

MITIGATION MONITORING AND REPORTING PROGRAM

1881 West San Carlos Project
File Nos. Burbank 44, C20-011, CP20-020, & T20-016
June 2022



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 1881 West San Carlos 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, Lori Greymont, the applicant, on the behalf of Oak Glen Ventures, LLC, hereby agree to 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 
Lori Greymont (Nov 15, 2022 15:58 PST)

Date Nov 15, 2022



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
AIR QUALITY					
Impact AIR-1: Construction activities associated with the proposed project would expose the project's off-site maximum exposed individual (MEI) to cancer risk in excess of the BAAQMD threshold of 10 cases per one million for infants.					
<p>MM AIR-1.1: 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 toxic air contaminant (TAC) emissions.</p> <ul style="list-style-type: none"> 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. Environmental Protection Agency (EPA) Tier 4 emission standards for particulate matter (PM₁₀ and PM_{2.5}). 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 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 50 percent reduction in diesel particulate matter emissions. Use of alternatively fueled or electric equipment. 	Submit a construction operations plan prepared by the construction contractor that outlines how the measures will be achieved as outlined in MM AIR-1.1.	Prior to issuance of any demolition, grading, or building permits (whichever occurs earliest).	Director of Planning, Building and Code Enforcement or Director's designee.	Review/approve construction operations plan.	Prior to issuance of any demolition, grading, or building permits (whichever occurs earliest).

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<p>The project applicant shall submit a construction operations plan prepared by an air quality professional that outlines how the construction contractor will achieve the measures outlined above. The plan shall be submitted to the Director of Planning, Building and Code Enforcement or the Director’s designee for review and approval prior to issuance of any demolition, grading, and/or building permits (whichever occurs earliest).</p> <p>Implementation of the measures described above will reduce the impacts below BAAQMD significance thresholds of 10 cases per one million for cancer risk and 0.3 µg/m³ for PM_{2.5}, respectively.</p>					
BIOLOGICAL RESOURCES					
<p>Impact BIO-1: Construction activities associated with the proposed project could result in the loss of fertile eggs, nesting raptors or other migratory birds, or nest abandonment, which would constitute a significant impact under the Migratory Bird Treaty Act (MBTA) and California Department of Fish and Wildlife (CDFW) Code Sections 3503, 3503.5, and 3800.</p>					
<p>MM BIO-1.1: Tree removal and construction shall be scheduled 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.</p> <p>If tree removals and construction cannot be scheduled outside of nesting season, a qualified ornithologist shall</p>	<p>Avoid construction activities during nesting seasons. If construction activities cannot be scheduled outside of nesting season, conduct a pre-construction nesting</p>	<p>Prior to issuance of any tree removal, grading, demolition, and/or building permit or activities.</p>	<p>Director of Planning, Building and Code Enforcement or Director’s designee.</p>	<p>Confirm that demolition and construction activities are scheduled outside of the nesting season, or</p>	<p>Prior to issuance of any tree removal, grading, demolition, and/or building permit or activities.</p>



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<p>complete pre-construction surveys to identify active raptor nests that may be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of demolition/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), unless a shorter pre-construction survey is determined to be appropriate based on the presence of a species with a shorter nesting period, such as Yellow Warblers. During this survey, the qualified ornithologist will inspect all trees and other possible nesting habitats in and immediately adjacent to the construction areas for nests. If an active nest is found in an area that will be disturbed by construction, the ornithologist will designate a construction-free buffer zone (typically 250 feet) to be established around the nest. The buffer would ensure that raptor or migratory bird nests will not be disturbed during project construction.</p> <p>Prior to any tree removal, or approval of any demolition or grading permits (whichever occurs first), the qualified applicant shall submit an ornithologist's report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of</p>	<p>bird survey by a qualified ornithologist in compliance with the survey timing defined in MM BIO-1.1, designate a construction-free buffer zone around any discovered nest.</p> <p>The ornithologist shall submit a report indicating the results of the survey and any designated buffer zones.</p>			<p>review report indicating the results of the survey and any designated buffer zones.</p>	

