

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

**A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN JOSE CERTIFYING THE WEST SAN CARLOS  
STREET MIXED-USE PROJECT ENVIRONMENTAL  
IMPACT REPORT AND MAKING CERTAIN FINDINGS  
CONCERNING SIGNIFICANT IMPACTS, MITIGATION  
MEASURES, AND ALTERNATIVES, AND ADOPTING A  
STATEMENT OF OVERRIDING CONSIDERATIONS AND A  
RELATED MITIGATION MONITORING AND REPORTING  
PROGRAM, ALL IN ACCORDANCE WITH THE  
CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS  
AMENDED**

**WHEREAS**, the proposed West San Carlos Street Mixed-Use Project (File No. SP20-004) includes a Special Use Permit to allow the demolition of the existing structures on-site including eight residential buildings that are candidate City Landmarks, three commercial buildings totaling approximately 7,600 square feet, a billboard, and the removal of fourteen on-site trees and the construction of two seven-story residential/commercial mixed-use buildings consisting of 173 residential units and 17,836 square feet of commercial retail space and a 42 percent parking reduction located at 1530-1544 West San Carlos Street on an approximately 1.32-gross acre site in the City of San José, California (collectively referred to herein as the “Project”); and

**WHEREAS**, approval of the Special Use Permit would constitute a Project under the provisions of the California Environmental Quality Act of 1970, together with State and local implementation, guidelines, and policies promulgated thereunder, all as amended to date (collectively “CEQA”); and

**WHEREAS**, the City is the lead agency for the Project and has prepared a Final Environmental Impact Report for the Project pursuant to and in accordance with CEQA, which the Final Environmental Impact Report is comprised of the Draft Environmental

Impact Report for the project (the “Draft EIR”), together with the First Amendment to the Draft EIR (collectively, all of said documents are referred to herein as the “FEIR”); and

**WHEREAS**, on July 14, 2021, the Planning Commission of the City of San José reviewed the FEIR prepared for the West San Carlos Street Mixed-Us Project and recommended to the City Council that it find the environmental clearance for the proposed Project was completed in accordance with the requirements of CEQA and further recommended the City Council adopted this Resolution; and

**WHEREAS**, CEQA requires that, in connection with approval of a project for which an environmental impact report has been prepared that identifies one or more significant environmental effects of the project, the decision-making body of a public agency make certain findings regarding those effects and adopt avoidance measures to minimize impacts consistent with City policies and requirements and a statement of overriding considerations for any impact that may not be reduced to a less than significant level;

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

1. That the above recitals are true and correct; and
2. That the City Council does hereby find and certify that the FEIR has been prepared and completed in compliance with CEQA; and
3. The City Council was presented with, and has independently reviewed and analyzed the FEIR and other information in the record and has considered the information contained therein, including the written and oral comments received at the public hearings on the FEIR and the Project, prior to acting upon or approving the Project, and has found that the FEIR represents the independent judgement of the City of San José (“City”) as lead agency for the Project, and designated the Director of Planning, Building, and Code Enforcement at the Director’s Office at 200 East Santa Clara Street, 3<sup>rd</sup> Floor Tower, San José, California 95113, as the custodian of documents and record of proceedings on which the decision of the City is based; and

4. That the City Council does hereby find and recognize that the FEIR contains additions, clarifications, modifications, and other information in its response to comments on the Draft EIR or obtained by the City after the Draft EIR was issued and circulated for public review and does hereby find that such changes and additional information are not significant new information as that phrase is described under CEQA because such changes and additional information do not indicate that any of the following would result from approval and implementation of the Project: (i) any new significant environmental impact or substantially more severe environmental impact not already disclosed and evaluated in the Draft EIR, (ii) any feasible mitigation measure considerably different from those analyzed in the Draft EIR that would lessen a significant environmental impact of the Project has been proposed and would not be implemented, or (iii) any feasible alternative considerably different from those analyzed in the Draft EIR that would lessen a significant environmental impact of the Project has been proposed and would not be implemented; and
5. That the City Council does hereby find and determine that recirculation of the FEIR for further public review and comment is not warranted or required under the provisions of CEQA; and
6. That the City Council does hereby make the following findings with respect to the significant effects of the environment of the Project, as identified in the FEIR with the understanding that all of the information in this Resolution is intended as a summary of the full administrative record supporting the FEIR; which full administrative record should be consulted for the full details supporting these findings.

