

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE CERTIFYING THE 3896 STEVENS CREEK BOULEVARD ENVIRONMENTAL IMPACT REPORT AND MAKING CERTAIN FINDINGS CONCERNING SIGNIFICANT IMPACTS, MITIGATION MEASURES AND ALTERNATIVES, AND ADOPTING 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 a Draft Environmental Impact Report (DEIR) for the 3896 Stevens Creek Boulevard Project (Planning File Nos. C19-020, CP19-031, T19-038), and

WHEREAS, the DEIR analyzed the environmental impacts of demolishing four (4) commercial buildings totaling 47,631 square feet, the removal of 65 trees, and constructing approximately 308,000 square feet of office space, 15,000 square feet of retail space, 468,000 of parking garage for 1,300 spaces, and 155,300 square feet of health club or gym, all on an approximately 4.8-gross acre site located at the southeast corner of Saratoga Avenue and Stevens Creek Boulevard (APNs 303-25-012 [350 Saratoga Avenue], -013 [3888 Stevens Creek Boulevard], -022 [3830 Stevens Creek Boulevard], -023 [3896 Stevens Creek Boulevard], and -016 [3806 Stevens Creek Boulevard]) in the City of San José, (collectively referred to herein as the “Project”); and

WHEREAS, approval of the Project would constitute a Project under the provisions of the California Environmental Quality Act of 1970, together with related state and local implementation guidelines and policies promulgated thereunder, all as amended to date (collectively, “CEQA”); and

WHEREAS, a First Amendment to the DEIR was prepared that included responses to comments received during the public comment period; and

WHEREAS, the First Amendment and the DEIR together comprise the Final Environmental Impact Report (FEIR) for the Project; and

WHEREAS, the FEIR 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, on February 10, 2021 the Planning Commission of the City of San José reviewed the FEIR prepared for the Project, and recommended to the City Council that it find the environmental clearance for the proposed Project was completed in accordance with the requirements of CEQA and further recommended the City Council adopt this Resolution; 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, CEQA requires that, in connection with the approval of a project for which an environmental impact report has been prepared which 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 a mitigation or monitoring

program and overriding statement of consideration for any impact that may not be reduced to a less than significant level.

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 FEIR has been prepared and completed in compliance with CEQA; and
3. The City Council was presented with, and has independently reviewed and analyzed, the FEIR 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 FEIR and the Project, prior to acting upon or approving the Project, and has found that the FEIR represents the independent judgment of the City of San José ("City") as lead agency for the Project, and designated 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 recognize that the FEIR contains additions, clarifications, modifications, and other information in its response to comments on the Draft EIR or obtained by the City after the Draft EIR was issued and circulated for public review, and does hereby find that such changes and additional information are not significant new information as that phrase is described under CEQA because such changes and additional information do not indicate that any of the following would result from approval and implementation of the Project: (i) any new significant environmental impact or substantially more severe environmental impact not already disclosed and evaluated in the Draft EIR, (ii) any feasible mitigation measure considerably different from those analyzed in the Draft EIR that would lessen a significant environmental impact of the Project has been proposed and would not be implemented, or (iii) any feasible alternative considerably different from those analyzed in the Draft EIR that would lessen a significant environmental impact of the Project has been proposed and would not be implemented; and
5. That the City Council does hereby find and determine that recirculation of the FEIR for further public review and comment is not warranted or required under the provisions of CEQA; and

6. The City Council does hereby make the following findings with respect to the significant effects of the environment of the Project, as identified in the FEIR, with the understanding that all of the information in this Resolution is intended as a summary of the full administrative record supporting the FEIR, which full administrative record should be consulted for the full details supporting these findings.

3896 STEVENS CREEK BOULEVARD PROJECT SIGNIFICANT ENVIRONMENTAL IMPACTS

Air Quality

Impact: **Impact AIR-1:** Construction of the Project would result in toxic air contaminant emissions in excess of the Bay Area Air Quality Management District's (BAAQMD) thresholds. Construction activities associated with the Project would expose single-source infants cancer risk at the residential maximally-exposed-individual (MEI) of the construction zones and in proximity to the project site to temporary toxic air contaminant (TAC) emissions of 84.2 in one million, which is in excess of BAAQMD's significance threshold of 10 per one million for cancer risk.

