

RESOLUTION NO. _____

**A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN JOSE CERTIFYING THE MERIDIAN APARTMENTS
PROJECT ENVIRONMENTAL IMPACT REPORT (SCH
#2019050006) AND MAKING CERTAIN FINDINGS
CONCERNING SIGNIFICANT IMPACTS, MITIGATION
MEASURES, AND ALTERNATIVES, AND ADOPTING A
STATEMENT OF OVERRIDING CONSIDERATIONS AND
A MITIGATION MONITORING AND REPORTING
PROGRAM, ALL IN ACCORDANCE WITH THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS
AMENDED**

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 Environmental Impact Report (EIR) for the Meridian Apartments Project (Planning File No. SP19-064), and

WHEREAS, the EIR analyzed the environmental impacts of demolishing two single-family residences, a warehouse, and accessory structures to construct a six-story 233-unit 100-percent affordable building with approximately 1,780 square feet of retail on an approximately 2.1-acre site (Assessor Parcel Numbers 284-03-015, 284-03-016, and 284-03-049) located at 961-971 Meridian Avenue in the City of San José, referred to herein as the “Project”; and

WHEREAS, the EIR 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, CEQA requires that, in connection with approval of a project for which an environmental impact report has been prepared that identifies one or more significant environmental effects of the project, the decision-making body of a public agency make certain findings regarding those effects and adopt avoidance measures to minimize impacts consistent with City policies and requirements and a statement of overriding considerations for any impact that may not be reduced to a less than significant level.

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, on April 8, 2020, the Planning Commission of the City of San José reviewed the EIR prepared for the Project and recommended to the City Council that it finds that the EIR was completed in accordance with the requirements of CEQA and further recommended the City Council adopt this Resolution; 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 EIR 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 EIR 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:

1. That the above recitals are true and correct; and
2. That the City Council does hereby find and certify that the EIR has been prepared and completed in compliance with CEQA; and
3. That the City Council was presented with, and has independently reviewed and analyzed, the EIR and other information in the record and has considered the information contained therein, including the written and oral comments received at the public hearings on the EIR and the Project, prior to acting upon and approving the Project, and has found that the EIR represents the independent judgment of the City, as lead agency for the Project, and designates the Director of Planning, Building and Code Enforcement at the Director's office at 200 East Santa Clara Street, 3rd Floor Tower, San José, California, 95113, as the custodian of documents and record of proceedings on which the decision of the City is based; and
4. That the City Council does hereby find and determine that recirculation of the EIR for further public review and comment is not warranted or required under the provisions of CEQA; and
5. That the City Council does hereby make the following findings with respect to significant effects on the environment of the Project, as identified in the EIR, with the understanding that all the information in this Resolution is intended as a summary of the administrative record supporting the EIR, which administrative record should be consulted for the details supporting these findings.

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MERIDIAN APARTMENTS PROJECT SIGNIFICANT ENVIRONMENTAL IMPACTS

Air Quality

Impact: **Impact AIR-3:** Construction activities associated with the proposed project would result in nearby sensitive receptors being exposed to toxic air contaminant emissions in excess of BAAQMD thresholds.

Mitigation: **MM AIR-3.1:** Prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest), the project applicant shall submit a construction operation plan to the Director of Planning, Building and Code Enforcement or the Director's designee, demonstrating that the off-road equipment used for construction of the project would achieve a fleet-wide average of at least 75 percent reduction in diesel particulate matter (DPM) emissions.

The plan to achieve the 75 percent reduction or greater would include the following, or an equivalent alternative that meets the required reduction:

- All diesel-powered off-road equipment (larger than 25 horsepower) operating on-site for more than two days continuously shall, at a minimum, meet U.S. Environmental Protection Agency (EPA) particulate matter emissions standards for Tier 3 engines or with CARB-certified Level 3 Diesel Particulate Filters or equivalent. Alternatively, equipment that meet U.S. EPA emissions for Tier 4 standards for particulate matter or the use of non-diesel or electric equipment would meet this requirement.

The plan shall include to the extent possible, the list of construction activities and the types of equipment that would be used for each activity, how long the activity is anticipated to occur, the distance of the activity from sensitive receptors, the actions that would be taken to ensure a 75 percent reduction is attained, and the actions that would be taken if it is determined that the 75 percent reduction is exceeded. The plan shall be prepared by a qualified air quality professional.

The project applicant shall implement the plan during construction of the project.

Finding: Implementation of Mitigation Measure AIR-3.1 would reduce exposure of nearby sensitive receptors to toxic air contaminants to a less than significant level.

Facts in Support of the Finding: Mitigation Measure AIR-3.1 would reduce the on-site diesel exhaust emissions, the source of the toxic air contaminants, by 84 percent. The construction cancer risk and annual PM_{2.5} concentration would be reduced to 5.6 per one million and 0.12 µ/m³, respectively, which would be below BAAQMD's significance threshold resulting in a less than significant impact.

Biological Resources

Impact: **Impact BIO-1:** Implementation of the proposed project could result in the disturbance of active bird nests.

Mitigation: **MM BIO-1.1:**

Avoidance

Tree removal and construction shall be scheduled 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.

Preconstruction Surveys

If tree removals and construction cannot be scheduled between September 1st and January 31st, inclusive, a qualified ornithologist shall complete pre-construction surveys to identify active raptor or migratory bird nests that may be disturbed during construction activities. This survey shall be completed no more than 14 days prior to the initiation of demolition/construction activities, including tree removal and pruning, 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 the late part of the breeding season (May 1st through August 31st, inclusive), unless a shorter pre-construction survey is determined to be appropriate based on the presence of a species with a shorter nesting period, such as Yellow Warblers. During this survey, the ornithologist will inspect all trees and other possible nesting habitats in and immediately adjacent to the construction areas for nests. If an active nest is found in an area that will be disturbed by construction, the ornithologist will designate a construction-free buffer zone (typically 250 feet) to be established around the nest, in consultation with California Department of Fish and Wildlife (CDFW). The buffer would ensure that

raptor or migratory bird nests will not be disturbed during project construction.

Reporting

Prior to issuance of any tree removal, demolition, grading or building permits, the project applicant shall submit to the Director of Planning, Building and Code Enforcement or the Director's designee, a plan prepared by a qualified biologist or ornithologist for conducting the preconstruction surveys to meet the requirements set out above.

Subsequent to the preconstruction survey, and prior to ground disturbance, the qualified biologist or ornithologist shall submit a written report indicating the results of the survey, a map of identified active nests, and any designated buffer zones or other protective measures to the Director of Planning, Building and Code Enforcement or the Director's designee.

Finding: Implementation of Mitigation Measure BIO-1.1 would reduce potential impacts to nesting migratory birds to a less than significant level.

Facts in Support of the Finding: Scheduling construction and tree-removal/pruning activities outside of the nesting season would avoid disturbance to nesting birds. If not feasible, conducting pre-construction surveys and implementing a construction-free buffer zone around any migratory bird nests will ensure that raptor and migratory bird nests are not disturbed during project construction, under the Migratory Bird Treaty Act and California Fish and Game Code. The size of the buffer zones will be determined by consultation between the qualified ornithologist and the CDFW and based on scientific evidence and best management practices. Compliance with Mitigation Measure BIO-1.1 would avoid impacts to nesting birds.

Cultural Resources

Impact: **Impact CUL-1:** Demolition of the residence at 971 Meridian Avenue, a candidate City Landmark, would be a significant impact.

Mitigation: **MM CUL-1.1:** Documentation: Prior to the issuance of any demolition or grading permits, the residence at 971 Meridian Avenue shall be documented in accordance with the guidelines established for the Historic

American Building Survey (HABS) and shall consist of the following components:

1. Drawings – Prepare sketch floor plans.
2. Photographs – Digital photographic documentation of the interior, exterior, and setting of the buildings in compliance with the National Register Photo Policy Fact Sheet. Photos must have a permanency rating of approximately 75 years.
3. Written Data – HABS written documentation in short form.

