NVF:DHZ:DJF:JMD 4/24/2025

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE ADOPTING THE 1921 and 1927 WEST SAN

CARLOS STREET PROJECT MITIGATED NEGATIVE DECLARATION, FOR WHICH AN INITIAL STUDY WAS

PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, 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 1921 and 1927 West San Carlos

Street Project under Planning File Nos. Burbank 45, C21-034, GP23-001, H23-005, T23-

003, ER23-026 (the "Initial Study/Mitigated Negative Declaration"), all in accordance with

the requirements of the California Environmental Quality Act ("CEQA"); and

WHEREAS, the Initial Study/Mitigated Negative Declaration analyzed the 1921 and 1927

West San Carlos Street Project (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

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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

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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 Nos. Burbank 45, C21-034, GP23-001/H23-005/T23-003/ER23-026). 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	, 2025, by the following vote:
AYES:	
NOES:	
ABSENT:	
DISQUALIFIED:	
ATTEST:	MATT MAHAN Mayor
TONI J. TABER, MMC City Clerk	

MITIGATION MONITORING AND REPORTING PROGRAM

1921 and 1927 West San Carlos Street Project File Nos. Burbank 45, C21-034, GP23-001/H23-005/T23-003/ER23-026 October 2024



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 prepared for the 1921 and 1927 West San Carlos Street 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.

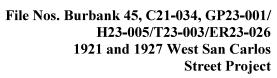
The mitigation measures enumerated in this document would reduce the level of impact of potential environmental effects of the proposed action. In all cases, these mitigation measures would reduce the impact of effects determined to be significant prior to mitigation to less-than-significant levels.

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

I, Anthony Bahamondes	, the applicant, on the behalf of PATH Villas at Buena Vista LLC, hereby agree to fully
implement the mitigation measures d	escribed below which have been developed in conjunction with the preparation of an Initial Study for the Project.
I understand that these mitigation me	easures or substantially similar measures will be adopted as conditions of approval with my development permit
request to avoid or significantly reduce	ce potential environmental impacts to a less than significant level.
DocuSigned b	
Project Applicant's Signature Inthony	Baliamondes

Date 12/3/2024

(File Nos. H23-005; T23-003; ER23-026)





MITIGATION MEASURES	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 AQ-1: Construction activities associated with the project threshold for annual cancer risk of 10 per million by 6.41 per million		eptors near the proj	ect site to TAC emission	ons that could exceed	the BAAQMD
 MM AQ-1: Prior to issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the project applicant shall prepare and submit a construction operations plan that includes specifications of the equipment to be used during construction to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's Designee. The plan shall be accompanied by a letter signed by a qualified air quality specialist, verifying that the plan meets the standards set forth below. For all construction equipment larger than 25 horsepower operating on the site for more than two days continuously or 20 total hours, shall, at a minimum meet EPA Tier 4 Final emission standards. If Tier 4 Final 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 meet EPA emission standards for Tier 3 engines and include particulate matter (PM) emissions control equivalent to CARB Level 3 verifiable diesel emission control devices that altogether achieve an 85 percent reduction in PM exhaust and 40 percent reduction in NO_X in comparison to uncontrolled equipment. 	Construction equipment greater than 25 horsepower shall meet Tier 4, or, if Tier 4 is not available, Tier 3 emission standards.	Prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest).	Director of Planning, Building and Code Enforcement or the Director's designee.	Review and approve verification documentation for construction operations plan and inclusion of requirement for such construction equipment in construction bid documents.	Prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest).

(File Nos. H23-005; T23-003; ER23-026)



File Nos. Burbank 45, C21-034, GP23-001/ H23-005/T23-003/ER23-026 1921 and 1927 West San Carlos **Street Project**

MITIGATION MEASURES	MONITORING AND REPORTING PROGRAM				
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The construction operations plan prepared by the contractor and reviewed by the air quality specialist shall include, but not be limited to, the following.					
 List of activities and estimated timing. Equipment that would be used for each activity. 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 meets the thresholds in the mitigation measure. 					
The Project applicant shall include this requirement in applicable bid documents and require compliance as a condition of contract. A copy of each equipment unit's certified tier specification and CARB or BAAQMD operating permit (if applicable) shall be available upon request at the time of mobilization of each applicable unit of equipment. The City shall require periodic reporting and provision of written documentation by contractors to ensure compliance and shall conduct regular inspections to the maximum extent feasible to ensure compliance.					
The construction contractor(s) shall maintain equipment maintenance records for the construction portion of the Project. All construction equipment must be tuned and maintained in compliance with the manufacturer's recommended maintenance schedule and specifications. Upon request for inspection, construction contractor(s) shall make available all					

(File Nos. H23-005; T23-003; ER23-026)