Mitigation: **MM AIR-1.1:** Prior to the issuance of any demolition, grading, and/or building permits, the project applicant shall retain a qualified consultant to develop a construction operations plan demonstrating that the off-road equipment used on-site to construct the project would achieve a fleet-wide average 88-percent reduction in diesel particulate matter (DPM) exhaust emissions or greater. To achieve the reduction on the project, one or a combination of the following measures will be implemented:

- All diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously shall, at a minimum, meet United States Environmental Protection Agency (EPA) particulate matter emissions standards for Tier 4 engines. Exceptions could be made for equipment that meets EPA Tier 2 or 3 standards that include California Air Resources Board-certified Level 3 Diesel Particulate Filters or equivalent.
- Provide electric power connections during early construction phases to avoid use of diesel generators.

- Stationary construction cranes (building cranes) and manlifts shall be powered by electricity.

The project applicant shall include all selected measures in the construction operations plan (as stated in MM AIR-1.2), which includes specifications of the equipment to be used during construction prior to the issuance of any demolition, grading, or building permits, whichever occurs the earliest. The construction operations plans shall demonstrate that the off-road equipment used on-site to construct the project would achieve a fleetwide average 88 percent reduction in DPM exhaust emissions or greater.

MM AIR-1.2: 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 of Planning, Building and Code Enforcement or Director's designee. The construction operations plan shall be accompanied by a letter, signed by an air quality specialist, verifying that the equipment included in the plan meets the specified reductions set forth in these mitigation measures.

Finding: With the implementation of Mitigation Measures MM AIR-1.1 and AIR-1.2, air quality impacts resulting from construction activities associated with the Project would be reduced to a less than significant level. **(Less Than Significant with Mitigation Incorporated)**

Facts in Support of Finding: Implementation of the City's standard project conditions for construction air quality, which incorporate Best Management Practices (BMPs) from the Bay Area Air Quality Management District (BAAQMD), would reduce exhaust emissions during construction by setting a time limit on idling vehicles, setting maintenance requirements on equipment, and reiterating required best practices during construction on site and during transportation of construction equipment and vehicles to and from the project site. Furthermore, based on the FEIR and associated Air Quality and Greenhouse Gas Assessment (Appendix B of the FEIR), the project would be required to implement equipment standards to reduce diesel particulate matter exhaust emissions during the construction period. Mitigation measures MM AIR-1.1 and 1.2 require equipment of certain size and use-duration on the project site (i.e., 25 horsepower operating on site for more than two days continuously) to be a higher tier that would reduce diesel particulate matter exhaust emission. The mitigation measures and standard project condition would reduce the maximum excess residential cancer risk from construction of the Project to 7.7 cancer cases per million which is less than the BAAQMD threshold of 10 cancer cases per million.

Additionally, the maximum annual PM_{2.5} concentration would be reduced to 0.07 µg/m³, which is also below the BAAQMD significant threshold of 0.3 µg/m³. As a result, the required mitigation measures and BMPs would reduce the temporary construction emissions impact to a less than significant level.

Biological Resources

Impact: **Impact BIO-1:** Construction activities could result in the loss of fertile eggs, nesting raptors, or nest abandonment.

Mitigation: **MM BIO-1.1: Avoidance:** 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).

MM BIO-1.2: Nesting Bird Surveys: If demolition and construction cannot be scheduled 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.

MM BIO-1.3: Buffer Zones: 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.

MM BIO-1.4: Reporting: 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 City's Director of Planning, Building and Code Enforcement or Director's designee of the Department of Planning, Building and Code Enforcement.

Finding: Implementation of Mitigation Measures MM BIO-1.1 to MM BIO-1.4 would reduce impacts to nesting raptors and other migratory birds to a less than significant level. **(Less than Significant Impact with Mitigation)**

Facts in Support of Finding: Conducting pre-construction surveys and implementing a construction-free buffer zone around any migratory bird nests (if found) would ensure that raptor or migratory bird nests are not disturbed during Project construction, consistent with the federal Migratory Bird Treaty Act and the California Fish and Game Code. The size of the buffer zones would be determined by consultation between the qualified ornithologist and the CDFW, and based on scientific evidence and best management practices. Compliance with Mitigation Measures MM BIO-1.1 to MM BIO-1.4 would avoid impacts to nesting birds.

Hazards and Hazardous Materials

Impact: **Impact HAZ-1:** Development of the proposed project could potentially expose construction workers and the public to elevated concentrations of chemicals.

Mitigation: **MM HAZ-1.1:** Prior to the start of ground-disturbing activities or issuance of any grading/building permits by the City, a Site Management Plan (SMP) shall be developed for the site by a qualified environmental professional. At a minimum, the SMP shall include the following:

- Stockpile management including dust control, sampling, stormwater pollution prevention and the installation of BMPs
- Proper disposal procedures of contaminated materials
- Monitoring, reporting, and regulatory oversight notifications
- A health and safety plan for each contractor working at the site that addresses the safety and health hazards of each phase of site operations with the requirements and procedures for employee protection
- The health and safety plan will also outline proper soil/ and or groundwater handling procedures and health and safety requirements to minimize worker and public exposure to contaminated soil/and or groundwater during construction.

