

# MITIGATION MONITORING AND REPORTING PROGRAM

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**CityView Plaza Office Project**

**File No. H19-016**

**May 2020**

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# 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 Supplemental Environmental Impact Report (SEIR) prepared for the CityView Plaza Office 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 SEIR concluded that the impacts from implementation of the project would be less than significant.

I, Casey Kraning, the applicant, on the behalf of SJ Cityview LLC, hereby agree to implement the mitigation measures described below which have been developed in conjunction with the preparation of a SEIR 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 5.15.2020

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
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	Method of Compliance Or Mitigation Action	Timing of Compliance	Oversight Responsibility	Actions/Reports	Monitoring Timing or Schedule
<b>AIR QUALITY</b>					
<b>Impact AIR-1:</b> Construction activities associated with the proposed project would result in NO <sub>x</sub> emissions in excess of BAAQMD thresholds.					
<p><b>MM AIR-1.1:</b> Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the project applicant shall implement the following control measures to reduce NO<sub>x</sub> emissions.</p> <ul style="list-style-type: none"> <li>For all construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total, use equipment that meet U.S. EPA Tier 4 emission standards for NO<sub>x</sub> and PM (both PM<sub>10</sub> and PM<sub>2.5</sub>).</li> <li>If Tier 4 equipment is not available, all construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall use equipment that 1) meet U.S. EPA emission standards for Tier 3 engines and include particulate matter emissions control equivalent to CARB Level 3 verifiable diesel emission control devices that altogether achieve a 85 percent reduction in particulate matter exhaust in comparison to uncontrolled equipment and/or 2) use alternatively-fueled equipment with lower NO<sub>x</sub> emissions that meet the 85 percent NO<sub>x</sub> and PM reduction requirements.</li> <li>Ensure that diesel engines, whether for off-road equipment or on-road vehicles, are not left idling for more than two minutes, except as provided in exceptions to the applicable State regulations (e.g.,</li> </ul>	<p>Submit a construction operations plan prepared by the construction contractor that outlines how the contractor will achieve the measures outlined in the mitigation measure to the City of San José Director of Planning, Building and Code Enforcement or Director’s designee for review and approval.</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 the Director’s designee</p>	<p>Review and approve the construction operations plan.</p>	<p>Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest)</p>

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<p>traffic conditions, safe operating conditions). Post legible and visible signs in designated queuing areas and at the construction site to clearly notify operators of idling time limit.</p> <ul style="list-style-type: none"> <li>• Ensure that all on-road heavy-duty diesel trucks with a gross vehicle weight rating of 33,000 pounds or greater used on-site (such as haul trucks, water trucks, dump trucks, and concrete trucks) are model year 2011 or newer.</li> <li>• Provide line power to the site during the early phases of construction to minimize the use of diesel-powered stationary equipment, such as generators.</li> </ul> <p>The project applicant shall submit a construction operations plan prepared by the construction contractor that outlines how the contractor will achieve the measures outlined in the above mitigation measure. The plan shall include but not be limited to the following:</p> <ul style="list-style-type: none"> <li>• List of activities and estimated timing.</li> <li>• Equipment that would be used for each activity.</li> <li>• Manufacturer’s specifications for each equipment that provides the emissions level; or the manufacturer’s specifications for devices that would be added to each piece of equipment to ensure the emissions level meet the thresholds in the mitigation measure.</li> </ul>					

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<ul style="list-style-type: none"> <li>How the construction contractor will ensure that the measures listed are monitored.</li> <li>How the construction contractor will remedy any exceedance of the thresholds.</li> <li>How often and the method the construction contractor will use to report compliance with this mitigation measure</li> </ul> <p>The plan shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval.</p>					
<p><b>Impact AIR-2:</b> Construction activities associated with the proposed project would expose infants near the project site to TAC emissions in excess of BAAQMD thresholds. In addition, construction activities on-site would expose sensitive receptors to PM<sub>2.5</sub> emissions in excess of acceptable thresholds.</p>					
<p><b>MM AIR-2.1:</b> Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the project applicant shall implement the following control measures to reduce TAC and PM<sub>2.5</sub> emissions.</p> <ul style="list-style-type: none"> <li>For all construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total, use equipment that meet U.S. EPA Tier 4 emission standards for NO<sub>x</sub> and PM (both PM<sub>10</sub> and PM<sub>2.5</sub>).</li> <li>If Tier 4 equipment is not available, all construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall use equipment that 1) meet U.S. EPA emission standards for Tier 3 engines and include particulate matter emissions control</li> </ul>	See MM AIR-1.1, above.	Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest)	Director of Planning, Building and Code Enforcement or the Director's designee	Review and approve the construction operations plan.	Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest)

