

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE ADOPTING THE 259 MERIDIAN AVENUE RESIDENTIAL MIXED-USE 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 Director of Planning, Building and Code Enforcement of the City of San José prepared an Initial Study and approved for circulation a Mitigated Negative Declaration for the 259 Meridian Avenue Residential Mixed-Use Project under Planning File Nos. PDC18-016 and PD19-011 (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 259 Meridian Avenue Residential Mixed-Use Project (the “Project”) analyzed under the Initial Study/Mitigated Negative Declaration consists of a Planned Development Rezoning to rezone the R-2 Two-Family Residential Zoning District and the CO Commercial Office Zoning District to a CP(PD) Planned Development Zoning District and Planned Development Permit to allow the removal of nine non-ordinance sized trees, the demolition of three existing buildings totaling approximately 19,000 square feet and the construction of a four to seven-story mixed-use building with up to 226 residential units and approximately 1,400 square feet of ground-floor commercial on an approximately 1.3 gross acre site located at 259 Meridian Avenue (Assessor’s Parcel Number 274-14-152), San José, 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, Building and Code Enforcement located at 200 East Santa Clara Street, 3rd Floor Tower, San José, California, 95113, are available for inspection by any

interested person at that location and are, by this reference, incorporated into this Resolution as if fully set forth herein;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE:**

**THAT THE CITY COUNCIL** does hereby make the following findings: (1) it has independently reviewed and analyzed the Initial Study/Mitigated Negative Declaration 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, 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 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. PDC18-005 and PD18-003). 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, Building and Code Enforcement 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:

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SAM LICCARDO  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk

# **MITIGATION MONITORING AND REPORTING PROGRAM**

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**259 Meridian Avenue Project  
File No. PDC18-016 & PD19-011  
February 2020**

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## PREFACE

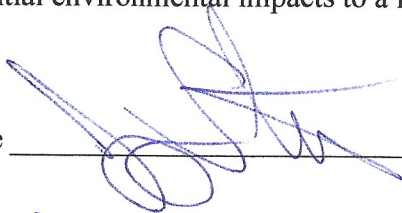
Section 21081.6 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring and Reporting Program (MMRP) whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the 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 259 Meridian Avenue 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, Jerry Strang, the applicant, on the behalf of Paul Lin, hereby agree to fully implement the mitigation measures described below which have been developed in conjunction with the preparation of an IS/MND 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 \_\_\_\_\_

5.12.2020

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
<b>AIR QUALITY</b>					
<b>Impact AIR-3:</b> Construction activities associated with the proposed project would expose infants in proximity to the project site to temporary toxic air contaminant emissions in excess of acceptable thresholds.					
<b>MM AIR-3.1:</b> The project applicant shall ensure that all mobile diesel-powered off-road equipment operating on-site for more than two days and larger than 25 horsepower shall, at a minimum, meet U.S. Environmental Protection Agency (EPA) particulate matter emissions standards for Tier 2 engines that include CARB-certified Level 3 Diesel Particulate Filters or equivalent. Equipment that meets the US EPA Tier 4 standards for particulate matter, or use of equipment that is electrically powered or uses non-diesel fuels would also meet this requirement. Other alternative measures could include providing line power to the site during early phases of construction to minimize the use of portable equipment powered by diesel engines, the use of electric cranes (if feasible), and minimizing diesel generator use to less than 100 hours. If any of these alternative measures are proposed, the project applicant shall include them in the construction operations plans (as stated in MM AIR-3.2) which include specifications of the equipment to be used during construction prior to the issuance of any demolition, grading, or building permits, whichever occur the earliest.	Allow diesel-powered off-road equipment, as described, having engines that meet EPA Tier 2 engines with CARB-certified Level 3 Diesel Particulate Filters or equivalent. The use of equipment meeting U.S. EPA Tier 4 standards for particulate matter would also meet this requirement.	Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest).	Director or Director's designee of the City of San José Department of Planning, Building and Code Enforcement.	Receive the construction operations plan and letter.	Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest).