A copy of the SMP shall be submitted to the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code

Enforcement and the Municipal Compliance Officer of the City of San José Environmental Services Department for review and approval.

Finding: Implementation of MM HAZ-1.1 would ensure that workers and the public would not be exposed to residual soil or site contaminants during construction of the project. **(Less Than Significant with Mitigation)**

Facts in Support of Finding: The project site was historically used for agricultural purposes (orchard, open field, etc.) and contained small structures (homes and out-buildings), based on historic aerial photographs dating back to 1939. In the 1940s, more structures were present on-site and some of the orchard trees were removed and replaced with agricultural fields. By 1956, a gasoline station was constructed in the northwest portion of the property. Also, a former gasoline station was located at the northwest corner of the property in the 1960s through the early 1970s, and a former plant nursery and flower packing operation was located in the east-central portion of the project site since at least the early 1960s. Currently, the project is developed with retail and commercial buildings and surface parking areas. A government records search of the project site revealed that the site is not listed as a hazardous waste or substances site on any regulatory database. However, the project construction and ground disturbance activities could disturb on-site soils with residual agricultural pesticide contamination, lead, nickel, and/or petroleum-based contaminated groundwater, and expose construction workers and the public to elevated concentrations of contaminants. Implementation of mitigation measure HAZ-1.1 would require the project applicant to complete a Site Management Plan (SMP), which includes proper management of the site activities during construction such as traffic circulation, soils and hazardous materials disposal, staff trainings, and health and safety plans, for review by the City of San José Department of Environmental Services and the Department of Planning, Building and Code Enforcement.

Noise

Impact: **Impact NOI-1:** Construction of the project would increase ambient noise levels at nearby sensitive receptors by five dBA Leq or more at various times throughout construction, would result in construction occurring over a period of more than one year, and would include pile driving.

Mitigation: **MM NOI-1.1:** Prior to the issuance of any grading or demolition 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 of Planning, Building and Code Enforcement or Director's designee for review and approval prior to the issuance of any grading or demolition permits. As a part of the noise logistic plan and project, construction activities for the proposed project shall include, but are not limited to, the following best management practices:

- 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.
- Construction activities shall be limited to the hours between 7:00 AM and 7:00 PM, Monday through Friday, unless permission is 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).
- 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.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Unnecessary idling of internal combustion engines shall be strictly prohibited.
- 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 equipment when located near adjoining sensitive land uses.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.

- 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.
- 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.
- 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.
- Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- 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.
- 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.
- 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 it in the notice sent to neighbors regarding the construction schedule.
- All auger drilling activities and hydraulic ram system activities shall be done during weekdays between 7:00 a.m. and 7:00 p.m.

Finding: With implementation of Mitigation Measure MM NOI-1.1, the proposed project would reduce construction noise impacts to a less than significant level by restricting the hours of construction activities and implementing best management practices available to reduce noise to sensitive receptors.
(Less Than Significant with Mitigation)

Facts in Support of Finding: The nearest sensitive receptors include the existing Islamic Community Center of Bozniaks of the Bay Area, which is adjacent to the project site at the southeast corner, and multi-family residences across Northlake Drive southeast of the project site (approximately 50 feet from the project property line). For construction noise, the use of multiple pieces of equipment simultaneously would compound as a collective noise source. While construction equipment would be scattered throughout the site during each phase, the noise sensitive receptors surrounding the site would be subject to the collective noise source generated by all equipment operating at once. Therefore, as stated in the FEIR, to assess construction noise impacts at the nearest property lines of noise-sensitive receptors, the worst-case hourly average noise level for each phase was centered on the site and extrapolated to the nearest property line of the surrounding land uses. As previously mentioned, the nearest sensitive receptors include the existing Islamic Community Center of Bozniaks of the Bay Area and the multi-family residences across Northlake Drive. Based on the noise impact assessment conducted as part of the FEIR, the construction noise levels at these sensitive receptors would range from 57 to 88 dBA. Therefore, construction would temporarily increase ambient noise levels at nearby sensitive receptors by five (5) dBA Leq or more at various times throughout the construction periods. Thus, consistent with General Plan EC-1.7, the project would require mitigation measures to reduce impacts. Mitigation measure MM NOI-1.1 would require the applicant to implement the approved noise logistic plan that would limit construction hours, require certain equipment to have appropriate mufflers, locate stationary noise-generating equipment such as air compressors or portable power generators away from sensitive areas, notify adjacent occupants of the construction schedule, erect a temporary barrier where appropriate, and identify an on-site disturbance coordinator for coordinating disturbance complaints.