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<p>equivalent to CARB Level 3 verifiable diesel emission control devices that altogether achieve a 85 percent reduction in particulate matter exhaust in comparison to uncontrolled equipment and/or 2) use alternatively-fueled equipment with lower NOx emissions that meet the 85 percent NOx and PM reduction requirements.</p> <ul style="list-style-type: none"> <li>• Ensure that diesel engines, whether for off-road equipment or on-road vehicles, are not left idling for more than two minutes, except as provided in exceptions to the applicable State regulations (e.g., traffic conditions, safe operating conditions). Post legible and visible signs in designated queuing areas and at the construction site to clearly notify operators of idling time limit.</li> <li>• Ensure that all on-road heavy-duty diesel trucks with a gross vehicle weight rating of 33,000 pounds or greater used on-site (such as haul trucks, water trucks, dump trucks, and concrete trucks) are model year 2011 or newer.</li> <li>• Provide line power to the site during the early phases of construction to minimize the use of diesel-powered stationary equipment, such as generators.</li> </ul> <p>The project applicant shall submit a construction operations plan prepared by the construction contractor that outlines how the contractor will achieve the measures outlined in the above mitigation measure.</p>					

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The plan shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval.					
<b>Impact AIR(C)-1:</b> The maximum cancer risk and annual PM <sub>2.5</sub> concentration would exceed the BAAQMD threshold for cumulative sources.					
<p><b>MM AIR(C)-1.1:</b> Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the project applicant shall implement the following control measures to reduce cancer risk and PM<sub>2.5</sub> emissions:</p> <ul style="list-style-type: none"> <li>For all construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total, use equipment that meet U.S. EPA Tier 4 emission standards for NO<sub>x</sub> and PM (both PM<sub>10</sub> and PM<sub>2.5</sub>).</li> <li>If Tier 4 equipment is not available, all construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall use equipment that 1) meet U.S. EPA emission standards for Tier 3 engines and include particulate matter emissions control equivalent to CARB Level 3 verifiable diesel emission control devices that altogether achieve a 85 percent reduction in particulate matter exhaust in comparison to uncontrolled equipment and/or 2) use alternatively-fueled equipment with lower NO<sub>x</sub> emissions that meet the 85 percent NO<sub>x</sub> and PM reduction requirements.</li> <li>Ensure that diesel engines, whether for off-road equipment or on-road vehicles, are not left idling</li> </ul>	See MM AIR-1.1, above.	Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest)	Director of Planning, Building and Code Enforcement or the Director's designee	Review and approve the construction operations plan.	Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest)

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<p>for more than two minutes, except as provided in exceptions to the applicable State regulations (e.g., traffic conditions, safe operating conditions). Post legible and visible signs in designated queuing areas and at the construction site to clearly notify operators of idling time limit.</p> <ul style="list-style-type: none"> <li>• Ensure that all on-road heavy-duty diesel trucks with a gross vehicle weight rating of 33,000 pounds or greater used on-site (such as haul trucks, water trucks, dump trucks, and concrete trucks) are model year 2011 or newer.</li> <li>• Provide line power to the site during the early phases of construction to minimize the use of diesel-powered stationary equipment, such as generators.</li> </ul> <p>The project applicant shall submit a construction operations plan prepared by the construction contractor that outlines how the contractor will achieve the measures outlined in the above mitigation measure. The plan shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval.</p>					
<b>BIOLOGICAL RESOURCES</b>					
<b>Impact BIO-1:</b> The birds in the vicinity of the project site could collide with the proposed bridges between the towers.					
<b>MM BIO-1:</b> Prior to issuance of any building permits, the project applicant shall incorporate the following measures to minimize and/or avoid bird collisions:	The bird-safe glazing treatment shall be reviewed and approved by a qualified biologist.	Prior to issuance of any building permits	Director of Planning, Building or Code Enforcement or the Director's designee	Review and approve the Biologist's evaluation.	Prior to issuance of any building permits.