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<p>Planning, Building and Code Enforcement or Director’s designee.</p> <p>Implementation of the measures described above will reduce significant impacts to loss of fertile eggs, nesting raptors or other migratory birds, or nest abandonment.</p>					
CULTURAL RESOURCES					
Impact CUL-1: The buildings at 1883-1887 West San Carlos Street and 1891-1895 West San Carlos Street are eligible for listing in the San José Historic Resources Inventory as Candidate City Landmarks. Demolition of these buildings would result in a significant unavoidable impact.					
<p>MM CUL-1.1: Documentation: The buildings at 1883-1887 West San Carlos Street and 1891-1895 West San Carlos Street shall be documented in accordance with the guidelines established for the Historic American Building Survey (HABS) and shall consist of the following components:</p> <ol style="list-style-type: none"> 1. Drawings – Prepare sketch floor plans. 2. Photographs – Digital photographic documentation of the interior, exterior, and setting of the buildings in compliance with the National Register Photo Policy Fact Sheet. Photos must have a permanency rating of approximately 75 years. 3. Written Data – HABS written documentation in short form. 	<p><u>Documentation</u> Prepare and submit documentation of the in accordance with the guidelines established for the Historic American Building Survey (HABS). All documentation shall be submitted on archival paper.</p> <p>An architectural historian and historian meeting the Secretary of the Interior’s Professional Qualification Standards shall oversee the</p>	<p>Prior to issuance of any grading or demolition permits, whichever comes first.</p>	<p>Director of Planning, Building and Code Enforcement or the Director’s designee</p> <p>City’s Historic Preservation Officer</p>	<p>Review and approve documentation.</p> <p>Review evidence of advertisements.</p> <p>Coordinate with the qualified historian on the final design of the commemorative interpretive</p>	<p>Prior to issuance of any grading or demolition permits, whichever comes first.</p>



Planning, Building and Code Enforcement

CHRISTOPHER BURTON, DIRECTOR

1881 West San Carlos Project
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<p>An architectural historian meeting the Secretary of the Interior’s Professional Qualification Standards shall oversee the preparation of the sketch plans, photographs and written data. The existing DPR forms shall fulfill the requirements for the written data report.</p> <p>The City of San José’s Historic Preservation Officer shall review the documentation, and then the applicant shall file the documentation 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 prior to the issuance of any demolition permits. All documentation shall be submitted on archival paper.</p> <p><u>Relocation by a Third Party:</u> The buildings at 1883-1887 West San Carlos Street and 1891-1895 West San Carlos Street shall be advertised for relocation by a third party. The project applicant shall be required to advertise the availability of the buildings for a period of no less than 30 days. The advertisements must include a newspaper of general circulation, a website, and notice on the project site. The project applicant must provide evidence (i.e., receipts, date and time stamped photographs, etc.) to the Director of Planning, Building and Code Enforcement or the Director’s designee that this</p>	<p>preparation of the sketch plans, photographs, research and written data.</p> <p><u>Relocation</u> Advertise the buildings at 1883-1887 West San Carlos Street and 1891-1895 West San Carlos Street for relocation by a third party. Advertise the availability of the structure for a period of no less than 30 days. Evidence (i.e., receipts, date and time stamped photographs, etc.) shall be provided to the Director of Planning, Building and Code Enforcement or the Director’s designee that this condition has been met prior to the issuance of demolition or grading permits, whichever comes first.</p>			<p>program, exhibit, or display.</p>	

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<p>condition has been met prior to the issuance of demolition or grading permits, whichever comes first.</p> <p>If a third party does agree to relocate the buildings at 1883-1887 West San Carlos Street and 1891-1895 West San Carlos Street, the following measures shall be completed:</p> <ol style="list-style-type: none"> 1. The City’s Director of Planning, Building and Code Enforcement or the Director’s designee, based on consultation with the City’s Historic Preservation Officer, must determine that the receiver site is suitable for the building. 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. The purpose of the study shall be to establish 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. Documentation already completed shall be used to the extent possible to avoid repetition in work. 	<p>If a third party does agree to relocate the buildings, the project applicant or third party shall complete the measures identified under MM CUL-1.1.</p> <p><u>Salvage</u> If no third party relocates the buildings, make the structure available for salvage to salvage companies facilitating the reuse of historic building materials.</p> <p>A qualified historian shall create a permanent interpretive program, exhibit, or display of the history of the property on-site. The final design of the commemorative interpretive program, exhibit, or display shall be determined in coordination with the City’s Historic Preservation Officer.</p>				