Impact: **Impact NOI-2:** Construction of the proposed project would produce vibration levels exceeding 0.2 in/sec PPV at the adjacent community center.

Mitigation: **MM NOI-2.1:** Construction Vibration Monitoring, Treatment, and Reporting Plan: 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:

- The report shall include a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations.
- 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 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.
- Where possible, use of the heavy vibration-generating construction equipment shall be prohibited within 20 feet of any adjacent building.
- Document existing conditions at the community center (345 Northlake Drive, San José, CA 95129) 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:
 - Performance of a photo survey, elevation survey, and crack monitoring survey for the building. 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.

- Vibration limits shall be applied to vibration-sensitive structures located within 30 feet of all construction activities identified as sources of high vibration levels.
- 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.
- At a minimum, vibration monitoring shall be conducted during demolition and excavation activities.
- If vibration levels approach limits, suspend construction and implement contingency measures to either lower vibration levels or secure the affected structures.
- 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.
- 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.

Finding: With implementation of Mitigation Measure MM NOI-2.1, construction activities involving vibration would not exceed the General Plan threshold of 0.2 in/sec Peak Particle Velocity (PPV), consistent with the General Plan Policy EC-2.3 and therefore, would not result in a significant impact. **(Less Than Significant with Mitigation)**

Facts in Support of Finding: The nearest sensitive receptor is the community center located adjacent to the southeast corner of the project site. There are no historic buildings within 200 feet of the project site; therefore, vibration levels exceeding 0.2 in/sec PPV would be considered a significant impact. The FEIR shows that buildings within 25 feet of the project site may exceed the 0.2 in/sec PPV from equipment such as vibratory roller, hoe ram, large bulldozer, caisson drilling, loaded trucks, and jackhammer. Therefore, the project would require mitigation measures to reduce potential impacts. Mitigation Measure MM NOI-2.1 requires the project applicant to implement an approved Vibration Monitoring, Treatment, and Reporting Plan that would require documentation of existing buildings and surrounding,

monitoring vibration levels at key areas, post-construction survey, and to make any repairs to nearby structures resulting from use of project equipment (if necessary).

Transportation

Impact: **Impact TRA-1:** The office use proposed as part of the project would exceed the City's Transportation Analysis Handbook Vehicle Miles Traveled (VMT) threshold of 12.21 by 0.6 daily mile per worker.

Mitigation: **MM TRA-1.1:** The project shall construct the following off-site improvements:

- Remove the pork chop island at the northwest corner of the Saratoga Avenue/Stevens Creek Boulevard intersection. This improvement is in addition to the removal of the pork chop island at the southeast corner along the project frontage that would be implemented as part of the project.
- Remove the pork chop islands at the southwest and northeast corners of the Saratoga Avenue/Kiely Boulevard intersection.
- Implement VTA bus stop improvements for the bus stop on westbound Stevens Creek Boulevard west of Saratoga Avenue and move the bus stop eastward closer to the intersection. This improvement is in addition to the bus stop improvements the project would implement for the bus stop on eastbound Stevens Creek Boulevard east of Saratoga Avenue as part of the project.

Finding: Using the City's VMT evaluation tool, with implementation of MM TRA-1.1, the project would reduce the office VMT to 12.21 which is equal to but does not exceed the City's 12.21 VMT threshold. Thus, the project would have a less than significant VMT impact. **(Less Than Significant With Mitigation)**

Facts in Support of Finding: The current VMT of the project area for employment uses is 12.95 daily miles per worker and the regional average is 14.37 daily miles per worker. The City's VMT evaluation tool was used to evaluate the proposed project's office VMT and was estimated to be 12.81 daily miles per worker. This would be lower than the project area VMT of 12.95; however, it would still exceed the City's Transportation Analysis Handbook threshold of 12.21 daily miles per worker. This would result in a significant transportation impact with regard to VMT. Based on the analysis in the FEIR and the Traffic Assessment, removal of the pork chop islands would improve the multi-modal environment by eliminating an unsignalized

pedestrian/vehicle conflict point, increasing the visibility of pedestrians at the intersection corner, decreasing the crossing distance for pedestrians, providing safer refuge for pedestrians waiting to use the crosswalks, and providing an ADA standard curb ramps.

