evans Lane Transitional Housing Project, which analyzed the environmental impacts of a General Plan Land Use/Transportation Diagram Amendment from Neighborhood/Community Commercial designation to Mixed Use Neighborhood on a 5.97 gross acre site located on the east side of Evans Lane, approximately 170 feet north of Canoas Garden Avenue (0 Evans Lane); and

WHEREAS, on June 28, 2016, the City Council adopted Resolution No. 77876 adopting the Initial Study/Mitigated Negative Declaration and related Mitigation Monitoring and Report Program prepared for the Evans Lane Transitional Housing Project File No. GP16-001 pursuant to the provisions of CEQA, which adoption was not appealed; and

WHEREAS, prior to the adoption of this Resolution, the Planning Director of the City of San José prepared and approved an Addendum to the Initial Study/Mitigated Negative Declaration for the Evans Lane Transitional Housing Project under Planning File Nos. PDC16-007 and PD18-007 (the “Addendum”), all in accordance with CEQA; and

WHEREAS, the Evans Lane Community Village Project (the “Project”) analyzed under the Addendum consists of a rezoning from the A(PD) Planned Development Zoning District and LI Light Industrial Zoning District to the R-M(PD) Planned Development Zoning District to allow 61 residential Permanent Supportive Housing and Affordable Housing units in eight (8) prefabricated buildings, a residential community building/staff offices, community garden, and a public library on a 5.97-gross acre site in San José, California; and

WHEREAS, as further described in the Addendum, the implementation of the Project would not result in new significant effects on the environment beyond those already identified in the previously approved Initial Study/Mitigated Negative Declaration for the Evans Lane Transitional Housing Project, nor will the Project result in an increase in the severity of significant effects identified in the Initial Study/Mitigated Negative Declaration, and identified mitigation measures, as amended, would continue to reduce each of those significant effects to a less-than significant level; and

WHEREAS, although the Project will not result in any new significant effect or increase in the severity of an existing significant effect on the environment, revisions to standard measures and mitigation measures are being made to reflect current General Plan policies and current protocols into the Project; and

WHEREAS, the related mitigation measures are described in the Addendum; and

WHEREAS, a related Mitigation Monitoring and Reporting Program (“Mitigation Monitoring and Reporting Program”) was prepared that incorporates certain mitigation measures from the previously adopted Initial Study/Mitigated Negative Declaration, which have been updated and refined to reflect the current regulatory context; 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 Initial Study/Mitigated Negative Declaration for the Evans Lane Transitional Housing Project and the Addendum, including 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 Initial Study/Mitigated Negative Declaration for the Evans Lane Transitional Housing Project and the Addendum thereto and related Mitigation Monitoring and Reporting Program for the Project are on file in the Office of the Director of Planning, Building and Code Enforcement 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;

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 Initial Study/Mitigated Negative Declaration for the Evans Lane Transitional Housing Project, 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 Initial Study/Mitigated Negative Declaration 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 Initial Study/Mitigated Negative Declaration for the Evans Lane Transitional Housing Project 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. PDC16-007 and PD18-007). The Mitigation Monitoring and Reporting Program is attached hereto as Exhibit "A" and is fully incorporated herein by this reference. The Initial Study/Mitigated Negative Declaration for the Evans Lane Transitional Housing Project and 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.

//

//

//

//

//

//

//

//

//

//

ADOPTED this _____ day of _____, 2018, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

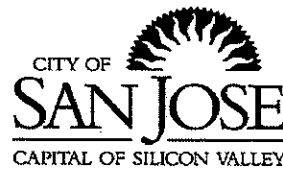
ATTEST:

TONI J. TABER, CMC
City Clerk

Addendum
MITIGATION MONITORING AND REPORTING PROGRAM

**Evans Lane Community Village
Project
File Nos. PDC16-007 and PD18-007**

**CITY OF SAN JOSE
November 2018**



PREFACE

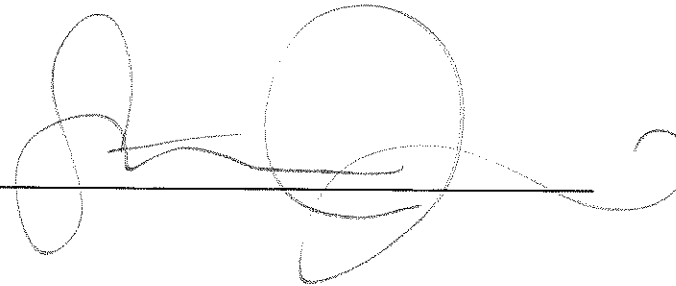
Section 21081 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring or Reporting Program whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the monitoring or reporting program is to ensure compliance with the mitigation measures during project implementation.

