

RESOLUTION NO. _____

**A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN JOSE ADOPTING THE SAN JOSE FAMILY CAMP
STORM DAMAGE REPAIR PROJECT MITIGATED
NEGATIVE DECLARATION, FOR WHICH AN INITIAL
STUDY WAS PREPARED, AND ADOPTING A RELATED
MITIGATION MONITORING AND REPORTING PROGRAM**

WHEREAS, prior to the adoption of this Resolution, the Director of Planning, Building and Code Enforcement of the City of San José prepared an Initial Study and approved for circulation a Mitigated Negative Declaration for the San José Family Camp Storm Damage Repair Project under Planning File No. PP19-050 (the “Initial Study/Mitigated Negative Declaration”), all in accordance with the requirements of the California Environmental Quality Act (“CEQA”); and

WHEREAS, the San José Family Camp Storm Damage Repair Project (the “Project”) analyzed under the Initial Study/Mitigated Negative Declaration would repair and replace several Family Camp facilities, including the play structure retaining wall and fort/shade structure and the pool area retaining walls and shallow pool area steps, that were damaged during storm events in 2017; and

WHEREAS, the Initial Study/Mitigated Negative Declaration analyzed the Project, concluded that implementation of the Project could result in certain significant effects on the environment, and identified mitigation measures that would reduce each of those significant effects to a less-than-significant level; and

WHEREAS, whenever a lead agency approves a project requiring the implementation of measures to mitigate or avoid significant effects on the environment, CEQA requires a lead agency to adopt a Mitigation Monitoring and Reporting Program to ensure compliance with the mitigation measures during project implementation; and

WHEREAS, the City of San José is the lead agency on the Project, and the City Council is the decision-making body for the proposed approval to undertake the Project; and

WHEREAS, the City Council has reviewed and considered the Initial Study/Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program for the Project and intends to take actions on the Project in compliance with CEQA and state and local guidelines implementing CEQA; and

WHEREAS, the Initial Study/Mitigated Negative Declaration and the related Mitigation Monitoring and Reporting Program for the Project are on file in the Office of the Director of Planning, Building and Code Enforcement, located at 200 East Santa Clara Street, 3rd Floor Tower, San José, California, 95113, are available for inspection by any interested person at that location and on the Department of Planning, Building and Code Enforcement webpage (www.sanjoseca.gov) and are, by this reference, incorporated into this Resolution as if fully set forth herein; and

WHEREAS, the Project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the California Department of Fish and Game Code;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN JOSE:

THAT THE CITY COUNCIL does hereby incorporate the foregoing recitals as if set forth in the body of this Resolution.

THAT THE CITY COUNCIL does hereby make the following findings: (1) It has independently reviewed and analyzed the Initial Study/Mitigated Negative Declaration and other information in the record and has considered the information contained therein, prior to acting upon or approving the Project, (2) the Initial Study/Mitigated Negative

Declaration prepared for the Project has been completed in compliance with CEQA and is consistent with state and local guidelines implementing CEQA, and (3) the Initial Study/Mitigated Negative Declaration represents the independent judgment and analysis of the City of San José as lead agency for the Project. The City Council designates the Director of Planning, Building and Code Enforcement at the Director's Office at 200 East Santa Clara Street, 3rd Floor Tower, San José, California, 95113, as the custodian of documents and records of proceedings on which this decision is based.

THAT THE CITY COUNCIL does hereby find that based upon the entire record of proceedings before it and all information received that there is no substantial evidence that the Project will have a significant effect on the environment and does hereby adopt the Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program prepared for the Project (Planning File No. PP19-050). The Mitigation Monitoring and Reporting Program for the Project is attached hereto as Exhibit "A" and fully incorporated herein. The Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program are: (1) on file in the Office of the Director of Planning, Building and Code Enforcement, located at 200 East Santa Clara Street, 3rd Floor Tower, San José, California, 95113, and on the Department of Planning, Building and Code Enforcement webpage, and (2) Available for inspection by any interested person.