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 FEIR 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 Alternative
2. No Project – Existing Zoning Alternative
3. Office Only Alternative

1. No Project Alternative

- A. Description of Alternative:** The No Project Alternative assumes no redevelopment of the project site and would result in the retention of the existing buildings and parking lot
- B. Comparison of Environmental Impacts:** The No Project Alternative would avoid all of the project's environmental impacts.
- C. Finding:** Most of the potential significant impacts with the project are construction related, except for potential operational VMT impacts. The No Project Alternative would avoid the Project's construction and operation impacts as there would be no ground disturbance activities. With no project proposed, there would be no construction of a new building, which would avoid all construction impacts. Furthermore, no new operation on site would also mean no new VMT operational impacts as well. The No Project Alternative would not meet any of the proposed Project's specific objectives, and therefore, this alternative is rejected.

2. No Project – Existing Zoning Alternative

- A. Description of Alternative:** This alternative includes the redevelopment of the project site to be consistent with the existing Neighborhood Commercial (CN), which allows a mix of commercial and office uses. A smaller portion of the project site on the corner of Stevens Creek Boulevard and Saratoga Avenue is zoned Commercial General (CG) that already allows uses such as office, retail, and other general commercial. This alternative would construct the proposed public plaza, a reduced size office building, and a reduced-size parking garage. This alternative would reduce the proposed office building from 12 stories to five stories, reduce the proposed parking garage from seven stories to five stories, and reduce the overall height of the proposed health club building from 63 feet to 50 feet. Therefore, the overall footprint of the building would also be reduced.
- B. Comparison of Environmental Impacts:** As this is a smaller overall footprint (reduced square footage and height of building) and building, this Alternative would reduce the project's construction air quality and noise impacts. However, impacts to sensitive receptors would be the same as the proposed project. The traffic impact would remain given the continued presence of office uses that exceed the City VMT threshold in terms of miles traveled per employee. Furthermore, operational GHG impacts would likely remain similar to the Project due to the reduced employee service population associated with a smaller project. Therefore, this alternative would not reduce the project's operational GHG and VMT impacts. This alternative would result in similar or same impacts to all other environmental resources.
- C. Finding:** This alternative would meet most of the project objectives of redeveloping an underutilized site with a public plaza, enhance pedestrian spaces, and street facing office and commercial uses. The alternative, however, would not meet the project's objective to develop office and commercial uses at the densities identified in the Stevens Creek Urban Village Plan. As this alternative would not meet major objectives such as to implement the City's Stevens Creek Urban Village Plan to maximize commercial density and would still have similar impacts to the proposed project, this alternative is rejected.

3. Office Only Alternative

- A. Description of Alternative:** This alternative includes the demolition of all buildings on the site and would construct two buildings (consistent with the

proposed project) that would house only office uses for a total of approximately 436,000 square feet of office space.

Comparison of Environmental Impacts: This alternative would increase the City's service population (i.e., employees) by approximately 390 employees. With the higher service population, the operational GHG emission would be 2.3 metric tons of carbon dioxide of emission per service population, which is below the significance threshold of 2.6 metric tons of carbon dioxide of emission per service population for all operational years and is lower than the proposed Project. This would reduce the operational GHG emission impact, an already less than significant impact, further. However, this alternative would not reduce the daily miles traveled per worker as each daily mile per worker would be approximately the same as the proposed project, but with an increase of more workers with Alternative 3. Furthermore, all construction impacts on resource areas such as biological resources, noise, hazards, and vibration would remain the same.

- B. Finding:** This alternative would continue to have all construction impacts in all resource areas, consistent with the proposed project. This alternative may also reduce operational GHG emission impacts, which is already less than significant even with the proposed project. Furthermore, this alternative would meet most of the project objectives of redeveloping an underutilized site with a public plaza, enhance pedestrian spaces, and provide street facing office uses. However, this alternative would not meet the project's objectives of creating a mixed-use area with retail stores and other commercial services as envisioned in the Stevens Creek Urban Village Plan if the site contains only office space. For these reasons, this alternative is rejected.