An architectural historian meeting the Secretary of the Interior's Professional Qualification Standards shall oversee the preparation of the sketch plans, photographs and written data. The existing DPR forms shall fulfill the requirements for the written data report.

The City of San José's Historic Preservation Officer shall review the documentation, and then the project applicant shall file the documentation with the San José Library's California Room and the Northwest Information Center at Sonoma State University, the repository for the California Historical Resources Information System. All documentation shall be submitted on archival paper.

Relocation by a Third Party: The residence at 971 Meridian Avenue shall be advertised for relocation by a third party. The project applicant shall advertise the availability of the structure for a period of no less than 30 days. Postings of the advertisements shall include publication in a newspaper of general circulation, a website, and notice on the project site. The project applicant must provide evidence (i.e., receipts, date, and time stamped photographs, etc.) to the Director of Planning, Building and Code Enforcement or the Director's designee that this condition has been met prior to the issuance of any demolition permits.

If a third party does agree to relocate the residence at 971 Meridian Avenue, the following measures must be followed:

1. The City's Director of Planning, Building and Code Enforcement or the Director's designee, based on consultation with the City's Historic Preservation Officer, must determine that the receiver site is suitable for the building.
2. Prior to relocation, the project applicant or third party shall hire a historic preservation architect and a structural engineer to undertake an existing condition study. The purpose of the 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 illustrations, including those character-defining physical features of the resource that convey its historic significance and must be protected and preserved. The documentation shall be reviewed and approved by the City's Historic Preservation Officer prior to the structure being moved. Documentation already completed shall be used to the extent possible to avoid repetition in work.

3. To protect the building during relocation, the third party shall engage a building mover who has experience moving similar historic structures. A structural engineer shall also be engaged to determine if the building needs to be reinforced/stabilized before the move.
4. Once moved, the building shall be repaired and restored, as needed, by the project applicant or third party in conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties. In particular, the character-defining features shall be restored in a manner that preserves the integrity of the features for the long-term preservation of these features.

Upon completion of the repairs, a qualified architectural historian shall document and confirm that renovations of the structure were completed in conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties and that all character-defining features were preserved. The project applicant shall submit a report to the City's Historic Preservation Officer documenting the relocation.

Salvage: If no third party relocates the residence at 971 Meridian Avenue, the structure shall be made available for salvage to salvage companies facilitating the reuse of historic building materials. The timeframe available for salvage shall be established by the Director of Planning, Building and Code Enforcement or the Director's designee, together with the City's Historic Preservation Officer.

The project applicant must provide evidence to the Director of Planning, Building and Code Enforcement or the Director's designee, that this condition has been met prior to the issuance of any demolition permits.

MM CUL-1.2: A qualified historian shall create a permanent interpretive program, exhibit, or display of the history of the property including, but not limited to, historic and current condition photographs, interpretive text, drawings, video, interactive media, or oral histories. The display shall be placed in a suitable publicly accessible location on the project site. The

final design of the display shall be determined in coordination with the City's Historic Preservation Officer.

Finding: Even with implementation of the identified mitigation measures; demolition or salvage of the single-family residence at 971 Meridian Avenue would remain a significant unavoidable impact because the residence would be permanently lost. Relocation of this single-family residence, while preserving the structure in a different location, would result in a loss of connection to its current location. Specifically, the structure would no longer be recognized as a residence associated with the City's agricultural past, which post-war development has replaced.

Facts in Support of the Finding: The residence at 971 Meridian Avenue has been determined to be a candidate City Landmark because it meets the local eligibility criteria as defined in Section 13.48.110.H of the San José Municipal Code, having significance with both the "Horticulture Expansion" context as documented in the 1992 Citywide Historic Context Statement and the "Spanish Colonial Revival" context in San José which can be found in the document *Your Old House: Guide for Preserving San Jose Homes*. The house embodies the Spanish Colonial style design unique to San José. It has both Mediterranean Revival and Prairie style influences characteristic of the eclectic Spanish Colonial Revival style in San José. The house is a rare example of having all its original features. Although the large orchard lands surrounding the home have been converted to urban uses, a small remnant of land is found to the south of the residence. The circular front driveway, setbacks, and landscaping frame the house and mark its association with the Meridian Road fruit orchard. Although integrity is not included in Section 13.48.110.H of the Municipal Code for local historic resources, based on practice and designations locally, a property must retain sufficient integrity to convey its historic significance from the period of importance. The subject property was found to retain sufficient integrity for eligibility for City Landmark status.

Hazards and Hazardous Materials

Impact: **Impact HAZ-2:** Construction activities associated with the proposed project could expose construction workers and/or nearby residents to residual agricultural contaminants and residual contamination from previous industrial operations.

Mitigation: **MM HAZ-2.1:** Prior to the issuance of any demolition or grading permits, a Phase II Environmental Site Assessment (Phase II ESA) shall be performed by a qualified hazardous waste specialist to investigate potential soil contamination discussed in the Phase I ESA by Earth Systems Pacific.

The Phase II ESA shall evaluate potential soil impacts associated with prior agricultural uses, lead based paint in soil surrounding structures, stockpiles of soil previously left on the property, and the area south of the accessory structure where disposal of hydraulic fluid and motor oil in pits was reported to have occurred, and any other issues identified in the Phase I ESA. The Phase II ESA shall describe methods for soils testing (i.e., analytical methods, the approximate location, spacing, depth of boring, etc.) and characterization.

If the Phase II ESA results indicate soil contamination above San Francisco Regional Water Quality Control Board Environmental Screening Levels (ESLs) for residential and/or construction worker safety, the project applicant must obtain regulatory oversight from Santa Clara County Department of Environment Health (SCCDEH). Any further investigation and remedial actions must be performed under regulatory oversight to mitigate soil contamination and make the site suitable for the proposed residential development.

The Phase II ESA and evidence of regulatory oversight (if needed) in the form of an email or letter shall be provided to the Director of Planning, Building and Code Enforcement or the Director's designee and the Environmental Compliance Officer in the City's Environmental Services Department prior to issuance of any demolition or grading permits.

MM HAZ-2.2: A Site Management Plan (SMP) shall be prepared and any contaminated soils found in concentrations above established thresholds shall be removed and disposed of according to California Hazardous Waste Regulations or the contaminated portions of the site shall be capped beneath the proposed development under the regulatory oversight of the Santa Clara County Department of Environmental Health (SCCDEH) or State Department of Toxic Substances Control (DTSC). The contaminated soil removed from the site shall be hauled off-site and disposed of at a licensed hazardous materials disposal site.

Components of the SMP shall include, but shall not be limited to:

- A detailed discussion of the site background;
- Preparation of a Health and Safety Plan (HSP);
- Notification procedures if previously undiscovered significantly impacted soil or free fuel product is encountered during construction;
- On-site soil reuse guidelines based on the California Regional Water Quality Control Board (RWQCB), 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;
- Protocols to manage groundwater that may be encountered during trenching and/or subsurface excavation activities; and
- The SMP shall include a HSP specific to each contractor/subcontractor based on the known conditions at the project site.

The HSP shall include, but shall not be limited to, the following elements, as applicable:

- Provisions for personal protection and monitoring exposure to construction workers;
- Procedures to be undertaken in the event that contamination is identified above action levels or previously unknown contamination is discovered;
- Procedures for the safe storage, stockpiling, and disposal of contaminated soils;
- Provisions for the on-site management and/or treatment of contaminated groundwater during extraction or dewatering activities; and
- Emergency procedures and responsible personnel.