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ADOPTED this ____ day of _____, 2024, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

MITIGATION MONITORING AND REPORTING PROGRAM

San José Family Camp Storm Damage Repair Project File Nos. PP19-050, ER21-268 September 2023



PREFACE

Section 21081.6 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/Mitigated Negative Declaration prepared for the City of San José (City) San José Family Camp Storm Damage Repair Project (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/Mitigated Negative Declaration concluded that the impacts from implementation of the Project would be less than significant.

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.

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 Initial Study/Mitigated Negative Declaration 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.



Planning, Building and Code Enforcement
CHRISTOPHER BURTON, DIRECTOR

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Air Quality					
Impact AQ-1: The County, including the Project site, is in non-attainment for state and federal ozone ambient air quality standards.					
MM AQ-1. Fugitive Dust Emission Controls: The City Department of Public Works or City’s contractor shall implement all of the following dust-control measures during all Project-related site preparation activities (i.e., grading, excavation and associated materials hauling) to reduce air quality impacts: <ul style="list-style-type: none"> ▪ Exposed soils shall be watered as needed to control wind borne dust. ▪ Exposed piles of dirt, sand, gravel, or other construction debris shall be enclosed, covered and/or watered as needed to control wind borne dust. ▪ Vehicle trackout shall be minimized through the use of rumble strips and wheel washers for all trucks and equipment leaving the site. ▪ Sweep streets once a day if visible soil materials are carried to adjacent streets (recommend water sweepers with reclaimed water). ▪ On-site vehicle speed shall be limited to 15 miles per hour on unpaved surfaces. 	Contractor shall comply with all dust-control measures in MM AQ-1.	During all Project-related site preparation activities (i.e., grading, excavation and associated materials hauling) and during construction.	Director of Planning, Building, and Code Enforcement or the Director’s designee.	Include all measures in MM AQ-1 into Project plans and specifications.	Prior to and during construction.



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<ul style="list-style-type: none"> Loads on all haul/dump trucks shall be covered securely or at least two feet of freeboard shall be maintained on trucks hauling loads. Construction equipment shall be maintained and tuned at the interval recommended by the manufacturers to minimize exhaust emissions. Equipment idling shall be kept to a minimum when equipment is not in use. <p>Construction equipment shall comply with the California Air Resources Board (CARB) off-road and portable equipment diesel particulate matter regulations.</p>					
Biological Resources					
Impact BIO-1: Foothill yellow-legged frog (FYLF), western pond turtle (WPT), and California red-legged frog (CRLF) have the potential to be present within the Project site during construction. If these species are present in the Project construction area during construction, they could be affected by Project activities such as operation of heavy equipment, vegetation removal, and increased levels of human activity. Indirect effects include changes to habitat adjacent to the Middle Fork of the Tuolumne River.					
MM BIO-1. Conduct Worker Environmental Awareness Training: Prior to the start of construction activities, a qualified (approved by USFWS) biologist familiar with the sensitive biological resources that are known or have the potential to occur in the area shall submit a resume to the Director of Planning, Building, and Code Enforcement or the Director's designee, and conduct a training session for all construction personnel. The	Provide documentation that all on-site construction personnel receive training identified in MM BIO-1 prior to working at the construction site.	Prior to and during construction.	Director of Planning, Building, and Code Enforcement or the Director's designee.	Review and accept the qualified biologist's resume and receive documentation that all construction personnel undergo training identified in MM BIO-1.	Prior to and during construction.



