

RESOLUTION NO. _____

**A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN JOSE ADOPTING THE 615 STOCKTON HOTEL
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, prior to the adoption of this Resolution, the Planning Director of the City of San José prepared an Initial Study and approved for circulation a Mitigated Negative Declaration for the 615 Stockton Hotel under Planning File Nos. GP18-013, C18-039, SP16-060 (the “Initial Study/Mitigated Negative Declaration”), 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 615 Stockton Hotel (the “Project”) analyzed under the Initial Study/Mitigated Negative Declaration consists of a General Plan Amendment to change the land use designation from Residential Neighborhood to Neighborhood/Community Commercial on one parcel at 623 Stockton Avenue and Conforming Rezoning from Commercial Neighborhood Zoning District (CN) to Commercial Pedestrian Zoning District (CP) on both parcels to allow the demolition of an existing approximately 4,400-square foot commercial building, the relocation and repurposing of an existing historic building on-site, and construction of a five-story, 120-room hotel of approximately 70,687 square feet (includes the 1,292 square foot structure at 623 Stockton Avenue) on an approximate 0.50 gross acre site located at the intersection of Stockton Avenue and Schiele Avenue in the City of San José (Assessor’s Parcel Number 261-07-001 and 261-07-068), California; and

WHEREAS, the Initial Study/Mitigated Negative Declaration concluded that implementation of the Project could result in certain significant effects on the environment and identified mitigation measures that would 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 initial study/mitigated negative declaration 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 environmental 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 (the "Mitigation Monitoring and Reporting Program"); 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 and 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 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;

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 and other information in the record and has considered the information contained therein, prior to acting upon or approving the Project, (2) 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 Initial Study/Mitigated Negative Declaration 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 Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program prepared for the Project (Planning File Nos. GP18-013, C18-039, SP16-060). The Mitigation Monitoring and Reporting Program for the Project is attached hereto as Exhibit "A" and fully incorporated herein. The Initial Study/Mitigated Negative Declaration 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 _____, 2020, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

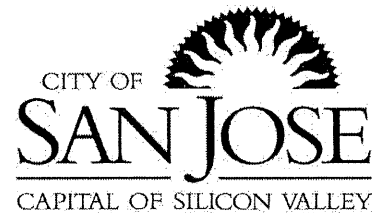
SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

MITIGATION MONITORING AND REPORTING PROGRAM

615 Stockton Avenue Hotel Project
File No. GP18-013/C18-039/SP18-060
October 2019




PREFACE

Section 21081.6 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring and Reporting Program (MMRP) 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 Initial Study (IS)/Mitigated Negative Declaration (MND) prepared for the 615 Stockton Avenue Hotel Project concluded that the implementation of the project could result in significant effects on the environment and mitigation measures were incorporated into the proposed project or are required as a condition of project approval. This MMRP addresses those measures in terms of how and when they will be implemented.

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

I, Alan Nguyen, the applicant, on the behalf of Infinite Investment Realty Corp, hereby agree to fully implement the mitigation measures described below which have been developed in conjunction with the preparation of an IS 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.

Project Applicant's Signature 

Date 1/20/20

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/Report s	Monitoring Timing or Schedule
AIR QUALITY					
Impact AIR-3: Construction activities associated with the proposed project would expose infants in proximity to the project site to temporary toxic air contaminants (TAC) emissions in excess of acceptable thresholds.					
MM AIR-3.1: All diesel-powered off-road equipment larger than 25 horsepower and operating at the site for more than two days continuously (or 20 hours in total) shall meet U.S. Environmental Protection Agency (EPA) nitrogen oxides (NOx) and particulate matter emissions standards for Tier 3 engines with CARB-certified Level 3 Diesel Particulate Filters or equivalent. Alternatively, equipment that meets U.S. EPA Tier 4 interim standards or use of equipment that is electrically powered or uses non-diesel fuels would meet this requirement.	<p>Ensure all diesel-powered off-road equipment larger than 25 horsepower and operating on-site for more than two days continuously meets U.S. Environmental Protection Agency standards for Tier 3 engines.</p> <p>Prepare a construction operations plan that includes specifications of equipment to be used during construction. The plan shall be accompanied by a letter signed by an air quality specialist. The</p>	<p>Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest)</p>	<p>Director of Planning or Director's designee of the Department of Planning, Building and Code Enforcement</p>	<p>Receive the construction operations plan and letter</p>	<p>Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest)</p>
MM AIR-3.2: Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs first), the project applicant shall submit to the Director of Planning or Director's designee a construction operations plan that includes specifications of the					

