

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE ADOPTING THE 2905 SENTER ROAD COMMERCIAL PLAZA MITIGATED NEGATIVE DECLARATION, FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND ADOPTING A RELATED MITIGATION MONITORING AND REPORTING PROGRAM**

**WHEREAS**, prior to the adoption of this Resolution, the Planning Director of the City of San José prepared an Initial Study and approved for circulation a Mitigated Negative Declaration for the 2905 Senter Road Commercial Plaza Project under Planning File Nos. C17-034, H18-007, and AT17-036 (the “Initial Study/Mitigated Negative Declaration”), all in accordance with the requirements of the California Environmental Quality Act of 1970, together with state and local guidelines implementing said Act, all as amended to date (collectively “CEQA”); and

**WHEREAS**, the 2905 Senter Road Commercial Plaza (the “Project”) analyzed under the Initial Study/Mitigated Negative Declaration consists of a Conforming Rezoning from LI Light Industrial Zoning District and CP Commercial Pedestrian Zoning District to CN Commercial Neighborhood Zoning District; a Site Development Permit to allow the demolition of the existing one-story commercial building and the construction of three (3) one-story commercial buildings totaling 14,090-square feet with surface parking; and a Lot Line Adjustment to reconfigure two (2) parcels into one (1) parcel on a 1.05-gross acre site located on the southwest corner of Lewis Road and Senter Road, at 2905 Senter Road (Assessor’s Parcel Numbers: 497-27-013 and 497-27-014), San José, California; and

**WHEREAS**, the Initial Study/Mitigated Negative Declaration 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**, in connection with the approval of a project involving the preparation of an initial study/mitigated negative declaration that identifies one or more significant environmental effects, CEQA requires the decision-making body of the lead agency to incorporate feasible mitigation measures that would reduce those significant environmental 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 also requires a lead agency to adopt a mitigation monitoring and reporting program to ensure compliance with the mitigation measures during project implementation, and such a mitigation monitoring and reporting program has been prepared for the Project for consideration by the decision-maker of the City of San José as lead agency for the Project (the “Mitigation Monitoring and Reporting Program”); 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 related Mitigation Monitoring and Reporting Program for the Project are on file in the Office of the Director of Planning, 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 are, by this reference, incorporated into this Resolution as if fully set forth herein;

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

**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 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. C17-034, H18-007, and AT17-036). 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, located at 200 East Santa Clara Street, 3rd Floor Tower, San José, California, 95113 and (2) available for inspection by any interested person.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

---

SAM LICCARDO  
Mayor

ATTEST:

---

TONI J. TABER, CMC  
City Clerk

# **MITIGATION MONITORING AND REPORTING PROGRAM**

---

**2905 SENTER ROAD  
COMMERCIAL PLAZA  
File Nos. C17-034, H18-007 & AT17-036  
February 2019**

---



## 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 prepared for the 2905 Senter Road Commercial Plaza project (File Nos. C17-034, H18-007 & AT17-036) 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 identifies those measures and how and when they will be implemented.

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

I, DYLAN NGUYEN, the applicant, on the behalf of HION NGUYEN, hereby agree to fully implement the Mitigation Measures described below which have been developed in conjunction with the preparation of the Initial Study/Mitigated Negative for my proposed project. I understand that these mitigation measures or substantially similar measures will be adopted as conditions of approval with my development permit request to avoid or significantly reduce potential environmental impacts to a less than significant level.

Project Applicant's Signature

Date

4/22/2019





*Planning, Building and Code Enforcement*

ROSALYNN HUGHEY, DIRECTOR

2905 Senter Road Commercial  
File Nos. C17-034, H18-007 & AT17-036

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
<b>AIR QUALITY</b>					
<b>Impact AQ-1:</b> Construction activities associated with the proposed project would expose residential uses near the project site to increased infant cancer risks and maximum-modeled annual PM <sub>2.5</sub> concentration in excess of acceptable thresholds.					
<p><b>MM AQ-1</b> Prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest), the project applicant shall submit a construction operations plan to the Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement demonstrating that the off-road equipment used on-site to construct the project would achieve a fleet-wide average 81 percent reduction in particulate matter (PM<sub>2.5</sub>) exhaust emissions or more. The plan can include, but is not limited to, the following:</p> <ul style="list-style-type: none"> <li>• All diesel-powered off-road equipment larger than 25 horsepower operating on the site for more than two days continuously shall, at a minimum, meet U.S. Environmental Protection Agency (EPA) particulate matter emissions standards for Tier 3 engines with CARB-certified Level 3 Diesel Particulate Filters or equivalent.</li> <li>• The use of equipment meeting EPA Tier 4 standards for particulate matter.</li> <li>• The use of equipment that includes alternatively-fueled equipment (i.e., non-diesel).</li> </ul>	Submit construction plan to Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement.	Prior to issuance of any demolition, grading, or building permits.	Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement	Review plan and requirements to reduce construction equipment diesel particulate matter (DPM).	Prior to issuance of any demolition, grading or building permits, whichever occurs first; confirm implementation of requirements during construction.

Source: Initial Study/Mitigated Negative for 2905 Senter Road Commercial Plaza (File Nos. C17-034, H18-007 & AT17-036), March 2019.