The SMP, including the HSP, shall be provided to the Director of Planning, Building and Code Enforcement or the Director's designee, and Environmental Services Department (ESD) staff prior to issuance of any demolition or grading permit.

MM HAZ-2.3: To investigate the potential underground tank identified in the Phase I Environmental Site Assessment, a magnetometer survey shall be performed in the area of the standpipe at 961 Meridian Avenue. If a UST is discovered, the project applicant shall obtain all proper UST

removal permits from the City of San José Fire Department and SCCDEH and remove the UST. If the UST has been determined to have leaked, a leaking UST investigation must be performed under the oversight of the SCCDEH, and any mitigation such as removal of contaminated soil and groundwater investigations must be performed.

A report of the magnetometer survey, UST removal (if found), and evidence of regulatory oversight if the UST has been determined to have leaked, must be provided to the Director of Planning, Building and Code Enforcement or the Director's designee prior to issuance of any grading permits.

Finding: Implementation of Mitigation Measures HAZ-2.1, HAZ-2.2, and HAZ-2.3 would reduce exposure of construction workers and nearby residences from contaminated on-site soil to less than significant levels.

Facts in Support of the Finding: Testing to find out the extent of contaminated soil (MM HAZ-2.1), and preparation of a Site Management Plan to remove and responsibly dispose of any contaminated soils (MM HAZ 2-2) would ensure that impacts from contaminated soil being released into the environment during construction would be less than significant. MM HAZ-2.3 would ensure that if an underground storage tank is discovered, removal and cleanup would be performed in accordance with all existing regulations to ensure that the impact from contamination would be less than significant.

Noise

Impact **Impact NOI-1:** Construction of the proposed project would expose nearby sensitive receptors to noise levels in excess of City standards for a period of 20 months.

Mitigation: **MM NOI-1.1:** Consistent with the Municipal Code and in accordance with the General Plan FEIR (as amended), particularly Policy EC-1.7, the project applicant shall prepare a construction noise logistics plan which includes the following Best Management Practices and other site-specific measures during all phases of construction on the project site:

- Prior to the issuance of any demolition or grading permits, prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The plan shall be prepared by a qualified acoustic consultant. The plan shall include, at a minimum:

- A list of all activities that would use heavy construction equipment and high vibratory equipment (jackhammers, hoe rams, etc.)
 - A list of the equipment used for each activity
 - The anticipated duration for each activity
 - The method used to ensure that equipment does not exceed the noise thresholds
 - A procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.
 - Submit the plan to the Director of Planning, Building and Code Enforcement or the Director's designee prior to the issuance of any demolition or grading permit.
 - Use new technology power construction equipment with state-of-the-art noise shielding and muffling devices. Equip all internal combustion engines used on-site with adequate exhaust mufflers that are in good condition to minimize noise.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
 - All unnecessary idling of internal combustion engines is prohibited. Minimize idling times either by shutting equipment off when not in use or reducing the maximum idling time to five minutes.
 - Locate staging areas and stationary noise-generating equipment as far as possible from sensitive receptors.
 - Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences.
 - Use "quiet" air compressors and other stationary noise sources where technology exists.
 - Construct temporary noise barriers, where feasible, to screen stationary construction equipment when located within 200 feet of adjoining sensitive land uses. The temporary noise barrier fences would provide a 5.0 dBA noise reduction if the noise

barrier interrupts the line-of-sight between the noise source and receptor and if the barrier is constructed in a manner that eliminates any cracks or gaps.

- If noise-generating equipment must be located near receptors, use adequate muffling (with enclosures where feasible and appropriate) to reduce noise levels. Place any enclosure openings or venting to face away from sensitive receptors.
- House all generators, compressors, and pumps in acoustical enclosures.
- Locate cranes as far from adjoining noise-sensitive receptors as possible.
- During final grading, substitute graders for bulldozers, where feasible. Wheeled heavy equipment are quieter than track equipment and should be used where feasible.
- Substitute nail guns for manual hammering, where feasible.
- Substitute electrically-powered tools for noisier pneumatic tools, where feasible.
- Designate a "disturbance coordinator" who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.

Finding: With implementation of Mitigation Measure NOI-1.1, the project would result in less than significant noise levels to nearby sensitive receptors during the 2-month construction period.

Facts in Support of the Finding: The proposed project would be constructed over a period of 20 months, and would be within 500 feet of existing residences and 200 feet of existing commercial uses, which would result in noise levels in excess of City standards. Preparation of a noise logistics plan which includes best management practices, would reduce the impact to less than significant levels by ensuring that the applicant and their contractor use strategic measures to reduce the amount of noise generated by the project, and to have measures in place to respond quickly to any noise complaints.

Impact **Impact NOI-2:** Use of heavy equipment during construction of the proposed project would result in vibration levels at the nearby residences and school in excess of the City's 0.20 in/sec PPV threshold.

Mitigation: **MM NOI-2.1:** The project applicant shall prepare and implement a Construction Vibration Monitoring Plan (Plan) to document conditions at all adjacent properties prior to, during, and after vibration generating construction activities. The Plan shall be implemented under the direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry-accepted standard methods. The Plan shall include, but is not limited to, the following tasks:

- Identification of the sensitivity 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 applied to all vibration-sensitive structures.
- Performance of photo, elevation, and crack surveys for the adjacent buildings. 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.
- Conduct a post-survey on the structure where either monitoring has indicated high levels or complains of damage.
- The results of all vibration monitoring shall be summarized and submitted in a report shortly (within a week when construction activities are completed) after substantial completion of each phase identified in the project schedule. The report shall include a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations. An explanation of all events that exceeded vibration limits will be included together with proper documentation supporting any such claims.
- 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.

The Plan shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval prior to the issuance of any demolition or grading permits.

MM NOI-2.2: In addition to the measures listed in Mitigation Measure NOI-1.1, the project applicant shall include the following measures as part of the approved Plan. These measures shall be included on all plans submitted for grading permit approval:

- The project contractor shall use smaller equipment to minimize vibration levels below the limit.
- The project contractor shall avoid using vibratory rollers and tampers near sensitive areas.
- The project contractor shall select demolition methods not involving impact tools.
- The project contractor shall modify/design or identify alternative construction methods to reduce vibratory levels.
- Avoid dropping heavy objects or materials.

Finding: With implementation of Mitigation Measures NOI-2.1 and NOI-2.2, the project would result in less than significant vibration impact on the adjacent buildings.

Facts in Support of the Finding: Identifying the sensitive buildings adjacent to the project and monitoring vibration activities would ensure that activities involving vibrating equipment would not cause damage to adjacent structures. Using equipment with a lower threshold for vibration impacts would also assist in ensuring that no damage would occur from construction activities using vibrating equipment.

FINDINGS CONCERNING ALTERNATIVES

In order to comply with the purposes of CEQA, it is important to identify alternatives that reduce the significant impacts that are anticipated to occur if the project is implemented and to try to meet as many of the project's objectives as possible. The CEQA Guidelines emphasize a common sense approach -- the alternatives should be reasonable, should "foster informed decision making and public participation," and should focus on alternatives that avoid or substantially lessen the significant impacts.

The alternatives analyzed in the DEIR were developed with the goal of being at least potentially feasible, given Project objectives and site constraints, while avoiding or reducing the Project's identified environmental effects. The following are evaluated as alternatives to the proposed Project:

- 1) No Project – No Development Alternative
- 2) No Project – Neighborhood/Community Commercial Development Alternative
- 3) Preservation Alternative – Reuse of Single-Family Residence No. 1
- 4) Preservation Alternative – Reuse of Single-Family Residence No. 2

1. No Project – No Development Alternative

- A. Description of Alternative:** This alternative would retain the existing land uses on-site as is. The two residences would continue to be unoccupied and neglected, contributing to blight in the neighborhood. Given the value of housing in the City, it is reasonable to assume that the residence at 961 Meridian Avenue would be renovated to be made habitable compared to its current condition, and the two residences would be either sold or rented out.
- B. Comparison of Environmental Impacts:** Under this alternative, none of the impacts of the project would occur.
- C. Finding:** This alternative would not meet any of the project objectives. Specifically, this alternative would not allow for the construction of 233 affordable dwelling units near transit and would not contribute to the vision of the General Plan and the objectives of Urban Village Plan growth areas. Therefore, this alternative is rejected.