Environmentally Superior Alternative

The CEQA Guidelines Section 15126.6 state that an EIR shall identify an environmentally superior alternative. There are no significant unavoidable impacts associated with the proposed project. Potential significant impacts with mitigation measure are associated with resource areas for Air Quality, Biological Resources, Hazardous Wastes and Materials, Noise, and Transportation. Based on the above discussion, the environmentally superior alternative to the proposed project is the No Project Alternative because all of the project's significant environmental impacts would be avoided. Therefore, the Existing Zoning Alternative was considered. The Existing Zoning Alternative would reduce the severity of the construction-related temporary impacts as the buildings would be of a smaller scope and size. However, this Alternative would not meet the project's objective to develop office and commercial uses at the densities identified in the Stevens Creek Urban Village Plan. As this alternative would not meet

major objectives, such as implementing the City's Stevens Creek Urban Village Plan to maximize commercial density, and would still have similar impacts to the proposed project, this alternative is rejected.

MITIGATION MONITORING AND REPORTING PROGRAM

Attached to this Resolution as Exhibit "A" and incorporated and adopted as part of this Resolution herein is the Mitigation Monitoring and Reporting Program ("MMRP") for the Project required under Section 21081.6 of the CEQA Statute and Section 15097(b) of the CEQA Guidelines. The MMRP identifies impacts of the Project, corresponding mitigation, designation of responsibility for mitigation implementation and the agency responsible for the monitoring action.

NO STATEMENT OF OVERRIDING CONSIDERATIONS REQUIRED

The project has identified that the development of the project would result in potential significant impacts to Air Quality, Biological Resources, Hazardous Wastes and Materials, Noise, and Transportation environmental resources. With the implementation of mitigation measures AIR-1.1, BIO-1.1 through BIO-1.4, HAZ-1.1, NOI-1.1, NOI-2.1, TRA-1.1 and permit conditions, the impacts would be reduced to a less than significant level. Therefore, the project would not require a Statement of Overriding Consideration as the project would not result in significant unavoidable impacts.

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 City's Department of Planning, Building and Code Enforcement, San José City Hall, 200 East Santa Clara Street, 3rd Floor Tower, San José, California, 95113, and are available electronically on the City's Department of Planning, Building and Code Enforcement webpage. The City Council hereby designates the City's 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.

ADOPTED this ____ day of _____, 2021, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

MITIGATION MONITORING AND REPORTING PROGRAM

3896 Stevens Creek Boulevard Project
File No. C19-020/CP19-031/T19-038/ER20-020
April 2020



PREFACE

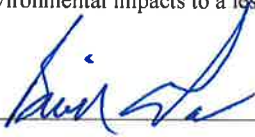
Section 21081.6 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring and Reporting Program (MMRP) whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the monitoring and reporting program is to ensure compliance with the mitigation measures during project implementation.

The Environmental Impact Report (EIR) prepared for the 3896 Stevens Creek Boulevard 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, BRIAN PARRO, the applicant, on the behalf of Cypress Acquisitions, LLC 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

1-13-21

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [Project Applicant/Proponent Responsibility]		Documentation of Compliance [Lead Agency Responsibility]		
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AIR QUALITY					
Impact AIR-1: Exhaust from diesel powered construction equipment would exceed the regulatory toxic air contaminant threshold and predicted cancer risk at the nearest residential uses.					
<p>MM AIR-1.1: Prior to the issuance of any demolition, grading and/or building permits, the project applicant shall develop a construction operations plan demonstrating that the off-road equipment used onsite to construct the project would achieve a fleet-wide average 88 percent reduction in diesel particulate matter (DPM) exhaust emissions or greater. One feasible plan to achieve this reduction would include, but not limited to, the following:</p> <ul style="list-style-type: none"> All diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously shall, at a minimum, meet EPA particulate matter emissions standards for Tier 4 engines. Exceptions could be made for equipment that meets EPA Tier 2 or 3 standards that include CARB-certified Level 3 Diesel Particulate Filters or equivalent. 	<p>Allow diesel-powered off-road equipment, as described, having engines that meet EPA particulate matter standards for Tier 4 or equivalent.</p> <p>Prepare a construction operations plan.</p> <p>Obtain a letter signed by the air quality specialist verifying the equipment included in the plan meets the standards set forth in this mitigation measure.</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 Director's designee</p>	<p>Receive the construction operations plan and verification letter.</p>	<p>Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest).</p>

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<ul style="list-style-type: none"> • Install electric power during early construction phases to avoid use of diesel generators. • Stationary construction cranes (building cranes) and manlifts shall be powered by electricity. <p>If any of these alternative measures are proposed, the project applicant shall include them in the construction operations plan (as stated in MM AIR-1.2), which includes specifications of the equipment to be used during construction prior to the issuance of any demolition, grading, or building permits, whichever occurs the earliest. The construction operations plans shall demonstrate that the off-road equipment used on-site to construct the project would achieve a fleet-wide average 88 percent reduction in DPM exhaust emissions or greater.</p> <p>MM AIR-1.2: Prior to the issuance of any demolition, grading and/or building permits (whichever occurs first), the project applicant</p>					