## **WEST SAN CARLOS MIXED-USE PROJECT SIGNIFICANT ENVIRONMENTAL IMPACTS**

### **Air Quality**

- Impact:**      **AQ-1.1:** Construction activities associated with the proposed project would expose the maximally exposed individuals near the project site to cancer risk and PM<sub>10</sub> exhaust in excess of BAAQMD single-source thresholds of greater than 10.0 per million and greater than 0.3 µg/m<sup>3</sup>, respectively (108.6 per million increased cancer lifetime risk and 0.87 µg/m<sup>3</sup>, respectively) without mitigation.
- Impact:**      **AQ(C)-1:** The maximum cancer risk and annual PM<sub>10</sub> concentration would exceed the BAAQMD threshold for cumulative sources for cancer

lifetime risk (more than 100 per million) and PM<sub>10</sub> exhaust (more than 0.8) without mitigation

**Mitigation: MM AQ-1.1:** Prior to the issuance of any demolition, grading, and/or buildings permits (whichever occurs first), the project applicant shall 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 or the Director's designee. The plan shall be accompanied by a letter signed by an air quality specialist, verifying that the equipment included in the plan meets a fleet-wide average of 93 percent reduction in diesel particulate matter (DPM). Feasible methods to achieve this reduction would include the following:

1. 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. EPA particulate matter emissions standards for Tier 4 interim engines or equivalent.
2. Provide electric power to avoid use of diesel-powered generator sets and other portable equipment.
3. Alternatively, equipment that meets U.S. EPA Tier 3 engines standards for particulate matter that include CARB-certified Level 3 Diesel Particulate Filters or use of equipment that is electrically powered or uses non-diesel fuels would meet this requirement.

**Finding:** With implementation of Mitigation Measure AQ-1.1, PM<sub>10</sub> and cancer risk exposure to nearby sensitive receptors associated with the construction of the Project would be reduced to less than significant levels. Additionally, the Implementation of Mitigation Measure AQ-1.1 would reduce the Project's impact to the cumulative exposure of nearby sensitive receptors to toxic air contaminants to a less than-significant level. **(Less than Significant with Mitigation Incorporated)**

**Facts in Support of the Finding:** As discussed in Section 3.3 of the DEIR and the Air Quality Analysis (Appendix B of the DEIR), implementation of Mitigation Measure AQ-1.1, would reduce the maximum increased lifetime cancer risks (assuming infant exposure) and maximum increased annual PM<sub>2.5</sub> emission associated with the Project construction activities to the off-site Maximally Exposed Individual (MEI) to 3.6 per million and 0.13 µg/m<sup>3</sup>, below the BAAQMD single-source thresholds of 10.0 per million and 0.3 µg/m<sup>3</sup>, respectively. Implementation of Mitigation Measure AQ-1.1 would also reduce the maximum increased cumulative lifetime cancer risks and annual PM<sub>10</sub> concentration impacts to a less than significant level, from 131.8 per

million to 26.8 per million and 1.4 to 0.66  $\mu\text{g}/\text{m}^3$  which are below the BAAQMD cumulative thresholds of more than 100 per million and more than 0.8  $\mu\text{g}/\text{m}^3$ , respectively.

### **Biological Resources**

**Impact:** **Impact BIO-1:** Project construction could impact nesting birds on or adjacent to the site, if present.

**Mitigation:** **MM BIO-1.1:** Avoidance: The project applicant shall schedule demolition and construction activities 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 30th (inclusive).

**MM BIO-1.2:** Nesting Bird Surveys: Demolition and construction cannot be scheduled to occur between September 1 and January 31<sup>st</sup> (Inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1<sup>st</sup> through April 30<sup>th</sup> inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1<sup>st</sup> through August 30<sup>th</sup> inclusive). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests.

**MM BIO-1.3:** Buffer Zones: If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with the California Department of Fish and Wildlife, shall determine the extent of a construction free buffer zone to be established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests shall not be disturbed during project construction.

**MM BIO-1.4:** Reporting: Prior to any tree removal, or approval of any grading permits (whichever occurs first), the ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the City's Director of Planning, Building and Code Enforcement or the Director's designee.