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<b>MM AIR-3.2:</b> Prior to the issuance of any demolition, grading and/or building permits (whichever occurs first), the project applicant shall submit a construction operations plan that includes specifications of the equipment to be used during construction prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest) to the Director or Director's designee of the City of San José Department of Planning, Building and Code Enforcement. 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 these mitigation measures.	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. Submit the operations plan to the Director or Director's designee of the City of San José Department of Planning, Building and Code Enforcement for review and approval.	Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest).	Director or Director's designee of the City of San José Department of Planning, Building and Code Enforcement	Receive the construction operations plan and letter.	Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest).
<b>BIOLOGICAL RESOURCES</b>					
<b>Impact BIO-4:</b> Construction activities associated with the proposed project could result in the loss of fertile eggs, nesting raptors or other migratory birds, or nest abandonment.					
<b>MM BIO-4.1: Avoidance:</b> 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 1st through August 31st (inclusive).	Avoid construction activities during nesting seasons. If construction activities cannot be scheduled outside of nesting season, conduct a pre-construction nesting bird	Prior to issuance of any tree removal, grading, demolition, and/or building permit or activities.	Director or Director's designee of the City of San José Department of Planning, Building and Code Enforcement	Confirm that demolition and construction activities are scheduled outside	Prior to issuance of any tree removal, grading, demolition, and/or building



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	survey by a qualified ornithologist and, in consultation with the California Department of Fish and Wildlife, designate a construction-free buffer zone around any discovered nest.			of the nesting season.	permit or activities.
<b>MM BIO-4.2:</b> <u>Nesting Bird Surveys</u> : If it is not possible to schedule demolition and construction between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st inclusive). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests.	The ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the Director or Director's designee of the City of San José Department of Planning, Building and Code Enforcement.	Prior to issuance of any tree removal, grading, demolition, and/or building permit or activities.	Director or Director's designee of the City of San José Department of Planning, Building and Code Enforcement	Review report indicating the results of the survey (or any other environmental investigation reports, if applicable) and any designated buffer zones.	Prior to issuance of any tree removal, grading, demolition, and/or building permit or activities.

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<b>MM BIO-4.3: <u>Buffer Zones</u>:</b> 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, 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 shall not be disturbed during project construction.	The ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the Director or Director's designee of the City of San José Department of Planning, Building and Code Enforcement.	Prior to issuance of any tree removal, grading, demolition, and/or building permit or activities.	Director or Director's designee of the City of San José Department of Planning, Building and Code Enforcement	Review report indicating the results of the survey (or any other environmental investigation reports, if applicable) and any designated buffer zones.	Prior to issuance of any tree removal, grading, demolition, and/or building permit or activities.
<b>MM BIO-4.4: <u>Reporting</u>:</b> 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 or Director's designee of the City of San José Department of Planning, Building and Code Enforcement.	The ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the Director or Director's designee of the City of San José Department of Planning, Building and Code Enforcement.	Prior to issuance of any tree removal, grading, demolition, and/or building permit or activities.	Director or Director's designee of the City of San José Department of Planning, Building and Code Enforcement	Review report indicating the results of the survey (or any other environmental investigation reports, if applicable) and any designated buffer zones.	Prior to issuance of any tree removal, grading, demolition, and/or building permit or activities.
<b>CULTURAL RESOURCES</b>					