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<ul style="list-style-type: none"> <li>• All glazing on the façades of the two bridges shall have low-reflectivity glazing (20-percent reflectivity or lower) to minimize reflections of the sky and vegetation in the bridge façades.</li> <li>• If glazing on the bridges is tinted or translucent so that it is not possible to see one side of the bridge to the other, no glazing treatments shall be necessary. If transparent glazing is used and it is possible to see through from one side of the bridge to the other, all glazing on the façades of the bridges shall be 100 percent treated with a bird-safe glazing treatment, as described below:               <ul style="list-style-type: none"> <li>○ Bird-safe glazing treatments could include fritting, netting, permanent stencils, frosted glass, exterior screens, physical grids placed on the exterior, or ultraviolet patterns visible to birds. Vertical elements of the window patterns shall be at least one-fourth inch wide with a maximum spacing of four inches, and/or horizontal elements shall be at least one-eighth inch wide with a maximum spacing of two inches.</li> <li>○ The visibility of frit patterns on bird-safe glazing products is highly variable based on the glazing design (e.g., the glass surface on which the frit is placed, the color/tint of the glass, and the color of the frit), the frit type (e.g., sandblasted, acid-etched, or ceramic frit), and the production process (e.g., the pressure of</li> </ul> </li> </ul>	<p>The biologist shall submit an evaluation of the glazing treatment to the Director of Planning, Building and Code Enforcement or the Director’s designee for City review and approval.</p> <p>Upon receipt of the City’s approval, ensure that all final design plans reflect the approved materials, and the design specifications are printed on all project plans.</p>			<p>Subsequent to the City’s approval of the Biologist’s evaluation, review plans to ensure that the approved design specifications are printed on all project plans and that they reflect the approved building materials or equivalent.</p>	

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<p>sandblasting). If bird-safe glazing is used on the bridge and/or freestanding glass railings, a physical sample of the glazing shall be evaluated by a qualified biologist to ensure that the bird-safe glazing treatment is visible to birds. The qualified biologist's evaluation shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee.</p> <ul style="list-style-type: none"> <li>The final design shall be approved by the Director of Planning, Building and Code Enforcement or the Director's designee prior to issuance of any building permits.</li> <li>The approved design specifications shall be printed on all project plans for subsequent ministerial permits.</li> </ul>					
<b>CULTURAL RESOURCES</b>					
<b>Impact CUL-1:</b> Implementation of the proposed project would result in the demolition of the historic Park Center Plaza, including four buildings which are individually historic resources, and together contribute to the historic significance of the Park Center Plaza.					
<b>MM CUL-1.1:</b> Prior to issuance of any grading, demolition, or building permits or any other approval that would allow disturbance of the project site, the project applicant shall prepare and submit, for review and approval by the Director of Planning, Building and Code Enforcement or the Director's designee in coordination with the City's Historic Preservation Officer, a Historic Resources Mitigation Action Plan (Action Plan) demonstrating that the following steps,	Prepare and submit an Action Plan to the Director of Planning, Building and Code Enforcement or the Director's designee and City's Historic Preservation Officer.	Prior to issuance of any grading, demolition, or building permits or any other approval	Director of Planning, Building and Code Enforcement or the Director's designee  City's Historic Preservation Officer	Review and approve Action Plan	Prior to issuance of any grading, demolition, or building permits or any other approval

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<p>actions, and documents have been satisfied for each of the four historic structures in accordance with the Action Plan timeline. The Action Plan shall include roles and responsibilities between the project applicant, City staff, and outside individuals, groups, firms, and consultants.</p> <p>Documentation (HABS): The four structures and associated features on the project site shall be documented in accordance with the guidelines established for the Level III Historic American Building Survey (HABS) consistent with the Secretary of the Interior’s Standards for Architectural and Engineering Documentation and shall consist of the following components:</p> <ul style="list-style-type: none"> <li>A. Drawings – Prepare sketch floor plans.</li> <li>B. Photographs – Digital photographic documentation of the interior, exterior, and setting of the four buildings in compliance with the National Register Photo Policy Fact Sheet. Photos must have a permanency rating of approximately 75 years.</li> <li>C. Written Data – HABS written documentation.</li> </ul> <p>An architectural historian and historian meeting the Secretary of the Interior’s Professional Qualification Standards shall oversee the preparation of the sketch plans, photographs, research and written data.</p>	<p>An architectural historian and historian meeting the Secretary of the Interior’s Professional Qualification Standards shall oversee the preparation of the sketch plans, photographs, research and written data.</p> <p>The required documentation after approval shall be filed with the San José Library’s California Room and the Northwest Information Center at Sonoma State University.</p>				