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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 City of San José's Director of Planning, Building and Code Enforcement or Director's designee. The construction operations plan shall be accompanied by a letter, signed by an air quality specialist, verifying that the equipment included in the plan meets the specified reductions set forth in these mitigation measures.					
BIOLOGICAL RESOURCES					
Impact BIO-1: Construction activities associated with the proposed project, such as tree removals, could result in the loss of fertile eggs, nesting raptors or other migratory birds, or nest abandonment.					
MM BIO-1.1: Avoidance: 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).	Avoidance of construction activities during the nesting season or completion of a pre-construction nesting bird survey conducted by a qualified ornithologist and, in consultation with	Prior to issuance of any tree removal, grading, and/or building permit or activities.	Director of Planning, Building and Code Enforcement or Director's designee	Confirm that construction activities are scheduled outside of the nesting season. -or-	Prior to issuance of any tree removal, grading, and/or building permit or activities.

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<p>MM BIO-1.2: Nesting Bird Surveys: If demolition and construction cannot be scheduled 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.</p> <p>MM BIO-1.3: Buffer Zones: 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</p>	the California Department of Fish and Wildlife, a construction-free buffer zone shall be designated around any discovered nest.			Review report indicating the results of the survey (or any other environmental investigation reports, if applicable) and any designated buffer zones.	

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<p>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.</p> <p>MM BIO-1.4: Reporting: 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 City's Director of Planning, Building and Code Enforcement or Director's designee of the Department of Planning, Building and Code Enforcement.</p>	<p>The applicant shall submit the ornithologist's report indicating the results of the survey and any designated buffer zones.</p>				
HAZARDS AND HAZARDOUS MATERIALS					
Impact HAZ-1: Project construction activities could result in the accidental release of hazardous materials into the environment.					
<p>MM HAZ-1.1: Prior to the start of ground-disturbing activities or issuance of any grading/building permits by the City, a Site</p>	<p>Submit a Site Management Plan to the Supervising Environmental Planner of the City of San Jose</p>	<p>Prior to the issuance of a grading permit.</p>	<p>Supervising Environmental Planner of the City of San Jose Department of</p>	<p>Review and approve SMP.</p>	<p>Prior to the issuance of a grading permit.</p>

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<p>Management Plan shall be developed for the site by a qualified environmental professional. At a minimum, the SMP shall include the following:</p> <ul style="list-style-type: none"> • Stockpile management including dust control, sampling, stormwater pollution prevention and the installation of BMPs • Proper disposal procedures of contaminated materials • Monitoring, reporting, and regulatory oversight notifications • A health and safety plan for each contractor working at the site that addresses the safety and health hazards of each phase of site operations with the requirements and procedures for employee protection • The health and safety plan will also outline proper soil/ and or groundwater handling procedures and health and safety requirements to minimize worker and public exposure to contaminated soil/and or groundwater during construction. <p>A copy of the SMP shall be submitted to the Supervising Environmental Planner of the City of</p>	<p>Department of Planning, Building, and Code Enforcement and the Municipal Compliance Officer of the City of San Jose Environmental Services Department for review and approval.</p>		<p>Planning, Building, and Code Enforcement and the Municipal Environmental Compliance Officer.</p>		

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San Jose Department of Planning, Building, and Code Enforcement and the Municipal Compliance Officer of the City of San Jose Environmental Services Department for review and approval.					
NOISE					
Impact NOI-1: Construction of the project would increase ambient noise levels at nearby sensitive receptors by five dBA Leq or more at various times throughout construction, and would result in construction occurring over a period of more than one year, and would include pile driving.					
MM NOI-1.1: Prior to the issuance of any grading or demolition 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 of Planning, Building and Code Enforcement or Director's designee prior to the	Prepare a construction noise logistics plan and implement best management practices for noise reduction during construction activities. Submit the noise logistics plan to the Director of Planning, Building and Code Enforcement or Director's designee of the Department of Planning, Building, and Code enforcement.	Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest).	Director of Planning, Building and Code Enforcement or Director's designee	Receive and review the construction noise logistics plan.	Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest).