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<b>Impact CUL-2:</b> Excavation of the site could result in the loss of all yet unknown subsurface historic resources on the project site.					
<p><b>MM CUL-2.1: Preliminary Investigation.</b> After the asphalt has been removed, but prior to full ground-disturbing activities including grading, potholing for utilities, and building foundation removal (i.e., any grading permits), a qualified archaeologist who is trained in both local prehistoric and historical archaeology shall complete subsurface exploration at the site, to determine if there are any indications of discrete historic-era subsurface archaeological features. Exploring for historic-era features shall consist of at least one trench mechanically excavated below existing stratigraphic layers to evaluate the potential for Native American and historic-era resources. If any archaeological resources are exposed, these should be briefly documented, tarped for protection, and left in place. The results of the presence/absence exploration, including any treatment recommendations if any, shall be submitted to the Director or Director's designee of the City of San José Department of Planning, Building, and Code Enforcement for review and approval prior to issuance of any grading permit.</p> <p>Based on the findings of the subsurface testing, an archaeological resources treatment plan as described in MM CUL-2.2 shall be prepared by a qualified archaeologist if necessary.</p>	Complete subsurface testing and submit the preliminary field investigation and results to the Director or Director's designee of the City of San José Department of Planning, Building, and Code Enforcement.	Prior to any ground disturbing activities.	Director or Director's designee of the City of San José Department of Planning, Building and Code Enforcement.	<p>Review and approve preconstruction documentation and the archaeological resources treatment plan.</p> <p>The Coroner shall contact the Native American Heritage Commission if humans are found and are believed to be Native American.</p>	Prior to any ground disturbing activities.

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<p><b>MM CUL-2.2: Research Design and Treatment Plan.</b> If MM CUL-2.1 is applicable, the project applicant shall prepare a treatment plan that reflects permit-level detail pertaining to depths and locations of all ground disturbing activities. The treatment plan shall be prepared and submitted to the Director or Director's designee of the City of San José Department of Planning, Building, and Code Enforcement prior to approval of any grading permit. The treatment plan shall contain, at a minimum:</p> <ul style="list-style-type: none"> <li>• Identification of the scope of work and range of subsurface effects (including location map and development plan), including requirements for preliminary field investigations.</li> <li>• Description of the environmental setting (past and present) and the historic/prehistoric background of the parcel (potential range of what might be found).</li> <li>• Development of research questions and goals to be addressed by the investigation (what is significant vs. what is redundant information).</li> <li>• Detailed field strategy to record, recover, or avoid the finds and address research goals.</li> <li>• Analytical methods.</li> <li>• Report structure and outline of document contents.</li> </ul>	<p>Complete subsurface testing and submit the preliminary field investigation and results to the Director or Director's designee of the City of San José Department of Planning, Building, and Code Enforcement.</p>	<p>Prior to the issuance of any grading permits.</p> <p>During ground disturbance activities.</p>	<p>Director or Director's designee of the City of San José Department of Planning, Building and Code Enforcement.</p>	<p>Approve the results of the field investigation results and treatment program.</p>	<p>Prior to the issuance of any grading permits.</p> <p>During ground disturbance activities.</p>

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<ul style="list-style-type: none"> <li>Disposition of the artifacts.</li> <li>Appendices: all site records, correspondence, and consultation with Native Americans, etc.</li> </ul> <p>Implementation of the plan, by a qualified archaeologist, shall be required prior to the issuance of any grading permits. The treatment plan shall utilize data recovery methods to reduce impacts on subsurface resources.</p>					
<p><b>MM CUL-2.3: Evaluation.</b> The project applicant shall notify the Director or Director's designee of the City of San José Department of Planning, Building, and Code Enforcement of any finds during the preliminary field investigation, grading, or other construction activities. Any historic or prehistoric material identified in the project area during the preliminary field investigation and during grading or other construction activities shall be evaluated for eligibility for listing in the California Register of Historic Resources as determined by the California Office of Historic Preservation. Data recovery methods may include, but are not limited to, backhoe trenching, shovel test units, hand augering, and hand-excavation. The techniques used for data recovery shall follow the protocols identified in the approved treatment plan. Data recovery shall include excavation and exposure of features, field documentation, and recordation. All documentation</p>	<p>Project proponent shall notify the Director or Director's designee of the City of San José Department of Planning, Building, and Code Enforcement of any finds. Project proponent shall submit all reports to the NWIC.</p>	<p>During all ground disturbance or construction related activities.</p>	<p>Director or Director's designee of the City of San José Department of Planning, Building and Code Enforcement.</p>	<p>Receive notification of any archeological finds.</p>	<p>During all ground disturbance or construction related activities.</p>