2. No Project – Neighborhood/Community Commercial Development Alternative

- A. Description of Alternative:** The project site is designated Neighborhood/Community Commercial under the General Plan. Given this designation, and the project site's location within the Southwest Expressway Urban Village growth area, any alternative project proposed on this site would likely be a commercial/retail project comparable in scale to currently proposed building, with commercial uses replacing the residential component of the project. Assuming any proposal would maximize development on-site, such an alternative would likely result in a building between 91,476 and 320,166 square feet of commercial/retail space.

- B. Comparison of Environmental Impacts:** This alternative would have similar environmental impacts to the proposed project because the size of the alternative project would be comparable and only the land use would be changed.
- C. Finding:** This alternative would activate the Meridian Avenue corridor and thereby, would meet one of the project objectives. This alternative would not meet the objective of providing affordable housing close to public transit, and the related General Plan goals. While this alternative would activate the Meridian Avenue corridor with commercial businesses which is a goal of the growth area, it would not provide any housing for which this project site is well suited based on its easy access to transit routes. The City needs more affordable housing and less retail in this project area. Therefore, this alternative is rejected.

3. Preservation Alternative – Reuse of Single-Family Residence No. 1

- A. Description of Alternative:** The residence at 971 Meridian Avenue, which was identified as a candidate City Landmark, would be relocated on-site and converted to residential communal space such as a recreation room or fitness facility. The change to the project would result in 203 dwelling units, a reduction of 30 units compared to the proposed project. Although this building would avoid the demolition of the historic resource, the 971 Meridian Avenue residence would lose site context with the roadway and the original site configuration.
- B. Comparison of Environmental Impacts:** This alternative would avoid the significant unavoidable impact to a historic resource. Because the residential building at 971 Meridian Avenue is an old structure and fragile, moving the building on the site, and construction activities in the immediate area around the site would result in vibration impacts to the historic structure that would require the following mitigation measures to ensure impacts are less than significant.

MM ALT 1: Pre-Condition Survey: The project applicant shall prepare preconstruction documentation of the residence at 971 Meridian Avenue. Prior to construction, a qualified Historic Architect shall undertake an existing visual conditions study of the residence. The purpose of the study would be to establish the baseline conditions of the house prior to construction. The documentation shall take the form of detailed written descriptions and visual illustrations and/or photos, including those physical characteristics of the resource that conveys its historic significance. The documentation shall be submitted to the City's Director of Planning, Building and Code Enforcement or the Director's designee and the City of San José's Historic Preservation Officer (HPO) for review and approval prior to the issuance of any demolition or grading permits.

MM ALT 2: Prior to issuance of any demolition or grading permits, the project applicant shall prepare and implement a Historical Resources Protection Plan (HRRP) that provides measures and procedures to protect the residence at 971 Meridian Avenue from direct or indirect impacts during construction activities (i.e., due to damage from operation of construction equipment, staging, and material storage). The HRRP shall be prepared by a qualified Historic Architect who meets the Secretary of the Interior's Professional Qualifications Standards and shall be submitted to the City's Director of Planning, Building and Code Enforcement or the Director's designee, and the City's HPO for review and approval.

The project applicant shall ensure the contractor follows the HRRP throughout construction. At a minimum, the plan shall include, but is not limited to, the following:

- Guidelines for operation of construction equipment adjacent to historical resources;
- Guidelines for storage of construction materials away from historic resources;
- Requirements for monitoring and documenting compliance with the plan; and
- Education and training of construction workers about the significance of the historical resources around which they would be working.
- Development of a vibration monitoring and construction contingency plan to identify where monitoring would be conducted, set up a vibration monitoring schedule, define structure-specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before and after construction phases as detailed by Mitigation Measures NOI-1.1 through NOI-1.3. Construction contingencies would be identified for when vibration levels approach the limits.

MM ALT 3: The project applicant shall assign a "Monitor," who is either a qualified Historic Architect or structural engineer, to monitor the historic residence for the duration of construction. During the demolition and construction phases, the monitor shall make periodic site visits to monitor the condition of the historic residence, including monitoring of any instruments such as crack gauges, if necessary. The monitoring period shall be a minimum of one site visit every month for the duration of the construction period. The City's Director of Planning, Building and Code Enforcement or the Director's designee and the City's HPO may request any additional number of site visits at their discretion.

If, in the opinion of the Monitor, substantial adverse impacts related to construction activities are found during construction, the Monitor shall inform the project applicant (or the applicant's designated representative responsible for construction activities), the City's Director of Planning, Building and Code Enforcement or the Director's designee and the City's HPO of the potential impacts. The project applicant shall implement the Monitoring Team's recommendations for corrective measures, including halting construction in situations where construction activities would imminently endanger historic resources.

The project applicant shall ensure that, in the event of damage to the historic residence during construction, repair work is performed (with appropriate permits, as necessary) in compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties and shall restore the character-defining features in a manner that does not affect the integrity of the structure.

The Monitor shall prepare a report documenting all site visits. The reporting period shall be a minimum of once every three months. The Monitor shall submit the site visit reports to the Director of Planning, Building and Code Enforcement or the Director's designee and the City's HPO no later than one week after each reporting period.

The Monitoring Report shall include, but is not limited to, the following:

- Summary of the demolition and construction progress;
- Identification of substantial adverse impacts related to construction activities;
- Problems and potential impacts to the historical resources and adjacent buildings during construction activities;
- Recommendations to avoid any potential impacts;
- Actions taken by the project applicant in response to the problem;
- Progress and the level of success in meeting the applicable Secretary of the Interior's Standards for the Treatment of Historic Properties for the project as noted above for the character-defining features, and in preserving the character-defining features of nearby historic properties; and
- Inclusion of photographs to explain and illustrate progress.

In addition, the Monitor shall submit a final document associated with monitoring and repairs after completion of the construction activities to the City's Director of

Planning, Building and Code Enforcement or the Director's designee and the City's HPO prior to the issuance of any Certificate of Occupancy (temporary or final).

All other impact conclusions would remain the same as for the proposed project.

- C. **Finding:** Implementation of Mitigation Measures ALT 1, ALT 2, and ALT 3 would reduce the potential construction period vibration impacts to the historic house under this alternative to a less than significant level. The significant and unavoidable impact to a historic resource under the proposed project would be avoided. The objective of the General Plan to locate affordable housing near transit would be met, but to a lesser degree than under the proposed project.

This alternative would not preserve the house with its historic context which reduces the integrity of the resource. Furthermore, it comes at the cost of at least 30 affordable dwelling units. The City has a pressing need for as many affordable housing units as possible, especially in this transit rich area. Taking into consideration the loss of integrity of this single historic resource and balancing it against the City's need for affordable housing, this alternative is rejected.