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equipment to be used during construction prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest). The plan shall be accompanied by a letter signed by an air quality specialist, verifying that the equipment included in the plan meets the standards set forth in Mitigation Measure AIR-3.1.	operations plan shall be submitted to the Director of Planning or Director's designee of the Department of Planning, Building and Code Enforcement.				
BIOLOGICAL RESOURCES					
Impact BIO-1: Construction activities associated with the proposed project could result in the loss of fertile eggs, nesting raptors or other migratory birds, or nest abandonment.					
MM BIO-1.1: 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 1 st through August 31 st (inclusive). If demolition and construction cannot be scheduled between September 1 st and January	Avoidance of construction activities during nesting seasons. If construction activities cannot be scheduled to occur outside of nesting seasons, a pre-construction nesting bird survey shall be	Prior to issuance of any tree removal, grading, demolition, and/or building permit or activities.	City's Director of Planning or Director's designee of the San José Department of Planning, Building and Code Enforcement	Confirm that demolition and construction activities are scheduled outside of the nesting season.	Prior to issuance of any tree removal, grading, demolition, and/or building permit or activities.

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31 st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests are 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 1 st through April 30 th , inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1 st through August 31 st , inclusive). During this survey, the ornithologist 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 work areas to be disturbed by construction, the ornithologist, in consultation with the California Department of Fish and Wildlife (CDFW), 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	<p>conducted by a qualified ornithologist and, in consultation with the California Department of Fish and Wildlife, a construction-free buffer zone shall be designated around any discovered nest.</p> <p>The ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the City's Director of Planning or Director's designee of the San José Department of Planning, Building and Code Enforcement.</p>			Review report indicating the results of the survey (or any other environmental investigation reports, if applicable) and any designated buffer zones.	

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<p>shall not be disturbed during project construction.</p> <p>Prior to any tree removal, or approval of any grading or demolition permits (whichever occurs first), the ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning or Director's designee of the Department of Planning, Building and Code Enforcement.</p>					
CULTURAL RESOURCES					
Impact CUL-1: Relocation of the structure at 623 Stockton Avenue could potentially damage this historic resource.					
<p>MM CUL-1.1: <u>Pre-Survey of Existing Condition.</u> Prior to the relocation of the 623 Stockton Avenue house, a historic preservation architect and a structural engineer shall undertake an existing conditions study. The purpose of the existing conditions study shall be to establish the baseline condition of the building prior to relocation. The documentation shall take the form of written descriptions and visual</p>	<p>A historic preservation architect and a structural engineer shall undertake an existing conditions study. The documentation shall include written descriptions and visual illustrations, and</p>	<p>Prior to issuance of any demolition, grading, and/or building permits.</p>	<p>Director of Planning or Director's designee of the City of San José Department of Planning, Building and Code Enforcement</p>	<p>Review and approve the baseline report</p>	<p>Prior to issuance of any demolition, grading and/or building permits</p>

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illustrations, including those physical characteristics of the resource that convey its historic significance and that require the structure to be protected and preserved, and recommendations for preservation. A report of the findings shall be reviewed and approved by the Director of Planning or Director's designee and the City's Historic Preservation Officer prior to issuance of any demolition, grading, and/or building permits for the relocation of the 623 Stockton Avenue house.	recommendations for preservation. A report of the findings shall be provided to the Director of Planning or Director's designee and the City's Historic Preservation Officer.		Historic Preservation Officer		
MM CUL-1.2: Relocation Plan. After submittal of the baseline report existing conditions study (pursuant to MM CUL-1.1) but prior to issuance of any grading or building permits for the relocation of the 623 Stockton Avenue house, a structural engineer shall prepare a detailed Relocation Plan that includes, but is not limited to, the following: <ul style="list-style-type: none"> A detailed shoring/relocation plan that includes measures to protect the structural integrity of the building during the move. 	After submittal of the baseline report, a structural engineer shall prepare a detailed shoring/relocation plan which shall include detailed calculations to justify the proposed sizes of shoring beams and columns as well as	Prior to issuance of any demolition, grading, and/or building permits	Director of Planning or Director's designee of the City of San José Department of Planning, Building and Code Enforcement	Review and approve the shoring/relocation plan	Prior to issuance of any demolition, grading and/or building permits