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<p>The documentation shall be submitted to the Director of Planning, Building or Code Enforcement or the Director’s designee and the City’s Historic Preservation Officer for review and approval. The required documentation after approval shall be filed with the San José Library’s California Room and the Northwest Information Center at Sonoma State University, the repository for the California Historical Resources Information System. All documentation shall be submitted on archival paper and must first be reviewed and approved by the City’s Historic Preservation Officer. Additional copies shall be made available to other local research institutions including History San José, and a copy with the City’s Planning Division. Documents shall cover the entire Candidate City Landmark District and the four individual buildings, along with associated features, spaces, and landscaping.</p> <p>Documentation (Digital Scans): The four structures and associated features on the project site shall be documented through a series of digital scans and video production.</p> <p>Relocation by the Applicant and/or a Third Party: Prior to issuance of any demolition permits, the project applicant, or an interested third party, shall be required to advertise the availability of the four structures for relocation for a period of no less than 60 days. The advertisements must include notification in a newspaper of general circulation, on a website, and notice placed on the project site. The project applicant shall provide evidence (i.e., receipts, date and time</p>					

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<p>stamped photographs, etc.) to the City’s Historic Preservation Officer that this condition has been met prior to the issuance of demolition permits.</p> <p>If the project applicant or third party agrees to relocate one or more of the four structures, the following measures must be followed:</p> <ol style="list-style-type: none"> <li>1. The Director of Planning, Building and Code Enforcement or Director’s designee, based on consultation with the City’s Historic Preservation Officer, must determine that the receiver site is feasible for the building.</li> <li>2. Prior to relocation, the project applicant or third party shall hire a historic preservation architect and a structural engineer to undertake an existing condition study that establishes the baseline condition of the building prior to relocation. The documentation shall take the form of written descriptions and visual illustrations, including those character-defining physical features of the resource that convey its historic significance and must be protected and preserved. The documentation shall be reviewed and approved by the City’s Historic Preservation Officer prior to the structure being moved.</li> <li>3. To protect the building during relocation, the project applicant shall engage a building mover who has experience moving similar historic structures. A structural engineer shall also be</li> </ol>					

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<p>engaged to determine how the building needs to be reinforced/stabilized before the move.</p> <p>4. Once moved, the building shall be repaired and rehabilitated, as needed, by the project applicant or third party in conformance with the Secretary of the Interior’s Standards for the Treatment of Historic Properties. In particular, the character-defining features shall be retained in a manner that preserves the integrity of the building for the long-term preservation and reuse.</p> <p>Upon completion of the repairs, a qualified architectural historian shall document and confirm that work to the structure(s) were completed in conformance with the Secretary of the Interior’s Standards for the Treatment of Historic Properties and character-defining features were preserved. The project applicant shall submit a memo report supplement to the Action Plan to the City’s Historic Preservation Officer documenting the relocation, repair, and reuse.</p> <p>Salvage: If the project applicant and/or no third party agrees to relocate any of the four structures within the specified time, the structure(s) shall be made available for salvage to salvage companies facilitating the reuse of historic building materials. The time frame available for salvage shall be established by the City’s Historic Preservation Officer in accordance with the Action Plan. The project applicant must provide evidence to the City’s Historic Preservation Officer that this</p>					

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<p>condition has been met prior to the issuance of demolition permits.</p> <p>Deconstruction/Reverse Construction: All structures and associated features being salvaged and demolished shall be documented, photographed, and videoed showing in reverse the original methods of construction and use of materials.</p> <p>Commemoration: The four structures and associated features on the project site, as well as the Park Center Plaza as a whole, shall be commemorated and curated to include:</p> <ul style="list-style-type: none"> <li>• Physical remnants from the site</li> <li>• Oral histories</li> <li>• Research</li> <li>• Historic photographs</li> <li>• Historic maps</li> <li>• Historic displays</li> <li>• Historic Marker consistent with the City’s Marker Program for history</li> </ul> <p>The project applicant shall submit a memo report supplement to the Action Plan to the City’s Historic Preservation Officer documenting the commemorative actions.</p>					
<b>HAZARDS AND HAZARDOUS MATERIALS</b>					