**Finding:** Implementation of Mitigation Measures BIO-1.1 through BIO-1.4 would reduce potential impacts to nesting migratory birds to a less than significant level. **(Less than Significant with Mitigation Incorporated)**

**Facts in Support of the Finding:** As discussed in Section 3.4, Biological Resources of the Draft EIR, construction disturbance and project tree removal during avian breeding season could result in the incidental loss of eggs or nestlings either directly. Scheduling construction and tree removal/pruning activities outside of the nesting season would avoid disturbance to nesting birds. If construction activities cannot be scheduled to occur outside of the nesting season, conducting pre-construction surveys and implementing a construction-free buffer zone around any migratory bird nests will ensure that raptor and migratory bird nests are not disturbed during project construction, under the Migratory Bird Treaty Act and California Fish and Game Code. The size of the buffer zones will be determined by consultation between the qualified ornithologist and the CDFW and based on scientific evidence and best management practices. Compliance with Mitigation Measures BIO-1.1-1.4 would avoid impacts to nesting birds.

### **Cultural Resources**

**Impact:** **CUL-1:** Implementation of the proposed project would result in the demolition of the Craftsman-style house and the seven Spanish Revival-style bungalows on-site that are eligible City Landmarks, a significant impact.

**CUL(C)-1:** Implementation of the proposed project would result in a cumulatively considerable contribution to a significant cultural resources impact to the remaining Craftsman-style houses and bungalow courts in the City.

**Mitigation:** **MM CUL-1.1:** The project applicant shall implement the following measures prior to any demolition permits for the Craftsman-style house and seven Spanish Revival-style bungalow units on-site.

Documentation: The structures shall be documented in accordance with the guidelines established for the Historic American Building Survey (HABS) and shall consist of the following components:

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.

This documentation shall be prepared by a professional historic resources consultant who meets the Secretary of Interior's Professional Qualifications Standards. The report shall be deposited with History San José and a copy provided to the City's Planning Division as well as filed with the Northwest Information Center, Sonoma State University.

Relocation by a Third Party: The structures shall be advertised for relocation by a third party. The project applicant shall advertise the availability of the structure 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 and must be reviewed by the City's Historic Preservation Officer or Environmental Review Supervising Planner prior to circulation. The project applicant shall provide evidence to City staff that this condition has been met prior to the issuance of any demolition permits.

If a third party does agree to relocate one or more of the structures the following measures must be followed:

1. The City's Director of Planning, Building and Code Enforcement, based on consultation with the City's Historic Preservation Officer, must determine that the receiver site(s) are suitable for the building(s).
2. Prior to relocation, a historic preservation architect and a structural engineer shall undertake an existing condition study. The purpose of the study shall be to establish the baseline condition of the buildings 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 of San José prior to the structures being moved. Documentation already completed will be used to the extent possible to avoid repetition in work.
3. To protect the buildings during relocation, the third party shall engage a building mover who has experience moving similar historic structures. A structural engineer will also be engaged to determine if the buildings need to be reinforced/stabilized before the move.
4. The project applicant shall offer financial assistance for the relocation that is equal to a reasonable cost of demolition of the structure(s).
5. Once moved, the building shall be repaired and restored, as needed, in conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties. 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.

Upon completion of the repairs, a qualified architectural historian shall document and confirm that renovations of the structure(s) were completed in conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties and that all character-defining features were preserved and submit a memo report to the Director of Planning, Building and Code Enforcement or Director's designee.

Salvage: If no third party relocates the structure(s), the structure(s) shall be made available for salvage to salvage companies facilitating the reuse of historic building materials. The time frame available for salvage shall be established by the City of San José Department of Planning, Building and Code Enforcement. The project applicant must provide evidence to the Director of Planning, Building, and Code Enforcement or Director's designee that this condition has been met prior to the issuance of demolition permits.