4. Preservation Alternative – Reuse of Single-Family Residence No. 2

- A. **Description of Alternative:** Under this alternative, the house at 971 Meridian Avenue would be converted to additional retail space. The house would be relocated along the roadway frontage to make this alternative viable. To accommodate this alternative, the proposed project configuration would need to be changed by relocating ground floor residential amenity space elsewhere in the new building, resulting in the loss of dwelling units. This alternative would have a maximum of 203 dwelling units, a reduction of 30 units compared to the proposed project.
- B. **Comparison of Environmental Impacts:** This alternative would prevent demolition of the house at 971 Meridian Avenue, a candidate City Landmark structure. However, relocating the house would lose the historical context of the landscaping in relation to the house. In addition, construction around the historical house would result in vibration impacts and would require the mitigation measures MM ALT 1, MM ALT 2, and MM ALT 3 identified above. All other impact conclusions would remain the same as for the proposed project.
- C. **Finding:** Implementation of Mitigation Measures ALT 1, ALT 2, and ALT 3 would reduce the potential construction period vibration impacts to the historic house under this alternative to a less than significant level. The significant and unavoidable impact to a historic resource under the proposed project would be

avoided. The objective of the General Plan to locate affordable housing near transit would be met, but to a lesser degree than under the proposed project. This alternative would not preserve the house with its historic context which reduces the integrity of the resource. Furthermore, it comes at the cost of at least 30 affordable dwelling units. The City has a pressing need for as many affordable housing units as possible, especially in this transit rich area. Taking into consideration the loss of integrity of this single historic resource and balancing it against the City's need for affordable housing, this alternative is rejected.

Environmentally Superior Project

The No Project – No Development Alternative would avoid all project impacts, including the significant and unavoidable impact to a potential historic resource of significance to the City of San José. However, CEQA requires that when the no-project alternative is the environmentally superior alternative, another alternative shall be identified as the environmentally superior alternative. The Preservation Alternative – Reuse of Single-Family Residence No. 2 would meet the project objectives and avoid the significant and unavoidable impact of the project. This alternative would provide local-serving retail along with high-density affordable housing on an infill parcel located near transit which aligns with the City's Envision San José 2040 General Plan and Urban Village goals. Therefore, this alternative is the environmentally superior alternative.

STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to the provisions of CEQA, the City Council of the City of San José hereby adopts and makes the following statement of overriding considerations regarding the significant and unavoidable impact of the Project as outlined above and the anticipated economic, social, and other benefits of the Project.

- A. **Significant Unavoidable Impacts.** With respect to the foregoing findings and in recognition of those facts which are included in the record, the City has determined the Project has significant unavoidable impacts, as set forth above, associated with demolition of a candidate City Landmark structure.
- B. **Overriding Considerations.** The City Council specifically adopts and makes this Statement of Overriding Considerations that this Project has eliminated or substantially lessened all significant effects on the environment where feasible, and finds that the remaining significant unavoidable impact of the Project is acceptable in light of the economic and social considerations noted below, because the benefits of the Project outweigh the significant unavoidable impact of the Project. The City Council finds that the overriding considerations set forth below constitutes a separate and independent ground for finding that the benefits of the Project outweigh its significant unavoidable environmental impact and is an

overriding consideration warranting approval of the Project. These matters are supported by evidence in the record that includes, but is not limited to, the Envision San José 2040 General Plan and to development in a future Urban Village.

- C. **Benefits of the Proposed Project.** While the City recognizes that there is historic value in retaining this single-family residence as a City Landmark associated with the City's agricultural past; the City is also dealing with a chronic shortage of affordable housing in the City. This project would provide 231 100-percent affordable dwelling units at various levels of area median income (AMI) levels and two manager units as shown below. In addition to the dwelling units, the project includes 1,780 square feet of community serving retail.

Affordability Unit Mix	
Percentage of AMI	No. of Units
30% AMI	92
40% AMI	20
50% AMI	5
80% AMI	114
Manager Units	2
Total	233

By replacing two single-family houses with 233 dwelling units, the project would provide the highest density and best use of the project site for its current location.

The project site is located along Meridian Avenue and a block away from Fruitdale Avenue, both major thoroughfares that are served by several bus lines. The project site is also within 0.5 mile from the Fruitdale Light Rail Transit station. Because populations in the lower AMI levels are more likely to take public transportation, the project site is a prime spot for an affordable housing development.

The proposed development also includes on-site amenities for the residents including a computer room, fitness center, and two outdoor courtyards. It will also provide on-site parking for vehicles and bicycles, both for the residential component and the retail component of the project.

Based on the above, the project would meet the strategies and goals of the Envision San José 2040 General Plan and Urban Village criteria of locating high density development on infill sites near transit corridors, activating Meridian Avenue by providing ground floor retail, and promoting bicycling by providing bicycle parking. Most importantly, the project would be providing 233 much needed affordable housing units in a transit rich location.

The City Council has weighed each of the above benefits of the proposed Project against its significant unavoidable impact identified in the EIR, and hereby determines that these benefits outweigh the adverse environmental effect of the Project and, therefore, further determines that the adverse environmental effect is acceptable and overridden.

LOCATION AND CUSTODIAN OF RECORDS

The documents and other materials that constitute the record of proceedings on which the City Council based the foregoing findings and approval of the Project are located at the Department of Planning, Building and Code Enforcement, 200 East Santa Clara Street, Third Floor Tower, San José, California, 95113.

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

Meridian Apartments Project

File No. SP19-064

March 2020



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 Environmental Impact Report (EIR) prepared for the Meridian Apartments 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 EIR concluded that the impacts from implementation of the project would be less than significant.

I, Stephen Emami, the applicant, on the behalf of Roem West, Inc., hereby agree to fully implement the mitigation measures described below which have been developed in conjunction with the preparation of an EIR 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 03/27/2020



Planning, Building and Code Enforcement
ROSALYNN HUGHEY, DIRECTOR

Meridian Apartments Project
File No. SP19-064

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 AIR-3: Construction activities associated with the proposed project would result in nearby sensitive receptors being exposed to toxic air contaminant emissions in excess of BAAQMD thresholds.					
<p>MM AIR-3.1: Prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest), the project applicant shall submit a construction operation plan to the Director of Planning, Building and Code Enforcement or the Director's designee, demonstrating that the off-road equipment used for construction of the project would achieve a fleet-wide average of at least 75 percent reduction in diesel particulate matter (DPM) emissions.</p> <p>The plan to achieve the 75 percent reduction or greater would include the following, or an equivalent alternative that meets the required reduction:</p> <ul style="list-style-type: none"> All diesel-powered off-road equipment (larger than 25 horsepower) operating on-site for more than two days continuously shall, at a minimum, meet U.S. Environmental Protection Agency (EPA) particulate matter emissions standards for Tier 3 engines or with CARB-certified Level 3 Diesel Particulate Filters or equivalent. Alternatively, equipment that meet U.S. EPA emissions for Tier 4 standards for particulate matter or the use of non-diesel or electric equipment would meet this requirement. 	<p>Prepare a Construction Operations Plan that includes specifications of equipment to be used during construction.</p> <p>Submit the operations plan to the Director of Planning, Building and Code Enforcement or the Director's designee.</p>	<p>Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest).</p>	<p>Director of Planning, Building and Code Enforcement or the Director's designee.</p>	<p>Review and approve the Construction Operations Plan.</p>	<p>Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest).</p>



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<p>The plan shall include to the extent possible, the list of construction activities and the types of equipment that would be used for each activity, how long the activity is anticipated to occur, the distance of the activity from sensitive receptors, the actions that would be taken to ensure a 75 percent reduction is attained, and the actions that would be taken if it is determined that the 75 percent reduction is exceeded. The plan shall be prepared by a qualified air quality professional.</p> <p>The project applicant shall implement the plan during construction of the project.</p>					
BIOLOGICAL RESOURCES					
Impact BIO-1: Implementation of the proposed project could result in the disturbance of active bird nests.					
<p>MM BIO-1.1: Avoidance Tree removal and construction shall be scheduled 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>Preconstruction Surveys If tree removals and construction cannot be scheduled between September 1st and January 31st, inclusive, a qualified ornithologist shall complete pre-construction surveys to identify active raptor or migratory bird nests that may be disturbed during construction activities.</p>	<p>Avoid construction activities during nesting season. If construction cannot be scheduled outside of nesting season, engage a qualified ornithologist or biologist to conduct pre-construction surveys and prepare a plan for meeting the intent of this measure.</p>	<p>Prior to issuance of any tree removal, grading, demolition, and/or building permit or activities.</p>	<p>Director of Planning, Building and Code Enforcement or the Director's designee.</p>	<p>Confirm that demolition and construction activities are scheduled outside of the nesting season.</p> <p>Review and approve the plan for complying with the measure.</p>	<p>Prior to issuance of any tree removal, grading, demolition, and/or building permit or activities.</p>