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<p>training shall provide educational information on the special-status species, including special-status amphibians and reptile species, that are known or have potential to occur in the area, how to identify the species, as well as other sensitive biological resources (e.g., sensitive natural communities, federal and state jurisdictional waters). The training sessions shall also include review of the required mitigation measures to avoid impacts on the sensitive resources and penalties for noncompliance with biological mitigation requirements. Training shall include a description of the target species, their habitats and behavior, and proper procedures for staff to follow if any individuals are detected within the Project construction area. The training shall be completed by all construction personnel before any work occurs at the Project site, including construction equipment and vehicle mobilization. The City shall ensure that new construction personnel brought onto the construction site receive training before they start working. The City shall document staff training activities.</p>					
<p>MM BIO-2. Protection of Special-Status Amphibian and Reptile Species:</p> <p>A qualified biologist shall conduct one daytime survey of the project site within a 48-hour period preceding the onset of Project construction activities. If no special-status amphibians or reptiles (California Red-</p>	<p>Retain a qualified biologist to conduct one daytime pre-construction survey for special-status amphibians or reptiles identified in MM BIO-2. If no special-status</p>	<p>48 hours prior to onset of Project construction activities and during construction.</p>	<p>Director of Planning, Building, and Code Enforcement or the Director’s designee.</p>	<p>Review and approve the daytime survey of the project site.</p>	<p>Prior to and during construction.</p>



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<p>Legged Frog, Foothill Yellow-Legged Frog , or Western Pond Turtle) is found within the construction activity area during a pre-activity survey, the work may proceed. If a special-status amphibian or reptile, or the eggs or larvae of a special status amphibian or reptile, is found within the construction activity area during a pre-activity survey or during Project construction activities, the qualified biologist shall conduct the following specific activities:</p> <ul style="list-style-type: none"> ▪ The qualified biologist or designated biological monitor shall conduct a special-status species survey on each morning of and prior to the scheduled work commencing. ▪ If eggs or tadpoles of a special status species are found, the qualified biologist shall establish a buffer around the location of the eggs/tadpole and work may proceed outside of the buffer zone. The appropriate buffer size shall be confirmed with USFWS or CDFW, depending on the listing status of the species. Work within the buffer zone shall be rescheduled until the time that eggs have hatched and/or larvae have metamorphosed. ▪ If an active western pond turtle nest is detected within the construction activity area, a 25-foot-buffer zone around the nest shall be established and maintained during the breeding and nesting season (April 1 – August 31). The buffer zone 	<p>amphibians or reptiles are found in the construction activity area, then construction may proceed.</p> <p>If a special-status amphibian or reptile, or the eggs or larvae of a special status amphibian or reptile, is found within the construction activity area during a pre-activity survey or during Project construction activities, the qualified biologist shall conduct the activities specified in MM BIO-2.</p>				



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<p>shall remain in place until the young have left the nest, as determined by a qualified biologist.</p> <ul style="list-style-type: none"> If adult or non-larval juvenile special-status reptiles or amphibians are found, the procedures in Mitigation Measure BIO-3 shall be followed. 					
<p>MM BIO-3: Capture, Handling, Moving, and Release of Special-status Amphibians and Reptiles. The qualified biologist may move special-status amphibians or reptiles from within the Project site to a safe location if they are in danger. Each special-status amphibian or reptile encounter shall be treated on a case-by-case basis, but the general procedure is as follows: (1) leave the non-injured animal alone if it is not in danger; or (2) move the animal to a nearby safe location if it is in danger. These two actions are further described below.</p> <ul style="list-style-type: none"> When an adult or non-larval juvenile special-status reptile or amphibian is encountered within the Project site, the first priority is to stop all activities in the surrounding area that may have the potential to result in the harassment, injury, or death of the individual. Then, the situation shall be assessed by a qualified biologist in order to select a course of action that minimizes adverse effects to the individual. Avoidance is the preferred option if an individual special-status amphibian or reptile is not moving 	<p>The qualified biologist shall move special-status amphibians or reptiles (as defined in MM BIO-2) from within the Project site to a safe location if they are in danger as described in MM BIO-3 and submit written report to the Director of Planning, Building, and Code Enforcement or the Director’s designee of any activities conducted to comply with MM BIO-3.</p>	<p>Prior to and during construction.</p>	<p>Director of Planning, Building, and Code Enforcement or the Director’s designee.</p>	<p>Review and accept the biologist’s report.</p>	<p>Prior to and during construction.</p>