The Addendum prepared for the Evans Lane Community Village Project Initial Study concluded that the implementation of the project would result in similar significant effects on the environment as the 2016 Evans Lane Transitional Housing Project. Thus, the same mitigation measures and conditions of approval identified in the approved 2016 Initial Study were incorporated into the project. This Mitigation Monitoring or Reporting Program addresses those measures in terms of how and when they will be implemented.

This document does *not* discuss those subjects for which the 2016 Initial Study and Addendum concluded that the impacts from implementation of the project would be less than significant.

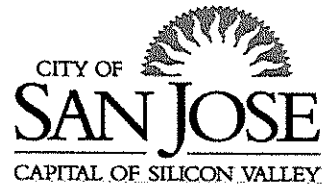
I STEPHAN JACKSON, the applicant, on the behalf ALLIED HOUSING, INC., hereby agree to fully implement the Mitigation Measures described below which have been developed in conjunction with the preparation of an Addendum for my proposed project. I understand that these mitigation measures or substantially 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: _____

11-16-18



Department of Planning, Building and Code Enforcement

Evans Lane Community Village Project

MITIGATIONS	MONITORING AND REPORTING PROGRAM					
	Documentation of Compliance [Applicant/Proponent Responsibility]			Documentation of Compliance [Lead Agency Responsibility]		
Adopted Mitigation Measures	Responsibility for Implementation [Who]	Method of Compliance Or Mitigation Action [What]	Timing of Compliance [When]	Monitoring Reporting Responsibility [Who will review]	Actions/ Reports [What will be reviewed]	Monitoring Timing or Schedule [How often]
Biological Resources						
Impact BIO-1: Construction activities associated with the proposed project and all future development under the General Plan amendment could result in the loss of fertile eggs, nesting raptors or other migratory birds, or nest abandonment.						
<p><u>Mitigation Measures BIO 1-1:</u> Prior to the issuance of any grading permits, the project applicant shall schedule 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.</p> <p><u>Mitigation Measures BIO 1-2:</u> 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 to ensure that no nests will 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</p>	Project Applicant	Avoid construction activities during nesting seasons. If construction activities cannot be scheduled to avoid the nesting season, conduct pre-construction surveys by a qualified ornithologist and designate construction-free buffer zones around	Prior to issuance of demolition or grading permits.	Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement (PBCE)	Receive a report of the results of the survey (or any other environmental investigation reports, if applicable) and designation of any buffer zones.	Prior to issuance of any grading or building permits and during construction and demolition activities.

<p>the latter part of the breeding season (May 1st through August 31st, inclusive).</p> <p>During this survey, the ornithologist will 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 shall, in consultation with California Department of Fish and Wildlife (CDFW), designate a construction-free buffer zone (typically 250 feet for raptors and 100 feet for other birds) around the nest, which shall be maintained until after the breeding season has ended and/or a qualified biologist or ornithologist has determined that the young birds have fledged. The biologist/ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement prior to the issuance of any grading or building permits.</p>		<p>discovered nest. Submit a report indicating the results of the survey and any designated buffer zones to the Environmental Senior Planner at the Department of Planning, Building and Code Enforcement (PBCE).</p>				
Cultural Resources						
Impact CUL 1-1: Subsurface cultural resources could be uncovered and disturbed during construction of the proposed project, resulting in a significant impact to archaeological materials.						
<p>Mitigation Measures CUL 1-1: A qualified archaeologist shall be on-site to monitor the initial excavation of the project site. After monitoring the initial excavation, the archaeologist shall make recommendations for further monitoring if it is determined that the site has cultural resources. If the archaeologist determines that no resources are likely to be found on site, no additional monitoring shall be required.</p> <p>If no resources are discovered, the archaeologist shall submit a report to the Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement and the Historic Preservation Officer verifying that the required monitoring occurred and that no further mitigation is necessary.</p> <p>Mitigation Measures CUL 1-2: 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 will be stopped, the Director of Planning, Building</p>	Project Applicant	<p>If any potentially California Register eligible resources are identified, prepare a report documenting any finds pursuant to the Secretary of the Interior's standards. Ensure site is tarped before area is backfilled. If any archaeological resources are identified, prepare a research design</p>	<p>Prior to issuance of any grading permits.</p> <p>Prior to any excavation of features or deposits.</p>	Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement and the City's Historic Preservation Officer.	<p>Receive documentation of qualified archaeological/paleontological monitor.</p> <p>Receive and approve final report summarizing the discovery of cultural materials</p>	<p>Prior to issuance of any building permits and during construction activity.</p>