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<p>This survey shall be completed no more than 14 days prior to the initiation of demolition/construction activities, including tree removal and pruning, 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 the late part of the breeding season (May 1st through August 31st, inclusive), unless a shorter pre-construction survey is determined to be appropriate based on the presence of a species with a shorter nesting period, such as Yellow Warblers. During this survey, the ornithologist will inspect all trees and other possible nesting habitats in and immediately adjacent to the construction areas for nests. If an active nest is found in an area that will be disturbed by construction, the ornithologist will designate a construction-free buffer zone (typically 250 feet) to be established around the nest, in consultation with California Department of Fish and Wildlife (CDFW). The buffer would ensure that raptor or migratory bird nests will not be disturbed during project construction.</p> <p>Reporting Prior to issuance of any tree removal, demolition, grading or building permits, the project applicant shall submit to the Director of Planning, Building and Code Enforcement or the Director's designee, a plan prepared by a qualified biologist or ornithologist for</p>	<p>Prepare a plan detailing the steps to be followed for avoidance, or in the event avoidance is not possible, surveying the project site for active raptor or migratory bird nests as required in the measure.</p> <p>The ornithologist shall also identify a construction-free buffer zone 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 Director of Planning,</p>			<p>Review report of the results of the survey (or any other environmental investigation reports, if applicable) and any designated buffer zones.</p>	



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<p>conducting the preconstruction surveys to meet the requirements set out above.</p> <p>Subsequent to the preconstruction survey, and prior to ground disturbance, the qualified biologist or ornithologist shall submit a written report indicating the results of the survey, a map of identified active nests, and any designated buffer zones or other protective measures to the Director of Planning, Building and Code Enforcement or the Director's designee.</p>	Building and Code Enforcement or the Director's designee.				
CULTURAL RESOURCES					
Impact CUL-1: The project would demolish the residence at 971 Meridian Avenue, a candidate City Landmark.					
<p>MM CUL-1.1: <u>Documentation:</u> The residence at 971 Meridian Avenue shall be documented by a qualified architectural historian in accordance with the guidelines established for the Historic American Building Survey (HABS) and shall consist of the following components:</p> <ol style="list-style-type: none"> 1. Drawings – Prepare sketch floor plans. 2. Photographs – Digital photographic documentation of the interior, exterior, and setting of the buildings in compliance with the National Register Photo Policy Fact Sheet. 	<p><u>Documentation</u> An architectural historian meeting the Secretary of the Interior's Professional Qualification Standards shall document the house at 971 Meridian Avenue in accordance with the with the guidelines established for the Historic American Building Survey.</p>	Prior to the issuance of demolition permits.	Director of Planning, Building and Code Enforcement or the Director's designee, and the City's Historic Preservation Officer.	<p><u>Documentation</u> The Historic Preservation Officer shall review and approve the documentation.</p> <p><u>Relocation</u> The City's Director of Planning, Building and Code Enforcement or the Director's designee, based on consultation with</p>	<p><u>Documentation</u> Prior to the issuance of demolition permits.</p> <p><u>Relocation/Salvage</u> Prior to the issuance of any demolition or grading permits.</p>



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Meridian Apartments Project
File No. SP19-064

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<p>Photos must have a permanency rating of approximately 75 years.</p> <p>3. Written Data – HABS written documentation in short form.</p> <p>An architectural historian meeting the Secretary of the Interior's Professional Qualification Standards shall oversee the preparation of the sketch plans, photographs and written data. The existing DPR forms shall fulfill the requirements for the written data report.</p> <p>The City of San José's Historic Preservation Officer shall review the documentation, and then the applicant shall file the documentation with the San José Library's California Room and the Northwest Information Center at Sonoma State University, the repository for the California Historical Resources Information System. All documentation shall be submitted on archival paper.</p> <p><u>Relocation by a Third Party:</u> The residence at 971 Meridian Avenue shall be advertised for relocation by a third party. The project applicant shall be required to advertise the availability of the structure for a period of no less than 30 days. The advertisements must include a newspaper of general circulation, a website, and notice on the project site. The project applicant must provide evidence (i.e., receipts, date and time stamped</p>	<p>Submit documentation to the Director of Planning, Building and Code Enforcement or the Director's designee and the City's Historic Preservation Officer.</p> <p>File the documentation with the San José Library's California Room and the Northwest Information Center at Sonoma State University, the repository for the California Historical Resources Information System.</p> <p><u>Relocation</u> Advertise the residence at 971 Meridian Avenue for relocation by a third party. Advertise the availability of the structure for a period of no less than 30 days.</p> <p>If a third party does agree to relocate the residence at 971</p>			<p>the City's Historic Preservation Officer, must determine that the receiver site is suitable for the building.</p> <p>The Historic Preservation Officer shall review and approve the documentation prior to the structure being moved.</p> <p><u>Salvage</u> Establish a time frame for salvage.</p>	



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Meridian Apartments Project
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<p>photographs, etc.) to the Director of Planning, Building and Code Enforcement or the Director's designee that this condition has been met prior to the issuance of demolition permits.</p> <p>If a third party does agree to relocate the residence at 971 Meridian Avenue, the following measures shall be followed:</p> <ol style="list-style-type: none"> 1. The City's Director of Planning, Building and Code Enforcement or the Director's designee, based on consultation with the City's Historic Preservation Officer, must determine that the receiver site is suitable for the building. 2. Prior to relocation, the project applicant or third party shall hire a historic preservation architect and a structural engineer to undertake an existing condition study. The purpose of the 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 illustrations, including those character-defining physical features of the resource that convey its historic significance and must be protected and preserved. The documentation shall be reviewed and approved by the City's Historic Preservation Officer prior 	<p>Meridian Avenue, the project applicant or third party shall hire a historic preservation architect and a structural engineer to undertake an existing condition study prior to relocation.</p> <p>The third party shall engage a building mover who has experience moving similar historic structures. A structural engineer shall also be engaged to determine if the building needs to be reinforced/stabilized before the move.</p> <p>Once moved, repair and restore the building, as needed, by either the project applicant or third party, in conformance with the <i>Secretary of the Interior's Standards for the Treatment of Historic Properties</i>.</p>				



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Meridian Apartments Project
File No. SP19-064

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<p>to the structure being moved. Documentation already completed shall be used to the extent possible to avoid repetition in work.</p> <p>3. To protect the building during relocation, the third party shall engage a building mover who has experience moving similar historic structures. A structural engineer shall also be engaged to determine if the building needs to be reinforced/stabilized before the move.</p> <p>4. Once moved, the building shall be repaired and restored, as needed, by the project applicant or third party 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-term preservation of these features.</p> <p>Upon completion of the repairs, a qualified architectural historian shall document and confirm that renovations of the structure were completed in conformance with the <i>Secretary of the Interior's Standards for the Treatment of Historic Properties</i> and that all character-defining features were preserved. The project applicant shall submit a report to the City's</p>	<p>Upon completion of the repairs, a qualified architectural historian shall document and confirm that renovations of the structure were completed in conformance with the <i>Secretary of the Interior's Standards for the Treatment of Historic Properties</i> and that all character-defining features were preserved.</p> <p><u>Salvage</u> If no third party relocates the residence at 971 Meridian Avenue, make the structure available for salvage to salvage companies facilitating the reuse of historic building materials.</p>				



