

MITIGATION MONITORING AND REPORTING PROGRAM

2740 RUBY AVENUE RESIDENTIAL PROJECT

File Nos. H17-006 and T16-061

CITY OF SAN JOSE

January 2018



P R E F A C E

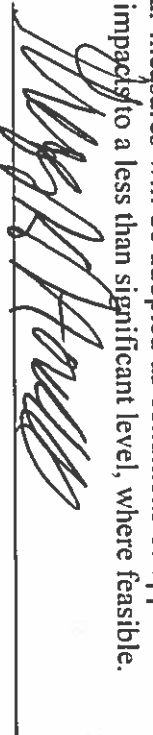
Section 211081.6 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring and Reporting Program whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the monitoring and reporting program is to ensure compliance with the mitigation measures during project implementation.

The Initial Study/Addendum prepared for the 2740 Ruby Avenue Residential 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 Mitigation Monitoring and Reporting Program addresses those measures in terms of how and when they will be implemented.

This document does *not* discuss those subjects for which the Initial Study/Addendum concluded that the impacts from implementation of the project would be less than significant.

I, Garys Hall, the applicant, on the behalf of Renata Vista Property LLC agree to fully implement the Mitigation Measures described below which have been developed in conjunction with the preparation of an Initial Study/Addendum 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, where feasible.

Project Applicant's Signature



Date

1-11-18



CITY OF
SAN JOSE
CAPITAL OF SILICON VALLEY

Planning, Building and Code Enforcement

ROSALYNN HUGHEY, INTERIM DIRECTOR

15980 Carlton Avenue Residential

Project

File Nos. H17-006, T16-061

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 |

BIOLOGICAL RESOURCES

Impact BIO-1: Tree removal, demolition, grading, and other construction activities occur during breeding season could result in a significant impact to nesting raptors.

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| <p>MM-BIO-1: 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), as amended.</p> | <p>Avoid construction activities during nesting seasons, as amended.</p> <p>If avoiding construction activities during nesting seasons is not feasible, a pre-construction nesting bird survey shall be conducted by a qualified ornithologist and construction-free buffer zones shall be designated around any discovered nest.</p> | <p>Prior to issuance of any grading, demolition, and/or building permits.</p> | <p>Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement.</p> | <p>Confirm that demolition and construction activities are scheduled outside of the nesting season.</p> <p>Review the preconstruction survey report indicating the results of the survey and any designated buffer-zones.</p> | <p>Prior to issuance of any grading, demolition, and/or building permits.</p> |
| <p>If it is not possible to schedule demolition and construction between September 1st and January 31st (inclusive), as amended, to avoid the nesting season, pre-construction surveys for nesting raptors and other migratory nesting birds shall be conducted by a qualified ornithologist to identify active nests that may be disturbed during project implementation on-site and within 250 feet of the site. Projects that commence demolition and/or construction activities between February 1st and April 30th (inclusive) shall conduct a pre-construction survey for nesting birds no more than 14 days prior to initiation of construction, demolition activities, or tree removal. Between May 1st and August 31st (inclusive), as amended, the pre-construction survey shall be conducted no more than 30 days prior to initiation of construction, demolition, or tree removal activities.</p> | <p>Following completion of the preconstruction survey, the project applicant shall submit a report prepared by a qualified ornithologist to document the results of the survey and any designated construction-free buffer zones.</p> | | | | |
| <p>If an active nest is found in or close enough to the project area to be disturbed by construction activities, a</p> | | | | | |



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| <p>qualified ornithologist, in consultation with the California Department of Fish and Wildlife (CDFW), shall determine the extent of a construction free buffer zone (typically 250 feet for raptors and 100 feet for other birds) around the nest, to ensure that raptor or migratory bird nests would not be disturbed during ground disturbing activities. The construction-free buffer zones shall be maintained until after the nesting season has ended and/or the ornithologist has determined that the nest is no longer active.</p> <p>The ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Supervising Environmental Planner of the City of San José Department of Planning, Building and Code Enforcement prior to any tree removal activities, demolition, grading and/or building permits (whichever occurs first).</p> | | | | | |

Source: Initial Study/Addendum for 2740 Ruby Avenue Residential Development (H17-006 and T16-061), dated January 2018.