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<b>Impact HAZ-1:</b> Construction activities associated with the proposed project could expose construction workers and nearby land uses to hazardous materials.					
<p><b>MM HAZ-1.1:</b> Prior to issuance of any grading or excavation permits, the project proponent shall retain a qualified professional to prepare a Site Management Plan (SMP) to ensure construction worker safety and provide protocols for addressing the potential for unknown contamination that might be discovered during construction. The SMP shall include, at a minimum: a description of the site background, a health and safety plan, procedures to address undiscovered contamination, regulatory notification procedures if underground tanks or sumps or significant soil and/or groundwater contamination is discovered, soil management and disposal protocols, emergency procedures and responsible personnel.</p> <p>The SMP shall be submitted to the Director of Planning, Building and Code Enforcement or the Director’s designee and the City’s Environmental Compliance Officer in the Environmental Services Department for review and approval prior to issuance of grading or excavation permits.</p>	<p>Retain a qualified professional to prepare a Site Management Plan as outlined in the measure. The SMP shall include all recommendations from the Phase I ESA and the Soil Investigation Report prepared for the project site.</p> <p>Submit the SMP to the Director of Planning, Building and Code Enforcement or the Director’s designee and the Environmental Compliance Officer of the City’s Environmental Services Department for review, prior to issuance of grading or excavation permits.</p>	<p>Prior to the issuance of any site demolition, grading, or excavation permits</p>	<p>Director of Planning, Building and Code Enforcement or the Director’s designee, and</p> <p>Environmental Compliance Officer of Environmental Services Department</p>	<p>Director of Planning, Building and Code Enforcement or the Director’s designee and the Environmental Compliance Officer of Environmental Services Department shall review and approve the Site Management Plan.</p>	<p>Prior to the issuance of any site demolition, grading, or excavation permits</p>
<p><b>MM HAZ-1.2:</b> Prior to the issuance of any site demolition, grading, or excavation permits, the project applicant shall obtain a NPDES permit obtained from the San Francisco Bay Regional Water Quality Control Board to modify the dewatering/treatment system to address groundwater seepage into the proposed</p>	<p>Obtain a National Pollutant Discharge Elimination System permit from the San Francisco Bay Regional Water Quality Control Board and implement any</p>	<p>Prior to the issuance of any site demolition, grading, or excavation permits</p>	<p>Environmental Compliance Officer of Environmental Services Department</p>	<p>Submit a copy of the National Pollutant Discharge Elimination System permit to the Director of</p>	<p>Prior to the issuance of any site demolition, grading, or excavation permits.</p>



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<p>underground parking areas, and to identify any improvements to the groundwater remediation system to address low levels of solvents in the groundwater that must be implemented to meet the NPDES discharge requirements.</p> <p><b>MM HAZ-1.3:</b> Prior to any Aboveground Storage Tank (AST) removal, the project applicant shall contact the San José Fire Department (SJFD) and the</p>	<p>improvements required to meet the National Pollutant Discharge Elimination System discharge requirements.</p> <p>The project proponent shall retain a qualified professional to evaluate the impact of dewatering activities during construction of the underground parking areas. The evaluation should assess whether dewatering activities may contribute to migration of groundwater impacted by chlorinated volatile organic compounds. All reports should be submitted to the City’s Environmental Compliance Officer and the Director of Planning, Building and Code Enforcement or the Director’s designee.</p> <p>Prior to any Aboveground Storage Tank removal, contact the San José Fire Department and the Santa</p>	<p>Prior to the issuance of any site demolition, grading,</p>	<p>San Francisco Bay Regional Water Quality Control Board</p>	<p>Planning, Building and Code Enforcement or the Director’s designee.</p> <p>The Santa Clara County Department of Environmental</p>	<p>Prior to the issuance of any site demolition,</p>