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<p>3. To protect the building during relocation, the third party shall engage a building mover who has experience moving similar historic structures. A structural engineer shall also be engaged to determine if the building needs to be reinforced/stabilized before the move.</p> <p>4. Once moved, the building shall be repaired and restored, as needed, by the project applicant or third party in conformance with the <i>Secretary of the Interior's Standards for the Treatment of Historic Properties</i>. In particular, the character-defining features shall be restored in a manner that preserves the integrity of the features for the long-term preservation of these features.</p> <p>Upon completion of the repairs, a qualified architectural historian shall document and confirm that renovations of the structure were completed in conformance with the <i>Secretary of the Interior's Standards for the Treatment of Historic Properties</i> and that all character-defining features were preserved. The project applicant shall submit a report to the City's Historic Preservation Officer documenting the relocation.</p> <p><u>Salvage:</u> If no third party relocates the buildings at 1883-1887 West San Carlos Street and 1891-1895 West San Carlos Street, they shall be made available for salvage to salvage companies facilitating the reuse of</p>					



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<p>historic building materials. The time frame available for salvage shall be established by the Director of Planning, Building and Code Enforcement or the Director’s designee, together with the City’s Historic Preservation Officer.</p> <p>The project applicant must provide evidence to the Director of Planning, Building and Code Enforcement or the Director’s designee, that this condition has been met prior to the issuance of demolition or grading permits, whichever comes first.</p>					
<p>MM CUL-1.2: A qualified historian shall create a permanent interpretive program, exhibit, or display of the history of the property including, but not limited to, historic and current condition photographs, interpretive text, drawings, video, interactive media, or oral histories. Any exhibit or display shall be placed in a suitable publicly accessible location on the project site. The final design of the commemorative interpretive program, exhibit, or display shall be determined in coordination with the City’s Historic Preservation Officer.</p>	<p><u>Submit the proposed interpretive program design to the City’s Historic Preservation Officer for review and approval.</u></p>	<p>Submit the interpretive program design prior to issuance of occupancy permit.</p>	<p>City’s Historic Preservation Officer.</p>	<p>Review the interpretive program design.</p>	<p>Prior to issuance of occupancy permit.</p>
NOISE AND VIBRATION					
Impact NOI-1: Construction noise would exceed ambient levels by 5.0 dBA or more for a period of more than one year.					

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<p>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 construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance. In addition, 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 the Director’s designee prior to the issuance of any grading or demolition permits.</p> <p>As part of the noise logistic plan, construction activities for the proposed project shall include, but are not limited to, the following best management practices:</p> <ul style="list-style-type: none"> • Limit construction hours to between 7:00 AM and 7:00 PM, Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be 	<p>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.</p>	<p>Submit the construction noise logistics plan for review prior to the issuance of any grading or demolition permits.</p> <p>Implement plan during all phases of construction.</p>	<p>Director of Planning, Building and Code Enforcement or Director’s designee.</p>	<p>Review the noise logistics plan.</p>	<p>Prior to the issuance of any grading or demolition permits.</p>



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<p>approved through a development permit based on a site-specific “construction noise mitigation plan” and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential use.</p> <ul style="list-style-type: none"> • Use “new technology” power construction equipment with state-of-the-art noise shielding and muffling devices. Equip all internal combustion engines with adequate mufflers and maintain all equipment in good mechanical condition to minimize noise created by faulty or poorly maintained engines or other components. • Prohibit all unnecessary idling of internal combustion engines. • Locate staging areas and stationary noise-generating equipment as far as possible from sensitive receptors (a minimum of 200 feet, where feasible). • Notify the surrounding neighborhood within 500 feet prior to and during construction activities. • Designate a “noise disturbance coordinator” to respond to any 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. Conspicuously post a telephone number at 					

