



# Memorandum

**TO:** TRANSPORTATION &  
ENVIRONMENT COMMITTEE

**FROM:** Chu Chang

**SUBJECT:** SEE BELOW

**DATE:** April 12, 2021

Approved

Date

04/20/21

**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 José's CEQA Mitigation Monitoring and Reporting Program (MMRP) for the period of October 2020 to March 2021.

## **OUTCOME**

The purpose of this semi-annual report is to provide the Transportation & Environment (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 ongoing 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 23<sup>rd</sup> progress report on the status of the implementation and improvements to the City's Mitigation Monitoring and Reporting Program (MMRP). 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 MMRP 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 mostly prior to the issuance of the grading permit. However, under certain circumstances, some mitigation measures require compliance actions prior to building occupancy or ongoing measures during project operations. An example is a mitigation measure requiring the monitoring of transportation demand management measures to reduce single-occupancy vehicle trips after project occupancy.

Over the past few years, staff has been working to improve the City's MMRP implementation to better conform to the requirements of CEQA and to further the City's goals for stewardship of the natural environment. The T&E 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 most compliance is triggered with grading. The Department of Planning, Building, and Code Enforcement (PBCE) Environmental Review Team leads the review of required mitigation compliance associated with projects that include approval of grading permits. PBCE's efforts are coordinated with applicants, the Department of Public Works (DPW), and the Environmental Services Department.

### **Mitigation Monitoring Report Card**

#### ***Approved Projects***

In the reporting period from October 2020 through March 2021, six projects completed the mitigation compliance requirements in accordance with their MMRP 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. In addition, two affordable housing projects that did not require CEQA review completed mitigation monitoring required under the National Environmental Policy Act (NEPA).

The number of projects completing mitigation compliance during this reporting period is less than the prior two reporting periods. As a comparison, ten projects completed the mitigation compliance review process in the last reporting period between April and September 2020, and

13 projects completed mitigation compliance between October 2019 and March 2020. While working remotely, the 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 projects that completed mitigation compliance review in this reporting period include an office building downtown (the FAB Building by Urban Catalyst), a residential building in Santana Row, two industrial projects, and four affordable housing projects (two required both CEQA and NEPA review, and two required only NEPA review). 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 PBCE Environmental Review Team is currently reviewing 30 projects for compliance with the adopted MMRP, including 13 new projects in the current reporting period (three of which already completed mitigation compliance within the same reporting period). In addition, one affordable housing project is under review for mitigation compliance under NEPA. 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 T & E Committee, scheduled for November 2021, staff will provide updates to the monitoring activity between April 2021 and September 2021.

## **PUBLIC OUTREACH**

This memorandum will be posted on the agenda for the May 3, 2021 T&E Committee meeting.

Information related to the CEQA MMRP 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>.

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

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**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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For questions, please contact David Keyon, Principal Planner, at [david.keyon@sanjoseca.gov](mailto:david.keyon@sanjoseca.gov) or Thai-Chau Le, Supervising Planner, at [thai-chau.le@sanjoseca.gov](mailto:thai-chau.le@sanjoseca.gov).

**Attachments:**

Attachment A: Approved Mitigation Compliance for Grading Permits from October 2020 through March 2021.

Attachment B: Ongoing Mitigation Compliance for Grading Permits under Review as of March 2021.