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<p>issuance of any grading or demolition permits. 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"> • 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. • Construction activities shall be limited to the hours between 7:00 AM and 7:00 PM, Monday through Friday, unless permission is 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). • 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 					

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<p>receiver and if the barrier is constructed in a manner that eliminates any cracks or gaps.</p> <ul style="list-style-type: none"> Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment. Unnecessary idling of internal combustion engines shall be strictly prohibited. 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 equipment when located near adjoining sensitive land uses. Utilize "quiet" air compressors and other stationary noise sources where technology exists. Construction staging areas shall be established at locations that would create the greatest distance between the 					

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<p>construction-related noise source and noise-sensitive receptors nearest the project site during all project construction.</p> <ul style="list-style-type: none"> • 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. • 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. • Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors. • Control noise from construction workers' radios to a point where they are not 					

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<p>audible at existing residences bordering the project site.</p> <ul style="list-style-type: none"> 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. 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. 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. 					

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<p>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.</p> <ul style="list-style-type: none"> All auger drilling activities and hydraulic ram system activities shall be done during weekdays between 7:00 a.m. and 7:00 p.m. Due to the nature of the Islamic Community Center of Bozniaks of the Bay Area, and prayer activities at dawn and dusk, restricting these drilling activities to summer months when sunrise and sunset are well-outside the allowable construction hours would reduce potential disruption and complaints from the neighbors. 					
Impact NOI-2: Construction period vibration levels would exceed 0.2 in/sec PPV at the nearest receptor.					
MM NOI-2.1: Construction Vibration Monitoring, Treatment, and Reporting Plan: The project applicant shall implement a construction vibration monitoring plan to document conditions prior to, during, and after vibration generating	Preparation of a construction vibration monitoring plan which includes measures to reduce vibration impacts on nearby structures.	Prepare construction vibration monitoring plan prior to the issuance of any	Director of Planning, Building, and Code Enforcement or Director's designee	Receive and review the construction vibration monitoring plan.	Prior to the issuance of any demolition, grading, and/or building permits

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<p>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:</p> <ul style="list-style-type: none"> • The report shall include a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations. • 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 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 Jose Department of Planning, Building, and Code Enforcement by the contractor. This 	<p>The construction vibration monitoring plan shall be submitted to the Director of Planning, Building, and Code Enforcement or Director's designee.</p> <p>All plan tasks will be overseen by a licensed Professional Structural Engineer in the State of California.</p>	<p>demolition and/or grading permits (whichever occurs earliest).</p> <p>Implement construction vibration monitoring plan prior to, during, and after vibration generating construction activities.</p>			<p>(whichever occurs earliest).</p>

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<p>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"> • Where possible, use of the heavy vibration-generating construction equipment shall be prohibited within 20 feet of any adjacent building. • Document existing conditions at the community center (345 Northlake Drive, San Jose, CA 95129) 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"> ○ Performance of a photo survey, elevation survey, and crack 					

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<p>monitoring survey for the building. 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"> ○ Vibration limits shall be applied to vibration-sensitive structures located within 30 feet of all construction activities identified as sources of high vibration levels. • 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 					

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<p>construction conditions. Construction contingencies shall be identified for when vibration levels approached the limits.</p> <ul style="list-style-type: none"> • At a minimum, vibration monitoring shall be conducted during demolition and excavation activities. • If vibration levels approach limits, suspend construction and implement contingency measures to either lower vibration levels or secure the affected structures. • 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. • 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. 					

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TRANSPORTATION					
Impact TRA-1: The office use proposed as part of the project would exceed the City's Transportation Analysis Handbook VMT threshold of 12.21 daily miles per worker.					
MM TRA-1.1: The project shall construct the following off-site improvements: <ul style="list-style-type: none"> Remove the pork chop island at the northwest corner of the Saratoga Avenue/Stevens Creek Boulevard intersection. This improvement is in addition to the removal of the pork chop island at the southeast corner along the project frontage that would be implemented as part of the project. Remove the pork chop islands at the southwest an northeast corners of the Saratoga Avenue/Kiely Boulevard intersection. Implement VTA bus stop improvements for the bus stop on westbound Stevens Creek Boulevard west of Saratoga Avenue and move the bus stop eastward closer to the intersection. This improvement is in addition to the bus stop 	Complete the physical improvements as stated in the Mitigation prior to issuance of any occupancy permit.	Prior to issuance of occupancy permit.	City of San Jose Department of Public Works and Department of Planning, Building and Code Enforcement.	Department of PWD to review construction plan prior to issuance of Building Permit. Conformance of complete built prior to issuance of Occupancy Permit.	Building Permit and Occupancy Permit

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improvements the project would implement for the bus stop on eastbound Stevens Creek Boulevard east of Saratoga Avenue as part of the project.					

Source: City of San José. 3896 Stevens Creek Boulevard Project Draft Environmental Impact Report. April 2020.