**Finding:** Even with implementation of the identified mitigation measures; demolition or salvage of the Craftsman-style single-family residence and the seven bungalow units at 1530 West San Carlos Street would remain a significant unavoidable impact because the residences would be permanently lost. Relocation of the structures, while preserving the structures in a different location, would result in a loss of connection to its current location. Specifically, the structures would no longer be recognized as a residence associated with the City's agricultural past and early 20<sup>th</sup> century residential development of West San Carlos Street, which post-war development has replaced. **(Significant and Unavoidable Impact)**

**Facts in Support of the Finding:** The residences at 1530 West San Carlos Street, including the Craftsman-style single-family residence and the seven identical bungalows, as discussed in Section 3.5 of the DEIR, have been determined to be candidate City Landmarks per the Historic Resources Evaluation prepared by Treanor HL on April 10, 2019 and updated July 29, 2019, because they meet the local eligibility criteria as defined in Section 13.48.110.H of the San José Municipal Code, having significance for its character, interest or value as part of the local, regional state or national history, heritage or culture; embodiment of distinguishing characteristics of an architectural type or specimen; and its embodiment of elements of architectural or engineering design, detail, materials or craftsmanship which represents a significant architectural innovation or which is unique. The Secretary of Interior's (SOI's) standards for the Treatment of Historic



Properties includes four treatments: preservation, rehabilitation, restoration and reconstruction. Preservation refers to maintain the existing form, integrity and materials of a historic property. Rehabilitation allows for compatible use for a property through repair, alterations, and additions while preserving its historical features. Restoration is the act of accurately depicting a property as it appeared at a particular period of time. Reconstruction refers to constructing a new building for the purpose of replicating a historic building's appearance as a specific period of time. The project proposes to demolish all eight residential structures on-site which are candidate City Landmark structures without preserving, restoring, rehabilitating, or reconstructing any portions of the historic buildings. While Mitigation Measure CUL-1.1 would help to retain the memory of the buildings and their association with the City's history, the loss of the buildings and their association with the project site would remain a significant and unavoidable impact.

### **Hazards and Hazardous Materials**

**Impact:** **Impact HAZ-1:** Construction activities associated with the proposed project could expose construction workers and nearby land uses related to hazardous materials associated with the previous auto shop and agricultural uses during earthwork activities.

**Mitigation:** **MM HAZ-1.1:** Prior to the commencement of earthwork activities, the project applicant shall hire a qualified professional to develop a Site Management Plan that includes:

1. Stockpile management including dust control, sampling, stormwater pollution prevention and the installation of BMPs;
2. Proper disposal procedures of contaminated materials;
3. Monitoring, reporting, and regulatory oversight notifications;
4. A health and safety plan for each contractor working at the site that addresses the safety and health hazards of each phase of site operations with the requirements and procedures for employee protection; and
5. The health and safety plan will also outline proper soil/ and or groundwater handling procedures and health and safety requirements to minimize worker and public exposure to contaminated soil/and or groundwater during construction.

The Site Management Plan shall be submitted to the Director of Planning, Building and Code Enforcement or Director's designee and the City's Municipal Environmental Compliance Officer of the Department of Environmental Services.

If any contamination is encountered above appropriate regulatory screening levels, then the applicant will notify the Santa Clara County Department of Environmental Health and enter into the County Site Cleanup Program. Removal of USTs and additional sampling/analysis will be completed under County Oversight. Evidence of County oversight shall be provided to the Director of Planning, Building and Code Enforcement or the Director's designee and the Municipal Environmental Compliance Officer.

**Finding:** Implementation of Mitigation Measure HAZ-1.1 would reduce exposure of construction workers and nearby residences from contaminated on-site soil to less than significant levels. **(Less than Significant Impact with Mitigation Incorporated)**

**Facts in Support of the Finding:** According to the analysis in Section 3.9 Hazards and Hazardous Materials of the DEIR, the western portion of the site has been used for auto commercial uses since the 1950s and contained a former underground storage tank (UST). During the Phase II investigation, signs or presence of the former UST were not identified. In addition, soil sampling was completed to evaluate the potential of carbon chain total petroleum hydrocarbons (TPH-cc), and/or volatile organic compounds (VOCs) to contaminate on-site soils. Sampling results show that levels of TPH-cc and VOCs were below the applicable environmental screening levels (ESLs). Refer to Appendix F for additional details about sampling locations, methods, and results. While presence of the UST was not discovered, Mitigation Measure HAZ-1.1 would be implemented in the event the UST or residual contamination from the UST are discovered during project earthwork activities. Preparation of a Site Management Plan for best management practices and health and safety plan to educate on-site workers, and potential testing to find out the extent of contaminated soil would ensure that impacts from contaminated soil being released into the environment during construction would be less than significant.

//  
//  
//  
//

## **Noise**

**Impact:** **Impact NOI-1:** Project construction would generate vibration levels reaching up to 1.2 in/sec PPV (within five feet south from project site), in exceedance of 0.2 in/sec PPV at buildings of normal conventional construction located within 30 feet of the project site.