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<p>the construction site and include it in the notice sent to neighbors regarding the construction schedule.</p> <ul style="list-style-type: none"> Utilize ‘quiet’ models of air compressors and other stationary noise sources where technology exists. Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment. Construct temporary noise barriers, where feasible, to screen stationary noise-generating equipment when located within 200 feet of adjoining sensitive land uses. Temporary noise barrier fences would provide a five dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receptor and if the barrier is constructed in a manner that eliminates any cracks or gaps. Typically, a minimum height of eight feet would be adequate. Stationary noise-generating equipment that must be located near receptors shall use adequate muffling (with enclosures where feasible and appropriate). Any enclosure openings or venting shall face away from sensitive receptors. Ensure that generators, compressors, and pumps are housed in acoustical enclosures. Locate cranes as far from adjoining noise-sensitive receptors as possible. 					



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<ul style="list-style-type: none"> Substitute graders for bulldozers, where feasible, during final grading. Use wheeled heavy equipment, where feasible. Wheeled heavy equipment are quieter than track equipment. Substitute nail guns for manual hammering, where feasible. Substitute electrically powered tools for noisier pneumatic tools, where feasible. 					
Impact NOI-2: Construction vibration levels would exceed the 0.08 in/sec PPV threshold for nearby historical buildings within 55 feet of the project site.					
MM NOI-2.1: Prior to issuance of a demolition, grading, or building permit, whichever occurs earliest, the project applicant shall implement a Construction Vibration Monitoring Plan (Plan) to document conditions of 24 Brooklyn Avenue, 19 Boston Avenue, and 12 Boston Avenue 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 plan shall be submitted to the Director of Planning, Building and Code Enforcement or the Director’s designee for review and approval prior to issuance of a demolition, grading, or building permit, whichever occurs earliest. The Plan shall include, but not be limited to, the following measures:	Submit and implement a Construction Vibration Monitoring Plan (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 plan shall be submitted to the Director of Planning,	Submit the Plan for review prior to issuance of a demolition, grading, or building permit, whichever occurs earliest.	Director of Planning, Building and Code Enforcement or Director’s designee.	Review and approval of the Plan.	Prior to issuance of a demolition, grading, or building permit, whichever occurs earliest.

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<ul style="list-style-type: none"> • A list of all heavy construction equipment to be used for this project known to produce high vibration levels (e.g., tracked vehicles, vibratory compaction, jackhammers, hoe rams, etc.) shall be submitted to the Director of Planning, Building or Code Enforcement or the Director’s designee 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 for reducing vibration levels below the thresholds. • Place operating equipment on the construction site at least 30 feet from vibration-sensitive receptors. • Use the smallest equipment available to complete the task and minimize vibration levels as low as feasible. • Avoid using vibratory rollers and tampers near sensitive areas. • Select demolition methods not involving impact tools. • Modify/design or identify alternative construction methods to reduce vibration levels below the limits. • Avoid dropping heavy objects or materials. • Identify sensitivity to ground-borne vibration of the property. A vibration survey (generally described below) would need to be performed. 	<p>Building and Code Enforcement or the Director’s designee for review and approval prior to issuance of a demolition, grading, or building permit, whichever occurs earliest.</p>				

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<ul style="list-style-type: none"> - Perform of a photo survey, elevation survey, and crack monitoring survey for each historic structure within 60 feet of construction activities. Surveys shall be performed prior to any construction activity, in regular intervals during construction, and after project completion. The surveys shall include internal and external crack monitoring in the structure, settlement, and distress, and shall document the condition of the foundation, walls and other structural elements in the interior and exterior of the structure. - 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. If vibration levels approach limits, construction shall be suspended and contingency measures shall be implemented to lower vibration or secure affected structures. - Designate a person responsible for registering and investigating claims of excessive vibration. 					