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<p>or using a burrow or other refugia. A qualified biologist shall inspect the animal and the area to evaluate the necessity of fencing, signage, or other measures to protect the animal.</p> <ul style="list-style-type: none"> ▪ If appropriate, the special-status amphibian or reptile shall be allowed to move out of the hazardous situation on its own volition to a safe location. An animal shall not be picked up and moved based on it not moving fast enough or it is an inconvenience for construction activities. This only applies to situations where individuals are encountered when they are moving during conditions that make their upland travel feasible. It does not apply to individuals that are uncovered, exposed, or in areas where there is not sufficient adjacent habitat to support the species should the animal move outside the immediate area. ▪ Individuals of special-status amphibians or reptiles shall be captured and moved by hand only when it is necessary to prevent harassment, injury, or death. If suitable habitat is located immediately adjacent to the capture location, then the preferred option is relocation to that site. An individual shall not be moved outside of the radius it would have traveled on its own. Under no circumstances shall the individual be relocated to a non-Forest Service 					



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<p>property without the landowner’s written permission.</p> <ul style="list-style-type: none"> Only qualified biologists may capture special-status amphibians or reptiles. Nets or bare hands may be used to capture the animals. Soaps, oils, creams, lotions, repellents, or solvents of any sort cannot be used on hands within 2 hours before and during periods when the biologist is capturing and relocating individuals. If the animal is held for any length of time in captivity, it shall be kept in a cool dark, moist environment with proper airflow, such as a clean and disinfected bucket or plastic container with a damp sponge. Containers used for holding or transporting shall not contain any standing water, or objects or chemicals that may injure or kill a special-status amphibian or reptile. To avoid transferring disease or pathogens between suitable habitats during the course of translocating special-status amphibian or reptile, the qualified biologist shall use the guidance for disinfecting equipment and clothing from the Declining Amphibian Population Task Force’s Code. <p>Submit a written report to the Director of Planning, Building, and Code Enforcement or the Director’s designee of any activities conducted to comply with MM BIO-3.</p>					



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Impact BIO-4: The Project’s construction activities require removal of three trees located on the northeastern side of the play area retaining wall and one tree stump near the south pool retaining wall. Seven tree stumps would be removed from the proposed parking lot area. Noise and disturbance associated with construction of the Project could adversely affect nesting birds in adjacent areas to the point that it results in nest abandonment and/or failure. Removal of trees and vegetation could potentially harm or kill nesting birds and their young.					
MM BIO-4: Conduct Preconstruction Surveys for Nesting Birds and Implement Non-disturbance Buffer Areas. Contractor shall schedule all vegetation removal to occur between September 1 and January 14, which is outside the bird/raptor nesting season (January 15 through August 31, inclusive), to avoid potential impacts on nesting birds. If construction activities (including staging and vegetation removal) occur during the nesting season, the City or City’s contractor shall retain a qualified biologist to conduct focused surveys for active bird nests in the Project construction area no more than 7 days before initiation of construction activities. The surveys shall encompass a 250-foot buffer (where it is feasible) around the Project construction area. If no work occurs for a period of 5 days during the nesting season, surveys shall be performed before work within 250 feet of suitable nesting substrate is resumed. If the survey indicates that no active nests are present, no further mitigation shall be required.	Schedule all vegetation removal to occur between September 1 and January 14, which is outside the bird/raptor nesting season (January 15 through August 31, inclusive), to avoid potential impacts on nesting birds. If construction activities (including staging and vegetation removal) occur during the nesting season, the City or City’s contractor/contractor shall retain a qualified biologist to conduct focused surveys for active bird nests in the Project construction area no more than 7 days before initiation of construction activities as specified in MM BIO-4.	Prior to and during construction.	Director of Planning, Building, and Code Enforcement or the Director’s designee.	Approve the preconstruction surveys.	Prior to and during construction.