File Nos. Burbank 45, C21-034, GP23-001/ H23-005/T23-003/ER23-026 1921 and 1927 West San Carlos Street Project



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maintenance records for equipment used on site within one business day (either hardcopy or electronic versions).					
Hazards and Hazardous Materials					
Impact HAZ-1: An existing underground storage tank (UST) wa	as determined to be present of	on the subject prop	erty. The removal and a	lecommissioning of t	he UST has the
potential to expose workers and members of the public to hazard				iccommissioning of the	ne ob i nus ine
MM HAZ-1: Prior to the issuance of any grading, demolition,	Confirm the absence of	Prior to	Director of	Coordinate with	Prior to issuance of
or building permits, the project applicant shall complete a	USTs on the project site	issuance of any	Planning, Building,	the Project	any grading,
Geophysical Survey of the parcel to determine if all historical	through completion of a	grading,	and Code	applicant or the	demolition, or
USTs and their associated pipelines have been removed.	Geophysical Survey.	demolition, or	Enforcement or	applicant's	building permit
		building permit	their designee and	representative to	(whichever comes
If USTs or associated pipelines are discovered the applicant	The Project applicant	(whichever	the Environmental	ensure that the	first).
shall complete, submit, and pay the required fees for 1.) a UST	shall complete, submit,	comes first).	Compliance Officer	process will occur	,
System Closure Permit Application with the County of Santa	and pay the required fees	,	of the City of San	as required, and	
Clara Hazardous Materials Compliance Division (HMCD) and	for a UST System		José, and Santa	confirm	
2.) required closure documents with the SJFD Hazardous	Closure Permit		Clara HMCD.	completion.	
Materials Division. Closure of the USTs shall consist of	Application with the				
removing the tanks and associated piping from the ground and	County of Santa Clara				
performing soil sampling to evaluate if there is residual	HMCD and receive				
contamination from the former operation of the tank. Tank	required closure				
removal and soil sampling activities must be witnessed by a	documents with the				
representative from both HMCD and SJFD. The tanks and	SJFD Hazardous				
associated piping are to be managed as hazardous waste once	Materials Division				

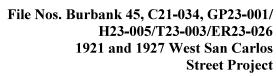
(File Nos. H23-005; T23-003; ER23-026)

File Nos. Burbank 45, C21-034, GP23-001/ H23-005/T23-003/ER23-026 1921 and 1927 West San Carlos **Street Project**



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removed unless they are cleaned onsite and certified as non-hazardous.					
After tank removal, a representative of HMCD will require soil sampling beneath the tanks. Samples will be submitted to a State certified laboratory for analysis. HMCD will review the soil analytical results to determine if the tank has leaked. If the tanks are determined to have leaked, HMCD will refer the site to the Local Oversight Program (LOP). The applicant will work with HMCD to determine next steps to investigate the contamination. HMCD may require additional testing to fully delineate the extent of contamination. Once the extent of contamination is defined, some form of remediation such as excavation, offsite disposal, capping in place, etc. will be performed to reduce potential exposure impacts to future construction/maintenance workers, residents, and the general public. Any contaminated soils shall be disposed of offsite at a licensed hazardous materials disposal site.					
Impact HAZ-2: The concentrations of tetrachloroethene (PCE) future site users.	on the project site exceed cu	rrent regulatory en	vironmental screening	levels and are a poten	tial health risk to
MM HAZ-2: Prior to the issuance of any building permits, the applicant shall obtain regulatory oversight from the Santa Clara County Department of Environmental Health, the Regional Water Quality Control Board or Department of Toxic Substances Control to review the results of soil gas sampling to determine if further investigation and/or mitigation is required to ensure the future development does not pose a potential health risk to residences.	Obtain regulatory oversight from Santa Clara County Department of Environmental Health, the Regional Water Quality Control Board or Department of Toxic Substances Control to	Prior to issuance of any grading, demolition, or building permits.	Director of Planning, Building and Code Enforcement or the Director's designee, and the City's Environmental Compliance Officer.	Review the regulatory agency's approval of the Project plan for investigation and mitigation.	Prior to issuance of any grading, demolition, or building permits.