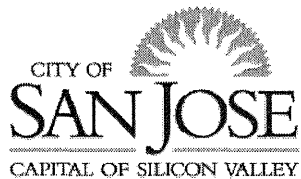


Planning, Building and Code Enforcement

ROSALYNN HUGHEY, DIRECTOR

615 Stockton Avenue Hotel
File No. GP18-013/C18-039/SP18-060

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<ul style="list-style-type: none"> • A detailed calculations to justify the proposed sizes of shoring beams and columns as well as the phasing of the relocation process. • Contact information and qualifications of contractors that would conduct the relocation work. • A detailed work proposal of relocation methodology. • Contingency plan for any damages that could happen during the relocation work. • Proposed reporting plan to the City during the relocation period and after. • Rehabilitation proposal of the structure, building, and surrounding environment. • Monitor Plan during all construction and demolition activities. <p>The structural engineer will submit the report to the Director of Planning or Director's designee and the City's Historic Preservation</p>	the phasing of the relocation process.		Historic Preservation Officer		



Planning, Building and Code Enforcement
ROSALYNN HUGHEY, DIRECTOR

EXHIBIT "A"
(File Nos. GP18-013; C18-039; SP18-060)

615 Stockton Avenue Hotel
File No. GP18-013/C18-039/SP18-060

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
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Officer for review and approval prior to the approval of any demolition, grading, and/or building permits for the relocation of the 623 Stockton Avenue house.					
MM CUL-1.3: Contingency Reporting. During preparation of the building for relocation, during relocation, and during the subsequent rehabilitation of the 623 Stockton Avenue house, only authorized persons shall have access to the building until such time as rehabilitation of the structure is complete. Protective fencing and other methods shall be used to protect the building from any new damage and deterioration during this process. If the historic preservation architect or structural engineer observe any new damage after relocation of the structure or during the rehabilitation process, an assessment of the severity of such damage and repairs undertaken if necessary shall be made by the historic preservation architect or structural engineer. This assessment shall be provided immediately within five business days after	If the historic preservation architect or structural engineer observe any new damage after relocation of the structure or during the rehabilitation process, an assessment shall be made of the severity of such damage and repairs undertaken if necessary.	The assessment of the severity of any damages to the building shall be provided immediately within five business days to the Director of Planning or Director's designee.	Director of Planning or Director's designee of the City of San José Department of Planning, Building and Code Enforcement Historic Preservation Officer	Review the damage assessment document.	During preparation of the building for relocation, during relocation, and during the subsequent rehabilitation.

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discovery of the damage to the Director of Planning or Director's designee.					
<p>MM CUL-5: Final Reporting. Once moved, a final report shall be provided to the Director of Planning or Director's designee and the City's Historic Preservation Officer. The final report shall include, but is not limited to, the following:</p> <ul style="list-style-type: none"> • Documentation of the result of the move; • Any damages incurred during the move; • Recommendations for how to repair the damages, if any; • Next steps for repairing and restoring the relocated house, as needed, in conformance with the <i>Secretary of the Interior's Standards for the Treatment of Historic Properties</i>. In particular, the character-defining features shall be restored in a manner that preserves the integrity of the features for the long- 	A final report shall be provided to the Director of Planning or Director's designee and the City's Historic Preservation Officer.	Prior to issuance of any occupancy permits for the hotel.	Director of Planning or Director's designee of the City of San José Department of Planning, Building and Code Enforcement Historic Preservation Officer	Review and approve the final report once the 623 Stockton Avenue house is moved and confirm the findings.	Prior to issuance of any occupancy permits for the hotel.

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<p>term preservation of these features.</p> <p>The City's Historic Preservation Officer shall approve the memo report and confirm the findings prior to issuance of occupancy permits for the hotel.</p>					
NOISE					
Impact NOI-1: Mechanical equipment proposed for the project is currently unknown at this time and could potentially exceed 55 dBA DNL at nearby sensitive land uses.					
MM NOI-1.1: Mechanical equipment shall be selected and designed to meet the City's 55 dBA DNL noise level requirement at the shared residential property lines. A qualified acoustical consultant shall be retained to review the mechanical noise equipment to determine specific noise reduction measures needed to reduce equipment noise to comply with the City's noise level requirements. 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	A qualified acoustical consultant shall review the mechanical noise equipment to determine specific noise reduction measures needed to reduce noise to comply with the City's noise level requirements. The finding and recommendations from the acoustical consultant shall be submitted to the	Prior to the issuance of any building permits.	Director of Planning or Director's designee of the City of San José Department of Planning, Building, and Code Enforcement	Review and approve the mechanical noise equipment and specific noise reduction measures.	Prior to issuance of any building permits