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If an active bird or raptor nest is located during the preconstruction surveys, a qualified biologist shall establish appropriate species-specific non-disturbance buffer zones in consultation with U.S. Fish and Wildlife Service (USFWS) and/or California Department of Fish and Wildlife (CDFW). No Project activity shall commence within the non-disturbance buffer until the qualified biologist confirms that the nest is no longer active.	If an active bird or raptor nest is located during the preconstruction surveys, a qualified biologist shall establish appropriate species-specific non-disturbance buffer zones as specified in MM BIO-4.				
Impact BIO-3: Impacts to waters of the U.S. and /or the state could occur by adversely impacting state or federally protected wetlands as a result of installation of a coffer dam, erosion, or sedimentation, temporary or permanent fill, and permanent dredging.					
MM BIO-5: Obtain Regulatory Permits for Work Activities Taking Place in Waters of the United States and/or Waters of the State. Work within areas defined as waters of the U.S. that includes placement of fill shall require a Clean Water Act (CWA) Section 404 permit and Section 401 water quality certification prior to the start of construction. All work proposed in jurisdictional waters of the U.S. shall be authorized under these permits, and the work shall comply with the general and regional conditions of the permits. In areas where disturbance to jurisdictional waters occurs, the City shall implement mitigation, if deemed necessary, consistent with the terms of a CWA Nationwide Permit and/or the Final Rule on Compensatory Mitigation for Losses of Aquatic Resources (73 CFR Section 19594).	Obtain a CWA Section 404 permit and Section 401 water quality certification; comply with permit requirements.	Prior to and during construction.	Director of Planning, Building, and Code Enforcement or the Director’s designee.	Provide documentation of approved permit from regulatory agencies to Director of Planning, Building, and Code Enforcement or the Director’s designee.	Prior to and during construction.



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Compensatory mitigation for the loss of waters of the U.S. and/or state shall occur at a minimum 1:1 ratio for permanent impacts. Compensatory mitigation may include creation, reestablishment, or enhancement of wetlands at an on-site or off-site location. Compensatory mitigation may also include purchase of credits at a USACE-approved mitigation bank or contribution to an approved in-lieu fee program.					
Cultural and Tribal Cultural Resources					
Impact CR-1: Construction activities within the Project site, such as excavation, could impact cultural resources or human remains.					
MM CR-1: Delineate Environmentally Sensitive Areas within the Project Construction Area and Conduct Pre-construction Cultural Resource Training. Prior to the start of any construction activities, a qualified archaeologist shall be retained by the City/contractor to ensure that environmentally sensitive areas within the Project construction area are identified and cordoned off, and that their location is clearly marked on construction plans or maps. In addition, prior to any construction-related activities, all construction personnel shall attend a cultural resources training course conducted by the consulting archaeologist. The training program shall be completed	The qualified archaeologist shall ensure that environmentally sensitive areas identified in MM CR-1 are clearly marked on construction plans or maps. The qualified archaeologist shall provide cultural resources training to all construction personnel at the construction site as specified in MM CR-1.	Prior to and during construction.	Director of Planning, Building, and Code Enforcement or the Director's designee.	Approve construction plans. Receive cultural resources training sign-in sheets.	Prior to construction



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<p>in person or by watching a video conducted by a qualified archaeologist. The program shall discuss cultural resources awareness within the Project work limits, including the responsibilities of maintenance personnel, applicable mitigation measures, confidentiality, and notification requirements—as well as instructing personnel where environmentally sensitive areas are within the Project construction area that relate to archaeological resources and emphasize no construction activity shall occur within the environmentally sensitive area. Prior to accessing or performing construction-related work, all construction personnel shall sign a sign-in sheet provided by the qualified archaeologist verifying that they have attended the appropriate level of training, understood the contents of the training, and shall comply with all Project environmental requirements.</p>					
<p>MM CR-2: Immediately Halt Construction if Cultural Resources Are Discovered, Evaluate All Identified Cultural Resources for California Register of Historic Places (CRHR) Eligibility, and Implement Appropriate Measures for Eligible Resources.</p> <p>If any cultural resources, such as structural features, unusual amounts of bone or shell, flaked or ground stone artifacts, historic-era artifacts, human remains, or</p>	<p>If any cultural resources are discovered, halt construction immediately within 50 feet of the find, and contact the Director of Planning, Building, and Code Enforcement or the Director’s designee .</p>	<p>During construction.</p>	<p>Director of Planning, Building, and Code Enforcement or the Director’s designee.</p>	<p>Confirm that any discoveries of archaeological finds are evaluated and addressed properly in accordance with the mitigation measure.</p>	<p>During construction</p>