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and recordation shall be submitted to the Northwest Informative center (NWIC), and/or equivalent.					
<b>NOISE</b>					
<b>Impact NOI-1:</b> Operation of the mechanical equipment and construction noise generated by the proposed project could impact nearby noise-sensitive receptors.					
<b>MM NOI-1.1: <u>Mechanical equipment selection:</u></b> Mechanical equipment shall be selected and designed by the project applicant to reduce impacts on surrounding uses to meet the City's 55 dBA DNL noise level requirement at the property line of nearby noise-sensitive land uses. A qualified acoustical consultant shall be retained to review mechanical noise as these systems are selected to determine specific noise reduction measures necessary to reduce 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 noise source and the nearest receptors. Other alternate measures may be optimal, such as locating equipment in less noise-sensitive areas, such as the rooftop away from the northern and eastern edges, where feasible.	Select mechanical equipment and noise reduction measures that reduce noise sufficiently to comply with the City's 55 dBA DNL noise limit at the shared property line of nearby noise-sensitive land uses.	Submit the proposed mechanical equipment and noise reduction measures to the City of San José's Building Official, for review prior to issuance of any building permits.  Implement the mitigation measures prior to certificate of occupancy.	Building Official of the City of San José Department of Planning, Building, and Code Enforcement.	Review/approve mechanical equipment and noise reduction measures.	Prior to the issuance of any building permits.
<b>MM NOI-1.2: <u>Construction Noise Logistics Plan:</u></b> Prior to the issuance of any grading or demolition	Preparation of a construction noise logistics plan and	Prior to the issuance of any demolition,	Director or Director's designee of the City of		Prior to the issuance of any

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<p>permits, the project applicant shall submit and implement a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting and notification of construction schedules, equipment to be used, and designation of a noise disturbance coordinator. The noise disturbance coordinator shall respond to neighborhood complaints and shall be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses. The noise logistic plan shall be submitted to the Director or Director's designee of the City of San José Department of Planning, Building, and Code Enforcement prior to the issuance of any grading or demolition permits.</p> <p>As a part of the noise logistic plan and project, construction activities for the proposed project shall include, but is not limited to, the following best management practices:</p> <ul style="list-style-type: none"> <li>• In accordance with Policy EC-1.7 of the City's General Plan, utilize the best available noise suppression devices and techniques during construction activities.</li> <li>• Construction activities shall be limited to the hours between 7:00 AM and 7:00 PM, Monday through Friday, unless permission is</li> </ul>	<p>adherence to best management practices for noise reduction during construction activities.</p> <p>The noise logistics plan shall be submitted to the Director or Director's designee of the City of San José Department of Planning, Building, and Code enforcement.</p>	<p>grading, and/or building permits (whichever occurs earliest).</p>	<p>San José Department of Planning, Building and Code Enforcement</p>	<p>Receive and review the construction noise logistics plan.</p>	<p>demolition, grading, and/or building permits (whichever occurs earliest).</p>



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<p>granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence (San José Municipal Code Section 20.100.450).</p> <ul style="list-style-type: none"> <li>Construct temporary noise barriers, where feasible, to screen mobile and stationary construction equipment. The temporary noise barrier fences provide noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receiver and if the barrier is constructed in a manner that eliminates any cracks or gaps.</li> <li>Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.</li> <li>Unnecessary idling of internal combustion engines shall be strictly prohibited.</li> <li>Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating</li> </ul>					