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Meridian Apartments Project
File No. SP19-064

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<p>Historic Preservation Officer documenting the relocation.</p> <p><u>Salvage:</u> If no third party relocates the residence at 971 Meridian Avenue, the structure shall be made available for salvage to salvage companies facilitating the reuse of historic building materials. The time frame available for salvage shall be established by the Director of Planning, Building and Code Enforcement or the Director's designee, together with the City's Historic Preservation Officer.</p> <p>The project applicant shall provide evidence to the Director of Planning, Building and Code Enforcement or the Director's designee, that this condition has been met prior to the issuance of any demolition permits.</p> <p>MM CUL-1.2: Prior to the issuance of any occupancy permits (temporary or final), a qualified historian shall create a permanent interpretive program, exhibit, or display of the history of the property including, but not limited to, historic and current condition photographs, interpretive text, drawings, video, interactive media, or oral histories. The display shall be placed in a suitable publicly accessible location on the project site. The final design of the display shall be determined in coordination with the City's Historic Preservation Officer.</p>	<p>A qualified historian shall create a permanent interpretive program, exhibit, or display of the history of the property.</p> <p>The final design of the display shall be determined in coordination with the City's Historic Preservation Officer</p>	<p>Prior to the issuance of any occupancy permits (temporary or final)</p>	<p>City's Historic Preservation Officer.</p>	<p>Determine the final design of the display with the qualified historian.</p>	<p>Prior to the issuance of any occupancy permits (temporary or final).</p>



Planning, Building and Code Enforcement

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Meridian Apartments Project
File No. SP19-064

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HAZARD AND HAZARDOUS MATERIALS					
Impact HAZ-2: Construction activities associated with the proposed project could expose construction workers and/or nearby residents to residual agricultural contaminants and residual contamination from previous industrial operations.					
<p>MM HAZ-2.1: Prior to the issuance of any demolition or grading permits, a Phase II Environmental Site Assessment (Phase II ESA) shall be performed by a qualified hazardous waste specialist to investigate potential soil contamination discussed in the Phase I ESA by Earth Systems Pacific.</p> <p>The Phase II ESA shall evaluate potential soil impacts associated with prior agricultural uses, lead based paint in soil surrounding structures, stockpiles of soil previously left on the property, and the area south of the accessory structure where disposal of hydraulic fluid and motor oil in pits was reported to have occurred, and any other issues identified in the Phase I ESA. The Phase II ESA shall describe methods for soils testing (i.e., analytical methods, the approximate location, spacing, depth of boring, etc.) and characterization.</p> <p>If the Phase II ESA results indicate soil contamination above San Francisco Regional Water Quality Control Board Environmental Screening Levels (ESLs) for residential and/or construction worker safety, the project applicant must obtain regulatory oversight from Santa Clara County Department of Environment Health</p>	<p>Perform a Phase II Environmental Site Assessment to investigate potential soil contamination.</p> <p>Obtain regulatory oversight from Santa Clara County Department of Environment Health.</p> <p>Provide the Phase II ESA and evidence of regulatory oversight (if needed) in the form of an email or letter to the Director of Planning, Building and Code Enforcement or the Director's designee and the Environmental Compliance Officer in the City's Environmental Services Department.</p>	Prior to issuance of any demolition or grading permits	<p>Director of Planning, Building and Code Enforcement or the Director's designee</p> <p>Environmental Compliance Officer in the City's Environmental Services Department</p>	Review and record the email or letter	Prior to issuance of any demolition or grading permits



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<p>(SCCDEH). Any further investigation and remedial actions must be performed under regulatory oversight to mitigate soil contamination and make the site suitable for the proposed residential development.</p> <p>The Phase II ESA and evidence of regulatory oversight (if needed) in the form of an email or letter shall be provided to the Director of Planning, Building and Code Enforcement or the Director's designee and the Environmental Compliance Officer in the City's Environmental Services Department prior to issuance of demolition or grading permits.</p> <p>MM HAZ-2.2: A Site Management Plan (SMP) shall be prepared and any contaminated soils found in concentrations above established thresholds shall be removed and disposed of according to California Hazardous Waste Regulations or the contaminated portions of the site shall be capped beneath the proposed development under the regulatory oversight of the Santa Clara County Department of Environmental Health (SCCDEH) or State Department of Toxic Substances Control (DTSC). The contaminated soil removed from the site shall be hauled off-site and disposed of at a licensed hazardous materials disposal site.</p>	<p>Prepare a Site Management Plan.</p> <p>Remove and dispose of any contaminated soils found in concentrations above established thresholds according to California Hazardous Waste Regulations or cap the contaminated portions of the site beneath the development under the regulatory oversight of the Santa Clara County Department of Environmental Health or</p>	<p>Prior to issuance of any demolition or grading permits</p>	<p>Santa Clara County Department of Environmental Health or State Department of Toxic Substances Control</p> <p>Director of Planning, Building and Code Enforcement or the Director's designee.</p> <p>Environmental Services Department staff.</p>	<p>Review and internally record the Site Management Plan</p>	<p>Prior to issuance of any demolition or grading permits</p>



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<p>Components of the SMP shall include, but shall not be limited to:</p> <ul style="list-style-type: none"> • A detailed discussion of the site background; • Preparation of a Health and Safety Plan (HSP); • Notification procedures if previously undiscovered significantly impacted soil or free fuel product is encountered during construction; • On-site soil reuse guidelines based on the California Regional Water Quality Control Board (RWQCB), 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. • The SMP shall include a HSP specific to each contractor/subcontractor based on the known conditions at the project site. 	<p>State Department of Toxic Substances Control.</p> <p>Provide the Site Management Plan to the Director of Planning, Building and Code Enforcement or the Director's designee, and Environmental Services Department staff.</p>				



Planning, Building and Code Enforcement
ROSALYNN HUGHEY, DIRECTOR

Meridian Apartments Project
File No. SP19-064

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
<p>The HSP shall include, but shall not be limited to, the following elements, as applicable:</p> <ul style="list-style-type: none"> • Provisions for personal protection and monitoring exposure to construction workers; • Procedures to be undertaken in the event that contamination is identified above action levels or previously unknown contamination is discovered; • Procedures for the safe storage, stockpiling, and disposal of contaminated soils; • Provisions for the on-site management and/or treatment of contaminated groundwater during extraction or dewatering activities; and • Emergency procedures and responsible personnel. <p>The SMP, including the HSP, shall be provided to the Director of Planning, Building and Code Enforcement or the Director's designee, and Environmental Services Department (ESD) staff prior to issuance of a demolition or grading permit.</p> <p>MM HAZ-2.3: To investigate the potential underground tank identified in the Phase I Environmental Site Assessment, a magnetometer survey shall be performed in the area of the standpipe at 961 Meridian Avenue. If a UST is discovered, the project applicant shall obtain all proper UST removal</p>	<p>Perform a magnetometer survey in the area of the standpipe at 961 Meridian Avenue. If a underground storage tank is discovered, obtain all proper</p>	<p>Prior to issuance of any grading permits</p>	<p>Santa Clara County Department of Environmental Health</p>	<p>Review and internally record the magnetometer survey.</p>	<p>Prior to issuance of any grading permits.</p>