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<p>architectural remains, are encountered during any Project construction activities, work shall be suspended immediately at the location of the find and within a radius of at least 50 feet and the City supervisor overseeing the Project shall be contacted. The contractor foreman or City representative shall take measures, such as avoiding the location of the discovery and cordoning the location, to protect the find until it can be examined by a qualified archaeologist.</p> <p>All cultural resources accidentally uncovered during construction within the Project site shall be evaluated for eligibility for inclusion in the CRHR. The archaeological contractor retained by the City/contractor shall meet the U.S. Secretary of the Interior’s professional standards in archaeology, history, or architectural history, as appropriate. The resource investigations and/or evaluations shall be conducted under these same U.S. Secretary of Interior’s standards. For finds that are of Native American concerns, local Native American tribes shall be notified, if they have requested notification. If any of the resources meet the eligibility criteria identified in Pub. Res. Code Section 5024.1 or Pub. Res. Code Section 21083.2(g), mitigation measures shall be developed by the consulting archaeologist and in</p>	<p>Do not resume construction in the vicinity of the finds until clearance is given by the City.</p> <p>Adhere to all additional mitigation measures specified in MM CR-2.</p>			<p>Provide clearance for construction activities to resume once appropriate.</p> <p>For any resources that would be rendered ineligible for listing in the CRHR due to effects of Project construction, determine additional mitigation measures. Ensure implementation of those mitigation measures.</p>	



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<p>conjunction with the City and implemented in accordance with CEQA Guidelines Section 15126.4(b) before construction resumes.</p> <p>For resources eligible for listing in the CRHR that would be rendered ineligible by the effects of Project construction, additional mitigation measures shall be developed by the consulting archaeologist in conjunction with the City and implemented. Mitigation measures for archaeological resources may include (but are not limited to) avoidance; incorporation of sites within parks, greenspace, or other open space; capping the site; deeding the site into a permanent conservation easement; or data recovery excavation. Mitigation measures for archaeological resources shall be developed in consultation with responsible agencies and, as appropriate, interested parties such as Native American tribes. Native American consultation is required if an archaeological site is determined to be a tribal cultural resource. Implementation of the approved mitigation would be required before resuming any construction activities with potential to affect identified eligible resources at the site.</p>					
<p>Impact CR-2: During construction of the Project, archaeological or human remains could accidentally be discovered in the Project construction area. If they are determined eligible for listing in the CRHR, or determined to be a unique archaeological resource, or a tribal cultural resource, and Project activities would affect them in a way that would render them ineligible for such listing, a significant impact would result.</p>					