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noise source and the nearest receptors. Other alternate measures include locating equipment in less noise-sensitive areas (such as within the below-grade parking garage or on the rooftop away from the existing residences). The findings and recommendations from the acoustical consultant for noise reduction measures shall be submitted to the Director of Planning or Director's designee for review and approval prior to the issuance of any building permits.	Director of Planning or Director's designee of the City of San José Department of Planning, Building, and Code Enforcement.				
Impact NOI-2: Construction of the project would expose adjacent residences and the historic house on-site to vibration levels in excess of City standards and could result in significant construction-related groundborne vibration impacts.					
MM NOI-2.1: The project applicant shall prepare and implement a Construction Vibration Monitoring Plan (Plan) to document conditions at all structures located within 50 feet prior to, during, and after vibration generating construction activities. The Plan shall be undertaken under the direction of a licensed Professional Structural Engineer in the state of California and be in	Prepare and implement a Construction Vibration Monitoring Plan for all structures within 50 feet. The Construction Vibration Monitoring Plan shall be	The conditions of all structures within 50 feet of the site shall be documented prior to, during, and after vibration generating	Director of Planning or Director's designee of the City of San José Department of Planning, Building, and	Review and approve Construction Vibration Monitoring Plan.	Prior to the issuance of any demolition or grading permits.

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<p>accordance with industry-accepted standard methods. The Plan shall include, but is not limited to, the following tasks:</p> <ul style="list-style-type: none"> A list of all heavy construction equipment to be used for this project and the anticipated time duration of using equipment that has been known to produce high vibration levels (tracked vehicles, vibratory compaction, jackhammers, hoe rams, etc.) and submitted to the Director of Planning or Director's designee of the City's Department of Planning, Building and Code Enforcement prior to the issuance of any demolition or grading permits. Identification of the sensitivity of on- and off-site structures to groundborne vibration. Vibration limits (per General Plan Policy EC-2.3 of 0.08 in/sec PPV for historic buildings and 0.20 in/sec PPV for normal conventional construction) shall be 	<p>undertaken under the direction of a licensed Professional Structural Engineer in the state of California and be in accordance with industry-accepted standard methods.</p>	<p>construction activities.</p>	<p>Code Enforcement.</p>		

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<p>applied to all vibration-sensitive structures located on or within 50 feet of construction activities identified as sources of high vibration levels.</p> <ul style="list-style-type: none"> • Performance of photo, elevation, and crack surveys for each structure of normal construction within 25 feet of construction activities identified as sources of high vibration levels. Surveys shall be performed prior to any construction activity and after project completion. The surveys shall include internal and external crack monitoring in structures, settlement, and distress, and shall document the condition of foundations, walls and other structural elements in the interior and exterior of said structures. • Designation of a person responsible for registering and investigating claims of excessive vibration. The contact information (i.e., name and phone number) of such person shall be clearly posted on the construction site. 					

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<ul style="list-style-type: none"> Direction and schedule for conducting post-construction surveys on structures where either monitoring has indicated high levels or complaints of damage have been made. The Plan shall include procedures for making appropriate repairs or providing compensation where damage has occurred as a result of construction activities. <p>The Plan shall be submitted to the Director of Planning or Director's designee for review and approval prior to the issuance of any grading permits.</p>					
<p>MM NOI-2.2: The project applicant shall include the following measures as part of the approved Plan prior to the issuance of any demolition or grading permits:</p> <ul style="list-style-type: none"> Place operating equipment on the construction site as far as possible from sensitive receptors. 	The project applicant shall include the identified measures as part of the approved Plan.	Prior to the issuance of any demolition or grading permits.	Director of Planning or Director's designee of the City of San José Department of Planning, Building, and	Review and approve Construction Vibration Monitoring Plan.	Prior to the issuance of any demolition or grading permits.

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<ul style="list-style-type: none"> • Use smaller equipment to minimize vibration levels below the limits. • Avoid using vibratory rollers and tampers near sensitive areas. • Select demolition methods not involving impact tools. • Modify/design or identify alternative construction methods to reduce vibration levels below the limits. • Avoid dropping heavy objects or materials. 			Code Enforcement.		

Source: City of San José. Initial Study. 615 Stockton Hotel Project. October 2019.