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<p>SCCDEH and coordinate any necessary field inspections, sampling (if required) and required permits and paperwork from both agencies. The project applicant shall also complete and submit an Aboveground Storage Tank System Closure Permit Application to the SCCDEH and an Aboveground Storage Tank System Closure Application (UN-003) to the SJFD. Additional permits (i.e., demolition permits, electrical permits, plumbing permits, etc.) may be required by the City of San José’s Department of Planning, Building, and Code Enforcement or other State or federal agencies.</p> <p>The project applicant shall submit copies of all required permits and related paperwork to the Director of Planning, Building and Code Enforcement, or to the Director’s designee prior to the issuance of any site demolition, grading, or excavation permits.</p>	<p>Clara County Department of Environmental Health and coordinate any necessary field inspections, sampling (if required) and required permits and paperwork from both agencies.</p> <p>Complete and submit an Aboveground Storage Tank System Closure Permit Application to the Santa Clara County Department of Environmental Health and an Aboveground Storage Tank System Closure Application (UN-003) to the San José Fire Department.</p> <p>Submit copies of required permits and related paperwork to the Director of Planning, Building and Code Enforcement or the Director’s designee.</p>	<p>or excavation permits</p>	<p>City of San José Environmental Compliance Officer</p> <p>San José Fire Department and Santa Clara County Department of Environmental Health</p> <p>Director of Planning, Building and Code Enforcement or the Director’s designee</p>	<p>Health and San José Fire Department shall coordinate with the applicant prior to the aboveground storage tank removal</p> <p>The Santa Clara County Department of Environmental Health shall review the Aboveground Storage Tank System Closure Permit Application</p> <p>The San José Fire Department shall review the Aboveground Storage Tank System Closure Application</p> <p>The Director of Planning, Building and Code Enforcement or the Director’s designee shall receive copies of all required</p>	<p>grading, or excavation permits</p>

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				permits and related paperwork.	
<b>NOISE</b>					
<b>Impact NOI-1a:</b> Implementation of the project would result in a permanent traffic noise level increase at existing sensitive land uses in the project vicinity.					
No feasible mitigation measures were identified to lessen this significant impact.					
<b>Impact NOI-1.1b:</b> Project construction would last for a period of more than 12 months and nighttime construction would exceed steady noise levels of approximately 35 dBA and fluctuating noise levels of approximately 45 dBA which would impact hotel guests, interim housing residents, and future residents.					
<p><b>MM NOI-1.1b:</b> Consistent with the Municipal Code and in accordance with the Downtown Strategy 2040 FEIR, particularly Policy EC-1.7, a qualified acoustic consultant shall prepare a construction noise logistics plan which includes the following Best Management Practices and other site-specific measures during all phases of construction on the project site to reduce noise levels as much as possible during construction activities:</p> <ul style="list-style-type: none"> <li>• The construction noise logistics plan shall include, at a minimum: <ul style="list-style-type: none"> <li>○ A list of all activities that would use heavy construction equipment and high vibratory equipment (jackhammers, hoe rams, etc.)</li> <li>○ A list of the equipment used for each activity</li> <li>○ The anticipated duration for each activity</li> </ul> </li> </ul>	<p>A qualified acoustic consultant shall prepare a construction noise logistics plan identifying the schedule for major noise-generating construction activities.</p> <p>The construction noise logistics plan shall be submitted to the Director of Planning, Building and Code Enforcement or the Director’s designee for review and approval.</p>	<p>Prior to the issuance of any demolition or grading permits.</p>	<p>Director of Planning, Building and Code Enforcement or the Director’s designee</p>	<p>Review and approve the construction noise logistics plan</p>	<p>Prior to the issuance of any demolition or grading permits</p>

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
<ul style="list-style-type: none"> <li>○ The method used to ensure that equipment does not exceed the noise thresholds</li> <li>○ A procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.</li> <li>○ Submit the construction noise logistics plan to the Director of Planning, Building and Code Enforcement or the Director’s designee for review and approval prior to the issuance of any demolition or grading permit.</li> <li>● Construct solid plywood fences around construction sites adjacent to operational businesses, residences, and other noise-sensitive land uses.</li> <li>● Strictly prohibit unnecessary idling of internal combustion engines.</li> <li>● Use ‘quiet’ models of air compressors and other stationary noise sources where technology exists.</li> <li>● Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.</li> <li>● Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from adjacent land uses. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses.</li> </ul>					

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
<ul style="list-style-type: none"> <li>Control noise from construction workers’ radios to a point where they are not audible at existing residences bordering the project site.</li> <li>Notify all adjacent businesses, 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.</li> <li>If necessary, erect a temporary noise control blanket along building façades facing the construction sites.</li> <li>Designate a “noise disturbance coordinator” to respond to any local complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., beginning work too early, bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site. The notice sent to neighbors regarding the construction schedule shall be included in the posted sign.</li> </ul>					

**Source:** City of San José. Draft Supplemental Environmental Impact Report. CityView Office Project. March 2020.