<p>and Code Enforcement will be notified, and the archaeologist will examine the find and make appropriate recommendations prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. The archaeologist shall submit reports, to the satisfaction of the Supervising Planner of the Environmental Review Team, describing the testing program and subsequent results. These reports shall identify any program mitigation to be completed in order to mitigate archaeological impacts (including resource recovery and/or avoidance, testing and analysis, removal, reburial, and curation of archaeological resources at a recognized storage facility). A final report shall verify completion of the mitigation program to the satisfaction of the Supervising Planner of the Environmental Review Team.</p> <p><u>Mitigation Measures CUL 1-3:</u> In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be <u>stopped</u>. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner shall notify the Native American Heritage Commission (NAHC) immediately. Once NAHC identifies the most likely descendants, the descendants will make recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.</p>		<p>and treatment plan. Submit copies of the resource reports and treatment plans to the Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement for approval.</p> <p>Notify Santa Clara County Coroner if human remains are encountered.</p>	Prior to resuming any excavation or grading activities.			
<p>Hazards and Hazardous Materials</p> <p>Impact HAZ-1: Earthmoving activities on-site during construction could expose construction workers to contamination above established worker safety thresholds.</p>						
<p><u>Mitigation Measures HAZ 1-1:</u> Prior to issuance of any development permits, a Phase I Environmental Site Assessment (ESA) shall be completed by a qualified consultant to confirm the findings of the Environmental Database Resources report. The report must be reviewed and approved by the Director of Planning, Building and Code Enforcement and the Environmental Service Department's Environmental Compliance Officer prior to approval of the development permit.</p>	Project Applicant	Complete a Phase I ESA. If required, complete a soil sampling plan and submit a copy to the Supervising Environmental Planner and Environmental	Prior to issuance of development permits.	Director of the Department of Planning, Building and Code Enforcement (PBCE)	Review and approval of Phase I Environmental Site Assessment	Prior to issuance of any development permits.

<p><u>Mitigation Measures HAZ 1-2:</u> If required by the City, upon completion of the Phase I ESA, shallow soil samples shall be taken to determine if contaminants from previous agricultural operations (organochlorine pesticides and/or pesticide based metals including lead and arsenic) are located on-site in concentrations above established construction worker and residential thresholds. The soil sampling plan must be reviewed and approved by the Director of Planning, Building and Code Enforcement and the Environmental Service Department's Environmental Compliance Officer prior to initiation of any grading activity.</p> <p><u>Mitigation Measures HAZ 1-3:</u> If the Phase I ESA identifies environmental concerns other than agricultural chemicals, shallow soil samples shall be taken to determine if non-agricultural contaminants are located on-site in concentrations above established construction worker and residential thresholds. The soil sampling plan must be reviewed and approved by the Director of Planning, Building and Code Enforcement and the Environmental Service Department's Environmental Compliance Officer prior to initiation of work.</p> <p><u>Mitigation Measures HAZ 1-4:</u> If contaminated soils are found in concentrations above regulatory thresholds for worker safety and/or residential thresholds, it shall be reported to the appropriate regulatory agency for oversight and a Site Management Plan (SMP) will be prepared and implemented (as outlined below) and any contaminated soils found in concentrations above established thresholds shall be removed and disposed of according to California Hazardous Waste Regulations. The contaminated soil removed from the site shall be hauled off-site and disposed of at a licensed hazardous materials disposal site.</p> <p>A SMP will be prepared to establish management practices for handling impacted soil material that may be encountered during site development and soil-disturbing activities. Components of the SMP will include: a detailed discussion of the site background; preparation of a Health and Safety Plan by an industrial hygienist; notification procedures if previously undiscovered significantly impacted</p>		Compliance Officer for review and approval.		Environmental Service Department's Environmental Compliance Officer	Review and approval of Soil Sampling Plan Soil Management Plan	
---	--	---	--	---	---	--

soil or free fuel product is encountered during construction; on-site soil reuse guidelines based on the California Regional Water Quality Control Board, San Francisco Bay Region's reuse policy; sampling and laboratory analyses of excess soil requiring disposal at an appropriate off-site waste disposal facility; soil stockpiling protocols; and protocols to manage groundwater that may be encountered during trenching and/or subsurface excavation activities. Prior to issuance of grading permits, a copy of the SMP must be approved by the Santa Clara County Department of Environmental Health, the City's Director of Planning, Building and Code Enforcement, and copied to the Environmental Service Department's Environmental Compliance Officer.						
---	--	--	--	--	--	--

Source: *Evans Lane Transitional Housing Project Initial Study*. March 2016.