Planning, Building and Code Enforcement
ROSALYNN HUGHEY, DIRECTOR

Meridian Apartments Project
File No. SP19-064

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
<p>permits from the City of San José Fire Department and SCCDEH and remove the UST. If the UST has been determined to have leaked, a leaking UST investigation must be performed under the oversight of the SCCDEH, and any mitigation such as removal of contaminated soil and groundwater investigations must be performed.</p> <p>A report of the magnetometer survey, UST removal (if found), and evidence of regulatory oversight if the UST has been determined to have leaked, must be provided to the Director of Planning, Building and Code Enforcement or the Director's designee prior to issuance of grading permits.</p>	<p>underground storage tank removal permits from the City of San José Fire Department and Santa Clara County Department of Environmental Health and remove the underground storage tank.</p> <p>If the UST has leaked, conduct a leaking UST investigation under the oversight of the Clara County Department of Environmental Health. Perform any mitigation such as removal of contaminated soil and groundwater investigations.</p> <p>Provide a report of the magnetometer survey, underground storage tank removal (if found), and evidence of regulatory oversight if the underground storage tank has been determined to have leaked,</p>				



Planning, Building and Code Enforcement
ROSALYNN HUGHEY, DIRECTOR

Meridian Apartments Project
File No. SP19-064

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
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	to the Director of Planning, Building and Code Enforcement or the Director's designee prior to issuance of grading permits.				
NOISE					
Impact NOI-1: Construction of the proposed project would expose nearby sensitive receptors to noise levels in excess of City standards for a period of 20 months.					
<p>MM NOI-1.1: Consistent with the Municipal Code and in accordance with the General Plan FEIR (as amended), particularly Policy EC-1.7, the project applicant shall prepare a construction noise logistics plan which includes the following Best Management Practices and other site-specific measures during all phases of construction on the project site:</p> <ul style="list-style-type: none"> Prior to the issuance of any demolition or grading permits, prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The plan shall be prepared by a qualified acoustic consultant. The plan shall include, at a minimum: <ul style="list-style-type: none"> A list of all activities that would use heavy construction equipment and high vibratory equipment (jackhammers, hoe rams, etc.) A list of the equipment used for each activity The anticipated duration for each activity 	Submit a construction noise logistics plan based on the requirements of the measure, prepared by a qualified acoustic consultant to the Director of Planning, Building and Code Enforcement or the Director's designee.	Prior to issuance of any demolition or grading permits	Director of Planning, Building and Code Enforcement or the Director's designee	Review and approve the construction noise logistics plan	Prior to issuance of any demolition or grading permits



Planning, Building and Code Enforcement
ROSALYNN HUGHEY, DIRECTOR

Meridian Apartments Project
File No. SP19-064

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [Project Applicant/Proponent Responsibility]		Documentation of Compliance [Lead Agency Responsibility]		
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<ul style="list-style-type: none"> ○ The method used to ensure that equipment does not exceed the noise thresholds ○ A procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance. ○ Submit the plan to the Director of Planning, Building and Code Enforcement or the Director's designee prior to the issuance of any demolition or grading permit. ● Use new technology power construction equipment with state-of-the-art noise shielding and muffling devices. Equip all internal combustion engines used on-site with adequate exhaust mufflers that are in good condition to minimize noise. ● Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment. ● All unnecessary idling of internal combustion engines is prohibited. Minimize idling times either by shutting equipment off when not in use or reducing the maximum idling time to five minutes. 					



Planning, Building and Code Enforcement

ROSALYNN HUGHEY, DIRECTOR

Meridian Apartments Project
File No. SP19-064

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
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<ul style="list-style-type: none"> • Locate staging areas and stationary noise-generating equipment as far as possible from sensitive receptors. • Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences. • Use "quiet" air compressors and other stationary noise sources where technology exists. • Construct temporary noise barriers, where feasible, to screen stationary construction equipment when located within 200 feet of adjoining sensitive land uses. The temporary noise barrier fences would provide a 5.0 dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receptor and if the barrier is constructed in a manner that eliminates any cracks or gaps. • If noise-generating equipment must be located near receptors, use adequate muffling (with enclosures where feasible and appropriate) to reduce noise levels. Place any enclosure openings or venting to face away from sensitive receptors. 					



Planning, Building and Code Enforcement
 ROSALYNN HUGHEY, DIRECTOR

Meridian Apartments Project
File No. SP19-064

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [Project Applicant/Proponent Responsibility]		Documentation of Compliance [Lead Agency Responsibility]		
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<ul style="list-style-type: none"> House all generators, compressors, and pumps in acoustical enclosures. Locate cranes as far from adjoining noise-sensitive receptors as possible. During final grading, substitute graders for bulldozers, where feasible. Wheeled heavy equipment are quieter than track equipment and should be used where feasible. Substitute nail guns for manual hammering, where feasible. Substitute electrically-powered tools for noisier pneumatic tools, where feasible. Designate a "disturbance coordinator" who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule. 					



Planning, Building and Code Enforcement
ROSALYNN HUGHEY, DIRECTOR

Meridian Apartments Project
File No. SP19-064

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [Project Applicant/Proponent Responsibility]		Documentation of Compliance [Lead Agency Responsibility]		
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Impact NOI-2: Use of heavy equipment during construction of the proposed project would result in vibration levels at the nearby residences and school in excess of the City's 0.20 in/sec PPV threshold.					
MM NOI-2.1: The project applicant shall prepare and implement a Construction Vibration Monitoring Plan (Plan) to document conditions at all adjacent properties prior to, during, and after vibration generating construction activities. The Plan shall be implemented under the direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry-accepted standard methods. The Plan shall include, but is not limited to, the following tasks: <ul style="list-style-type: none"> • Identification of the sensitivity 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 applied to all vibration-sensitive structures. • Performance of photo, elevation, and crack surveys for the adjacent buildings. 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. 	<p>Prepare and implement a Construction Vibration Monitoring Plan for all adjacent properties prior to, during, and after vibration generating construction activities.</p> <p>The Construction Vibration Monitoring Plan shall be implemented 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>Submit the Construction Vibration Monitoring Plan to the Director of Planning, Building and Code Enforcement or the Director's designee.</p>	Prior to, during, and after vibration generating construction activities	Director of Planning, Building and Code Enforcement or the Director's designee	Review and approve Construction Vibration Monitoring Plan	Prior to the issuance of any demolition or grading permits



Planning, Building and Code Enforcement
ROSALYNN HUGHEY, DIRECTOR

Meridian Apartments Project
File No. SP19-064

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [Project Applicant/Proponent Responsibility]		Documentation of Compliance [Lead Agency Responsibility]		
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<ul style="list-style-type: none"> Conduct a post-survey on the structure where either monitoring has indicated high levels or complains of damage. The results of all vibration monitoring shall be summarized and submitted in a report shortly (within a week when construction activities are completed) after substantial completion of each phase identified in the project schedule. The report shall include a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations. An explanation of all events that exceeded vibration limits will be included together with proper documentation supporting any such claims. 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. <p>The Plan shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval prior to the issuance of any demolition or grading permits.</p>					



Planning, Building and Code Enforcement
ROSALYNN HUGHEY, DIRECTOR

Meridian Apartments Project
File No. SP19-064

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [Project Applicant/Proponent Responsibility]		Documentation of Compliance [Lead Agency Responsibility]		
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<p>MM NOI-2.2: In addition to the measures listed in Mitigation Measure NOI-1.1, the project applicant shall include the following measures as part of the approved Plan. These measures shall be included on all plans submitted for grading permit approval:</p> <ul style="list-style-type: none"> • The project contractor shall use smaller equipment to minimize vibration levels below the limit. • The project contractor shall avoid using vibratory rollers and tampers near sensitive areas. • The project contractor shall select demolition methods not involving impact tools. • The project contractor shall modify/design or identify alternative construction methods to reduce vibratory levels. • Avoid dropping heavy objects or materials. 	Include the identified measures in the Construction Vibration Monitoring Plan.	Prior to issuance of any demolition or grading permits	Director of Planning, Building and Code Enforcement or the Director's designee.	Ensure the measures are included as part of the Plan.	Prior to issuance of any demolition or grading permits.

Source: City of San José. Draft Environmental Impact Report. Meridian Apartments Project. January 2020.