



Memorandum

TO: TRANSPORTATION &
ENVIRONMENT COMMITTEE

FROM: Rosalynn Hughey

SUBJECT: MMRP SEMI-ANNUAL REPORT

DATE: April 11, 2019

Approved

Date

4-23-19

**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 October 2018 to March 2019.

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 19th 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 November 5, 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 applicants, the Department of Public Works, and Environmental Services Department.

Mitigation Monitoring Report Card

Approved Projects

In the reporting period from October 2018 to March 2019, eight projects completed the compliance with their mitigation requirements. The current reporting period's completed project list is summarized in Attachment A of this report with project name, project description, completed mitigations, and completion dates.

Some of the approved projects include Top Golf, Japantown Mixed-Use Project, Samaritan Medical Center, and Coleman Highline rough grading. 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.

Projects Under Review

The Environmental Review team is currently reviewing 28 projects for compliance with the adopted MMRPs. Attachment B of this report lists these projects by their project name, project description, grading permit description, and pending mitigation requirements.

Coordination and Training

Through enhanced coordination between the Departments of Public Works and PBCE, 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 2019 and September 2019. The next report to the Committee is scheduled for November 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 Raval, Supervising Environmental Planner, at 408-535-7895.

Attachments:

Attachment A – Approved Mitigation Compliance for Grading Permits from October 2018 to March 2019

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