



Memorandum

TO: TRANSPORTATION &
ENVIRONMENT COMMITTEE

FROM: Rosalynn Hughey

SUBJECT: SEE BELOW

DATE: October 16, 2020

Approved

Date

10/26/20

**SUBJECT: CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
MITIGATION MONITORING AND REPORTING PROGRAM SEMI-
ANNUAL STATUS REPORT**

RECOMMENDATION

Accept the semi-annual status report on the City of San Jose's CEQA Mitigation Monitoring and Reporting Program (MMRP) for the period of April 2020 to September 2020.

OUTCOME

The purpose of this semi-annual report is to provide the T&E Committee with an update on the mitigation compliance program and conformance to CEQA's requirements for mitigation monitoring under CEQA Guidelines Section 15097. Specifically, this report highlights the on going projects and key accomplishments achieved during the reporting period. The Committee's attention to this Program has assisted with compliance and fulfillment of the City's environmental mitigation commitments.

BACKGROUND

This is the 22nd progress report on the status of the implementation and improvements to the City's Mitigation Monitoring and Reporting Program. Since the May 2020 T&E Committee was canceled due to the County's shelter-in-place order, the Department of Planning, Building, and Code Enforcement prepared the 21st status report covering activity from October 2019 through March 2020 as an information memorandum to the City Council.

CEQA requires that the City include feasible mitigation measures to reduce or eliminate potentially significant environmental impacts as part of the City's approval of projects, including land use approvals and other actions taken by the City Council or other decision-making bodies. These mitigation measures are identified through environmental analyses prepared for individual projects in the form of Mitigated Negative Declarations or Environmental Impact Reports under CEQA. At the time of approval, the City is required to make findings as to how each project will specifically avoid or substantially reduce its potentially significant environmental effects through either modifications of the project or the incorporation of environmental mitigation measures described in the project Mitigated Negative Declaration or Environmental Impact Report. CEQA mandates that the City adopt and implement a Mitigation Monitoring and Reporting Program for individual projects. Mitigation measures are required to be fully enforceable through permit conditions, agreements, or other measures with an expectation that there will be consequences to the project for non-compliance. The timing for mitigation measure implementation and compliance is prior to the issuance of the grading permit.

Over the past few years, staff has been working to improve the City's Mitigation Monitoring and Reporting Program implementation to better conform to the requirements of CEQA and to further the City's goals for stewardship of the natural environment. The Transportation and Environment Committee has been an active participant in this process, reviewing staff progress and making recommendations on a periodic basis.

ANALYSIS

This part of the report focuses on mitigation compliance for projects during the grading permitting process as the timing for compliance is triggered with grading. The Department of Planning, Building and Code Enforcement Environmental Review team leads the review of required mitigation compliance associated for projects with approval of grading permits. Planning, Building and Code Enforcement's efforts are coordinated with applicants, the Department of Public Works, and Environmental Services Department.

Mitigation Monitoring Report Card

Approved Projects

In the reporting period from April 2020 through September 2020, ten (10) projects completed the mitigation compliance requirements in accordance with their Mitigation Monitoring Reporting Program adopted as part of the entitlement review under CEQA. The current reporting period's completed project list is summarized in Attachment A of this report with project name, project description, completed mitigations requirements, and review completion dates.

Santa Clara County's March 17, 2020 Shelter in Place Order to slow the spread of COVID-19 curtailed most construction activity until May 2020. This resulted in a reduction in approved projects compared with recent reporting periods, with ten (10) projects approved compared to 18 projects approved in April – September 2019 and 13 projects approved between October 2019

and March 2020. However, activity picked up toward the end of the reporting period, with six projects approved in August and September 2020. While working remotely, PBCE Environmental Review Team staff coordinated with applicants, consultants, and DPW staff to ensure MMRP requirements were met in a timely manner.

Some of the approved projects include large, complex, multi-pronged entitlements such as the Harker School, a data center, the Belmont Senior Living Facility, and an affordable housing project on Alum Rock Ave. Typical mitigation compliance requirements reviewed by staff are preconstruction bird surveys, archaeological resources management, site management plans for hazardous materials clean-up, construction air quality, and noise mitigation.

Projects Under Review

The Environmental Review team is currently reviewing 30 projects for compliance with the adopted Mitigation Monitoring and Reporting Programs, including 11 new projects in the current reporting period. Attachment B of this report lists these projects by their project name, project description, grading permit description, and pending mitigation requirements.

EVALUATION AND FOLLOW-UP

In the next report to the Transportation and Environment Committee, staff will provide updates to the monitoring activity between October 2020 and March 2021. The next report to the Committee is scheduled for May 2021.

PUBLIC OUTREACH

Information related to the CEQA Mitigation Monitoring and Reporting Program and latest reports will be updated on the Planning Division's Environmental Review web page at this link: <https://www.sanjoseca.gov/your-government/departments/planning-building-code-enforcement/planning-division/environmental-planning/environmental-review/mitigation-monitoring-reports>.

CEQA

Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

/s/

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Planning, Building and Code Enforcement

TRANSPORTATION & ENVIRONMENT COMMITTEE

October 16, 2020

Subject: CEQA Mitigation Monitoring and Reporting Program Semi-Annual Status Report

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For questions, please contact David Keyon, Principal Planner, at david.keyon@sanjoseca.gov or Thai-Chau Le, Supervising Planner, at thai-chau.le@sanjoseca.gov.

Attachments:

- Attachment A: Approved Mitigation Compliance for Grading Permits from April 2020 through September 2020
- Attachment B: On-going Mitigation Compliance for Grading Permits under Review as of September 2020