

MITIGATION MONITORING AND REPORTING PROGRAM

1300 Berryessa Road Supportive Parking Project
File No. ER23-081
November 2023



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/Mitigated Negative Declaration (“IS/MND”) prepared for the 1300 Berryessa Road Supportive Parking project concluded that 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.

The mitigation measures enumerated in this document would reduce the level of impact of potential environmental effects of the proposed action. In all cases, these mitigation measures would reduce the impact of effects determined to be significant prior to mitigation to less-than-significant levels.

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.

The City of San José hereby agrees to fully implement the mitigation measures described below, which have been developed in conjunction with the preparation of an IS/MND for the Project. The City understands that these mitigation measures, or substantially similar measures, will be adopted as conditions of approval to avoid or significantly reduce potential environmental impacts to less than significant levels.

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [City Project 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
CULTURAL RESOURCES					
Impact CUL-1: Ground disturbing activities associated with project construction may result in impacts to unrecorded subsurface tribal cultural resources.					
MM CUL-1.1: Prior to the start of any demolition or grading activities, the Project Proponent shall submit evidence to the Director of Planning, Building and Code Enforcement or the Director’s designee that an Archaeological Monitoring Contractor Awareness Training was held prior to ground disturbance. The training shall be facilitated by the project archaeologist in coordination with a Native American representative from a California Native American tribe who has consulted on the project, is registered with the Native American Heritage Commission (NAHC) for the City of San José, and who is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3.	Retain a qualified archaeologist and Native American representative to complete Archaeological Monitoring Contractor Awareness Training. Submit evidence of training completion to Director of Planning, Building and Code Enforcement.	Prior to the start of any demolition or grading activities on the project.	Director of Planning, Building and Code Enforcement, or the Director’s designee.	Review and verify that the Archaeological Monitoring Contractor Awareness Training has occurred.	Prior to the start of any demolition or grading activities.
MM CUL-1.2: Prior to initiation of any ground disturbing activities, the Project Proponent shall engage a qualified archaeological monitor and a Native American tribal monitor who is registered with the NAHC for the City of San José and who is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 2108.0.3 and that has consulted on the project. The archaeological and tribal monitors shall be present at the project site during all grading and ground disturbing activities.	Retain a qualified archaeological monitor and Native American tribal monitor to be present during all grading and ground disturbing activities.	Prior to initiation of any ground disturbing activities.	Director of Planning, Building and Code Enforcement or Director’s designee.	Review and verify that archeological and Native American Tribal monitors have been retained and will be present at the project site during all grading and ground disturbing activities.	Prior to initiation of any ground disturbing activities.

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HAZARDS AND HAZARDOUS MATERIALS					
Impact HAZ-1: Construction activities could expose construction workers to arsenic, cobalt, and nickel contaminated soils.					
MM HAZ-1.1: Prior to the start of any demolition or grading activities, the Project Proponent shall retain a qualified environmental consultant to prepare a Site Management Plan (SMP) that identifies remedial measures and/or soil management practices to ensure construction worker safety during project implementation. The plan shall be provided to the Director of Planning, Building and Code Enforcement or the Director’s designee, and the City’s Environmental Compliance Officer in the City of San José Environmental Services Department.	Retain a qualified environmental consultant to prepare a Site Management Plan.	Prior to the start of any demolition or grading activities on the project site.	Director of Planning, Building and Code Enforcement, or the Director’s designee and the City’s Environmental Compliance Officer in the City of San José Environmental Services Department.	Review and verify that the Site Management Plan addresses construction worker safety and remedial actions.	Prior to the start of any demolition or grading activities.

Source: City of San José. Initial Study for the 1300 Berryessa Road Supportive Parking Project. November 2023.