(File Nos. H23-005; T23-003; ER23-026)





MITIGATION MEASURES	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
	review soil gas samplings.				
Impact HAZ-3: The project's building height of 83 feet and 10 any structure over 45 feet in height.	inches would exceed the Fed	deral Aviation Adm	inistration (FAA)'s na	vigable airspace revie	w filing criteria for
MM HAZ-3: The project applicant shall submit to the FAA for airspace review and obtain a "Determination of No Hazard" for the proposed building's rooftop corners and any additional higher points. Prior to issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the project applicant shall submit the "Determination of No Hazard" from the FAA to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's Designee.	Obtain documentation of a "Determination of No Hazard" from the FAA.	Prior to 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 "Determination of No Hazard" to the extent required by the FAA.	Prior to issuance of any demolition, grading, and/or building permits (whichever occurs earliest).
Noise and Vibration Impact NOI-1: Project construction would exceed the City's Gegenerating activities for more than 12 months adjacent to residen		nstruction noise sta	andards and would temp	porarily result in subs	tantial noise-
 MM NOI-1: Prior to issuance of any grading, demolition or building permit issuance (whichever comes first), the Project applicant shall provide a Construction Noise Logistics Plan that includes the following measures: Prior to issuance of any Grading or Building Permit, the Contractor shall provide evidence that at all times during construction activities an on-site construction staff member shall be designated as a Noise Disturbance Coordinator. Post signs at gates and other places where vehicles may congregate reminding operators of the State's Airborne 	Submit Construction Noise Logistics Plan that complies with all listed requirements.	Prior to issuance of any grading, demolition or building permit (whichever comes first).	Director of Planning, Building and Code Enforcement or the Director's designee	Approve Construction Noises Logistics Plan.	Prior to issuance of any grading, demolition or building permits.

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File Nos. Burbank 45, C21-034, GP23-001/ H23-005/T23-003/ER23-026 1921 and 1927 West San Carlos **Street Project**

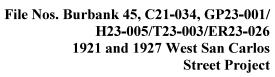


Planning, Building and Code Enforcement CHRISTOPHER BURTON, DIRECTOR

MITIGATION MEASURES	MONITORING AND REPORTING PROGRAM					
	Documentation of Compliance [Project Applicant/Proponent Responsibility]		Documentation of Compliand [Lead Agency Responsibility			
	Method of Compliance Or Mitigation Action	Timing of Compliance	Oversight Responsibility	Actions/Reports	Monitoring Timing or Schedule	
Toxic Control Measure (ATCM) limiting idling to no						
more than 5 minutes.						
• A sign regarding the construction schedule of the						
Project, legible at 50 feet, shall be posted at the Project						
construction site, and shall include the contact name						
and telephone number of the Noise Disturbance						
Coordinator. The sign shall be reviewed and approved						
by the Director of PBCE or Director's designee, prior						
to posting. The above construction schedule and notice						
shall be mailed to all property owners within 300 feet						
of the project site.						
• Construction contracts for the Project shall specify that						
all construction equipment, fixed or mobile, shall be						
equipped with State required noise attenuation devices						
such as property operating and maintained mufflers.						
npact NOI-2 : Project construction would exceed the City's Ge sult in substantial vibration-generating activities to nearby off-substantial vibration-generating activities activiti		nstruction vibration	n standards by approxin	nately 0.79 PPV and	would temporarily	
M NOI-2: The Project applicant will require contractor(s) to	Submit Vibration	Prior to	Director of	Approve	Prior to issuance	
mply with a Vibration Management Plan and implement	Management Plan that	issuance of any	Planning, Building	Vibration	any grading,	
nimum allowable setbacks from nearby buildings/structures	complies with listed	grading,	and Code	Management	demolition, or	
the north and west for heavy machinery. For all new	requirements, and	demolition, or	Enforcement or the	Plan.	building permits	
Instruction, the contractor(s) will not use pile drivers, exement breakers, or blasting equipment. In addition, when	comply with all listed	building	Director's designee.			
ivenient breakers, or brasting equipment. In addition, when	requirements.	permits.				

construction is required in direct proximity to the existing residences to the north and/or the residences immediately west of the Project site, the contractor(s) will observe the following

(File Nos. H23-005; T23-003; ER23-026)





Planning, Building and Code Enforcement CHRISTOPHER BURTON, DIRECTOR

MITIGATION MEASURES	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	
minimum allowable setbacks for specified construction equipment:						
 Jackhammers shall not be used within 8 feet of any building. 						
• Rock Breakers shall not be used within 12 feet of any building.						
• Loaded Trucks shall not be sued within 14 feet of any building.						
 Large Bulldozers shall not be used within 15 feet of any building. 						
Tribal Cultural Resources						
Impact TRI-1: Project construction has the potential to uncover	and/or damage potential trib	oal resources durin	g ground disturbance.			
MM TRI-1: If tribal cultural resources are encountered during excavation and/or grading of the Project site, the Project applicant shall notify the Tamien Nation Representative of the discovery.	Notify Tamien Nation Representative of any discovery of tribal cultural resources during Project construction.	During ground disturbance activities.	Director of Planning, Building and Code Enforcement or the Director's designee.	Review tribal notification process if tribal cultural resources are encountered during construction.	During ground disturbance activities.	

Source: 1921 and 1927 West San Carlos Street Project Initial Study. (October 2024).