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<p>equipment when located near adjoining sensitive land uses.</p> <ul style="list-style-type: none"> <li>Utilize "quiet" air compressors and other stationary noise sources where technology exists.</li> <li>Construction staging areas shall be established at locations that would create the greatest distance between the construction-related noise source and noise-sensitive receptors nearest the project site during all project construction.</li> <li>A temporary noise control blanket barrier shall be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling.</li> <li>If impact pile driving is proposed, foundation pile holes shall be pre-drilled to minimize the number of impacts required to seat the pile. Pre-drilling foundation pile holes is a standard construction noise control technique. Pre-drilling reduces the number of blows required to seat the pile.</li> </ul>					

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<ul style="list-style-type: none"> <li>Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors.</li> <li>Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.</li> <li>The project applicant shall prepare a detailed construction schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.</li> <li>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.</li> <li>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</li> </ul>					

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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 it in the notice sent to neighbors regarding the construction schedule.					
<b>IMPACT NOI-2:</b> The project would not result in generation of excessive groundborne vibration or groundborne noise levels.					
<b>MM NOI-2.1: Construction Vibration Monitoring, Treatment, and Reporting Plan.</b> The project applicant shall implement a construction vibration monitoring plan to document conditions prior to, during, and after vibration-generating construction activities. All plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry-accepted standard methods. The construction vibration monitoring plan shall include, but not be limited to, the following measures: <ul style="list-style-type: none"> <li>The report shall include a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations.</li> <li>A list of all heavy construction equipment to be used for this project and the anticipated time duration of using the equipment that is known to</li> </ul>	<p>Preparation of a construction vibration monitoring plan which includes measures to reduce vibration impacts on nearby structures.</p> <p>The construction vibration monitoring plan shall be submitted to the Director of Planning or Director's designee of the Department of Planning, Building, and Code Enforcement.</p> <p>All plan tasks will be overseen by a licensed Professional Structural</p>	Prior to the issuance of any demolition and/or grading permits (whichever occurs earliest).	Director or Director's designee of the City of San José Department of Planning, Building and Code Enforcement	Receive and review the construction vibration monitoring plan.	Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest).

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<p>produce high vibration levels (clam shovel drops, vibratory rollers, hoe rams, large bulldozers, caisson drillings, loaded trucks, jackhammers, etc.) shall be submitted to the Director or Director's designee of the City of San José Department of Planning, Building, and Code Enforcement by the contractor. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort required for continuous vibration monitoring. Phase demolition, earth-moving, and ground impacting operations so as not to occur during the same time period.</p> <ul style="list-style-type: none"> <li>• Where possible, use of the heavy vibration-generating construction equipment shall be prohibited within 20 feet of any adjacent building.</li> <li>• Document conditions at all structures located within 25 feet of construction prior to, during, and after vibration generating construction activities. All plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry-accepted standard methods. Specifically: <ul style="list-style-type: none"> <li>○ Performance of a photo survey, elevation survey, and crack monitoring survey for</li> </ul> </li> </ul>	Engineer in the State of California.				

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	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>each structure of normal construction within 25 feet of any high impact construction activities and/or within 25 feet of other construction activities identified as sources of high vibration. Surveys shall be performed prior to any construction activity, in regular intervals during construction, and after project completion, and 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> <ul style="list-style-type: none"> <li>Develop a vibration monitoring and construction contingency plan to identify structures 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 conditions. Construction contingencies shall be identified for when vibration levels approached the limits.</li> <li>At a minimum, vibration monitoring shall be conducted during demolition and excavation activities.</li> </ul>					

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
<ul style="list-style-type: none"> <li>• If vibration levels approach limits, suspend construction and implement contingency measures to either lower vibration levels or secure the affected structures.</li> <li>• Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.</li> <li>• Conduct a post-construction survey on structures where either monitoring has indicated high vibration levels or complaints of damage has been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities.</li> </ul>					

**Source:** City of San José. Initial Study. 259 Meridian Avenue. July 2019.