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<p>The contact information of such person shall be clearly posted on the construction site.</p> <ul style="list-style-type: none"> - Conduct a post-survey on the structure where either monitoring has indicated high levels or complaints of damage. Make appropriate repairs in accordance with the Secretary of the Interior’s Standards where damage has occurred as a result of construction activities. - The results of all vibration monitoring shall be summarized and submitted in a report shortly after substantial completion of each phase identified in the project schedule. The report shall include a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations. An explanation of all events that exceeded vibration limits will be included together with proper documentation supporting any such claims. <p>By implementing the above measures, vibration from construction activities would be reduced to below the City’s vibration threshold of 0.08 in/sec PPV threshold for nearby historical buildings within 55 feet of the project site.</p>					

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TRANSPORTATION					
Impact TRANS-1: The proposed project would exceed the vehicle miles traveled (VMT) per the employee threshold of 12.21 by 5.2 percent.					
<p>MM TRANS-1.1:</p> <p>(a) Prior to the issuance of any certificates of occupancy, the project applicant shall identify a transportation demand management (TDM) coordinator who shall be responsible for implementing a ride-sharing program for at least 15 percent of future employees who have similar commutes. If the TDM coordinator changes, the Director of Planning, Building and Code Enforcement or the Director’s designee and tenants of the project shall be notified of the name and contact information of the new designated TDM coordinator.</p> <p>(b) The TDM coordinator shall be responsible for ensuring that the project meets the City’s annual monitoring requirements. Monitoring shall include the following:</p> <ul style="list-style-type: none"> • Annual Vehicle Trip Generation Counts (conducted by a third party). Only the vehicle trip generation counts at the Brooklyn Avenue and Boston Avenue driveways entering the assisted-living surface parking area shall be counted. If the counts show that the project trip generation is 	<p>Identify a transportation demand management (TDM) coordinator who shall be responsible for implementing a ride-sharing program that meets the City’s annual monitoring requirements (as listed in MM TRANS-1.1).</p> <p>The monitoring reports shall be submitted annually to the Director of Planning, Building and Code Enforcement or the Director’s designee for review.</p>	<p>Prior to issuance of any certificates of occupancy.</p> <p>Three years, and then upon request of the Zoning Administrator for the life of the project.</p>	<p>Director of Planning, Building and Code Enforcement or Director’s designee.</p> <p>Director of Planning, Building and Code Enforcement or Director’s designee.</p>	<p>Receive confirmation that a TDM coordinator is identified.</p> <p>Review the annual monitoring reports.</p>	<p>Prior to issuance of any certificates of occupancy.</p> <p>Three years, and then upon request of the Zoning Administrator for the life of the project.</p>

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<p>higher than expected, then the TDM plan shall be altered or enhanced.</p> <ul style="list-style-type: none"> • Annual Mode Share Surveys. A survey shall be administered to all employees. This would provide qualitative data regarding employee perceptions of the alternative transportation programs and perceptions of the obstacles to using an alternative mode of transportation. The survey also would provide quantitative data regarding the number of employees who utilize alternative modes of transportation (e.g., bike-to-work, carpool, or use public transit) to commute to work, including the frequency of use. The mode share survey results should measure the relative effectiveness of individual TDM program components and facilitate the design of possible program enhancements in order to reduce single-occupant vehicle trips. • Annual Monitoring Report. The TDM coordinator shall be responsible for preparing and submitting the monitoring reports to the Director of Planning, Building and Code Enforcement or the Director’s designee annually for three years, and then upon request of the Zoning Administrator for the life of the project. <p>Implementation of the above measures would reduce the project’s VMT by 5.2 percent to meet the per employee VMT threshold of 12.21.</p>					



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Source: City of San José. Draft EIR. 1881 West San Carlos Project. June 2022.

CP20-020 - MMRP

Final Audit Report


2022-11-15

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"CP20-020 - MMRP" History

 Document created by Salvatore Caruso (jocaruso@caruso-designs.com)


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 Email viewed by lori@sjrei.org

2022-11-15 - 7:57:03 AM GMT- IP address: 172.226.184.26

 Signer lori@sjrei.org entered name at signing as Lori Greymont

2022-11-15 - 11:58:25 PM GMT- IP address: 71.38.62.49

 Document e-signed by Lori Greymont (lori@sjrei.org)

Signature Date: 2022-11-15 - 11:58:27 PM GMT - Time Source: server- IP address: 71.38.62.49

 Agreement completed.

2022-11-15 - 11:58:27 PM GMT