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<p>MM CR-3: Immediately Halt Construction if Human Remains Are Discovered and Implement Applicable Provisions of the California Health and Safety Code.</p> <p>If human remains are accidentally discovered during the Project’s construction activities, the requirements of California Health and Safety Code Section 7050.5 shall be followed. Potentially damaging excavation shall immediately halt within a minimum radius of 100 feet of the remains, the finds shall be protected, and the County Coroner notified. The Coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery (California Health and Safety Code Section 7050[b]). If the Coroner determines that the remains are those of a Native American, they must contact NAHC by phone within 24 hours of making that determination (California Health and Safety Code Section 7050[c]). Pursuant to the provisions of PRC 5097.98, the NAHC shall identify a most likely descendent (MLD). The MLD designated by the NAHC shall have at least 48 hours to inspect the site and propose treatment and disposition of the remains and any associated grave goods. The City shall work with the MLD to ensure that the remains are removed to a protected location and treated with dignity and respect. Native American human remains may also be determined to be tribal</p>	<p>Include a stop work provision for the discovery of human remains, including cremations in the Project plans and specifications.</p> <p>In the event that human remains are encountered, halt work and contact the Director of Planning, Building, and Code Enforcement or the Director’s designee .</p> <p>Do not resume construction in the vicinity of the finds until clearance is given by the Director of Planning, Building, and Code Enforcement or the Director’s designee .</p>	<p>During construction.</p>	<p>Director of Planning, Building, and Code Enforcement or the Director’s designee.</p>	<p>Confirm that a stop work measure for the discovery of human remains and cremations is included in Project plans and specifications.</p> <p>The City shall immediately contact the County Coroner upon notification of human remains.</p> <p>Confirm that any discoveries of human remains are evaluated and addressed properly in accordance with this mitigation measure.</p>	<p>During preparation of plans and specifications, and during construction.</p>



Planning, Building and Code Enforcement
CHRISTOPHER BURTON, DIRECTOR

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cultural resources. The County Coroner shall contend with the human remains if they are not of Native American origin.					
Geology, Soils, and Seismicity					
Impact GEO-1: Construction activities, such as grading and excavation, could damage or destroy paleontological resources.					
<p>MM GEO-1: Immediately Halt Construction if Paleontological Resources Are Discovered, Evaluate All Identified Paleontological Resources in accordance with Society of Vertebrate Paleontology Standards, and Implement Excavation Plan, if Appropriate.</p> <p>In the event that fossils or fossil-bearing deposits are discovered during construction activities, the Contractor shall halt or divert excavations within a 100-foot-radius of the find until it can be evaluated by a qualified paleontologist. If the find is deemed significant, the qualified paleontologist shall document the discovery as needed in accordance with Society of Vertebrate Paleontology standards and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction activities are allowed to resume at the location of the find. If the City determines that avoidance is not</p>	<p>Include that a stop work provision for the discovery of fossils, or fossil-bearing deposits, is included in the Project plans and specifications.</p> <p>If fossils or fossil-bearing deposits are found, halt work within 100 feet of the find.</p> <p>The City/contractor shall contact a qualified paleontologist to determine if the find is significant.</p> <p>If the find is significant, the paleontologist should follow the protocol detailed in MM GEO-1.</p>	During construction.	Director of Planning, Building, and Code Enforcement or the Director’s designee.	<p>Submit an evaluation report to the Director of Planning, Building, and Code Enforcement or the Director’s designee of the findings including any measures protocols necessary to protect the resource.</p> <p>Provide clearance for construction activities to resume once appropriate.</p>	During preparation of plans and specification, and during construction.



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feasible, the paleontologist shall prepare an excavation plan for mitigating the effects of construction activities on the discovery. The excavation plan shall be submitted to the City for review and approval prior to implementation.	Commence work after receiving authorization from the paleontologist/ Director of Planning, Building, and Code Enforcement or the Director's designee .				
Hazards and Hazardous Materials					
Impact HAZ-1: Unknown hazardous materials that may be present in the soil could pose a health and safety risk to workers, the public, and the environment during construction activities.					
MM HAZ-1: Management of Unknown Hazardous Materials. Prior to the issuance of any grading permits, a qualified hazardous waste professional shall collect shallow soil samples from the near surface soil and test for contaminants that occur at concentrations above established construction worker safety and commercial/industrial environmental screening levels. A soil sampling report shall be prepared under the direction of the Tuolumne County Environmental Health Division and shall be provided to the Director of Planning, Building, and Code Enforcement or the Director's designee and the City's Municipal Compliance Officer of the Environmental Services Department for review.	The City/contractor shall retain a qualified hazardous waste professional to collect soil samples and produce a soil sampling report. The qualified hazardous waste professional shall collect shallow soil samples from the near surface soil and test for contaminants that occur at concentrations above established construction worker safety and commercial/industrial	Prior to construction	Director of Planning, Building, and Code Enforcement or the Director's designee and the City's Municipal Compliance Officer of the Environmental Services Department	Receive copy of soil sampling report. Receive copy of removal action plan, site management plan, or other similarly titled report describing the remediation activities.	Prior to construction.



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<p>If contaminated soils are found in concentrations above established regulatory environmental screening levels, the City shall enter into the Tuolumne County Environmental Health Division Voluntary Cleanup Program, or equivalent, to formalize regulatory oversight of the mitigation of contaminated soil to ensure the site is safe for construction workers and the public after development. The City must remove contaminated soil to levels acceptable to the Tuolumne County Environmental Health Division (or equivalent oversight agency). The Tuolumne County Environmental Health Division (or equivalent oversight agency) may also approve leaving in-place some of the contaminated soil if the contaminated soil shall be buried under hardscape and/or several feet of clean soil. A removal action plan, site management plan, or other similarly titled report describing the remediation must be prepared and implemented to document the removal and /or capping of contaminated soil. A copy of any reports prepared shall be submitted to the Director of Planning, Building, and Code Enforcement or Director’s designee and the Municipal Compliance Officer of the City of San José Environmental Services Department. All work and reports produced shall be performed under the regulatory oversight and approval of the Environmental Services Department (or equivalent oversight agency).</p>	<p>environmental screening levels.</p> <p>Prepare a soil sampling report under the direction of Tuolumne County Environmental Health Division.</p> <p>If contaminated soils are found in concentrations above established regulatory environmental screening levels, the City shall enter into the Tuolumne County Environmental Health Division Voluntary Cleanup Program, or equivalent. A removal action plan, site management plan, or other similarly titled report describing the remediation must be prepared, approved by the appropriate entity(ies), and implemented to document the removal and</p>				



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	/or capping of contaminated soil.				
Noise					
Impact NOI-1: Project construction activities, such as grading and material hauling, would result in temporary increased noise levels within 1,900 feet of sensitive receptors.					
<p>Mitigation Measure NOI-1: The City or its Contractor Shall Implement the Following Noise Reduction Measures Based on Tuolumne County General Plan Measures:</p> <p>Ensure that, where residences or other noise-sensitive uses are located within 1,900 feet of the Project construction sites, appropriate measures shall be implemented to limit noise exposure from construction. Specific techniques may include, but are not limited to, restrictions on construction timing, use of sound blankets on construction equipment, and the use of temporary walls and noise barriers to block and deflect noise.</p> <p>Require equipment and trucks used for Project construction utilize the best available noise control techniques (including mufflers, use of intake silencers, ducts, engine enclosures and acoustically attenuating shields or shrouds).</p>	Implement noise-reduction measures where residences or other noise-sensitive uses are located within 1,900 feet of the Project construction sites as specified NOI-1.	During construction.	Director of Planning, Building, and Code Enforcement or the Director’s designee.	Confirm that noise-reduction measures are included in Project construction plans and specifications.	Prior to construction.



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Require impact equipment (e.g., jack hammers, pavement breakers, and rock drills) used for Project construction be hydraulically or electrically powered wherever feasible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatically powered tools is unavoidable, the use of an exhaust muffler on the compressed air exhaust is recommended to lower noise levels from the exhaust by up to about 10 dBA. When feasible, external jackets on the impact equipment shall be incorporated to achieve a further reduction of 5 dBA. Whenever feasible, require the use of quieter procedures, such as drilling rather than impact equipment operation.					
Tribal Cultural Resources					
Refer to Mitigation Measures CR-2 and CR-3 above.					

Source: Initial Study/Mitigated Negative Declaration, San José Family Camp Storm Damage Repair Project, City of San José, September 2023.