**Mitigation:** **MM NOI-1.1: Equipment Selection.** Prior to issuance of any demolition or grading permits, the project applicant shall implement the following controls to reduce vibration impacts from construction activities:

1. Prohibit impact or vibratory pile driving. Drilled piles or mat slab foundations cause lower vibration levels where geological conditions permit their use.
2. A list of all heavy construction equipment to be used for this project known to produce high vibration levels (tracked vehicles, vibratory compaction, jackhammers, hoe rams, etc.) shall be submitted to the City 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 required for continuous vibration monitoring.
3. Place operating equipment on the construction site at least 30 feet from vibration-sensitive receptors.
4. Use the smallest equipment available to complete the task and minimize vibration levels as low as feasible.
5. Avoid using vibratory rollers and tampers near sensitive areas.
6. Select demolition methods not involving impact tools.
7. Modify/design or identify alternative construction methods to reduce vibration levels below the limits.
8. Avoid dropping heavy objects or materials.

**MM NOI-1.2:** Vibration monitoring plan. Prior to issuance of demolition or grading permits, the project applicant shall implement a construction vibration monitoring plan to document condition of conventional properties within 30 feet of the project site 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 construction vibration monitoring plan shall be implemented to include the following tasks:

1. Identification of sensitivity to ground-borne vibration of the property. A vibration survey (generally described below) shall be performed.
2. Performance of a photo survey, elevation survey, and crack monitoring survey for the structures within 30 feet of the site. Surveys shall be performed prior to, in regular intervals during, and after completion of vibration generating construction activities and 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 said structure.
3. Development of a vibration monitoring and construction contingency plan to identify where monitoring shall 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. Construction contingencies, such as alternative construction methods and equipment, or securing the structure, shall be identified for when vibration levels approach the limits.
4. If vibration levels approach limits, suspend construction and implement contingencies to either lower vibration levels or secure the affected structure.
5. Complete 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.
6. 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 will 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.
7. Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.

**Finding:** With implementation of Mitigation Measures NOI-1.1 and NOI-1.2 and standard permit conditions, vibration generated during the project's 48-month construction period would have less than significant impacts on the

adjacent buildings (**Less than Significant Impact with Mitigation Incorporated**)

**Facts in Support of the Finding:** As discussed in Section 3.13 of the Draft EIR and supporting Noise and Vibration Assessment prepared for the Project (Appendix G of the DEIR), the project would be constructed over a 48-month construction period divided into two phases. Identifying the sensitive buildings adjacent to the project and monitoring vibration activities would ensure that activities involving vibrating equipment would not cause damage to adjacent structures within 30 feet of the project site and that any damaged caused would be repaired. Using equipment with a lower threshold for vibration impacts would also assist in ensuring that no damage would occur from construction activities using vibrating equipment.

## **FINDINGS CONCERNING ALTERNATIVES**

In order to comply with the purposes of CEQA, it is important to identify alternatives that reduce the significant impacts that are anticipated to occur if the project is implemented and to try to meet as many of the project's objectives as possible. The CEQA Guidelines emphasize a common sense approach -- the alternatives should be reasonable, should "foster informed decision making and public participation," and should focus on alternatives that avoid or substantially lessen the significant impacts.

The alternatives analyzed in the DEIR were developed with the goal of being at least potentially feasible, given Project objectives and site constraints, while avoiding or reducing the Project's identified environmental effects. The following are evaluated as alternatives to the proposed Project:

- 1) No Project – No Development Alternative
- 2) No Project – Existing Land Use Designation Alternative
- 3) Design Alternative – Relocate and restore five bungalows (historic resources)

### **1. No Project – No Development Alternative**

**A. Description of Alternative:** The No Project – No Development Alternative would retain the existing land uses on-site as is, which includes the existing auto commercial, commercial (restaurant), and martial arts studio (commercial), and eight residential structures on-site.

- B. Comparison of Environmental Impacts:** Under the No Project – No Development Alternative, none of the impacts of the project would occur including the significant and unavoidable impact to cultural resources.
- C. Finding:** This alternative would not meet any of the project objectives because the No Project – No Development Alternative would not result in any new development on the site. Specifically, this alternative would not allow for the density encouraged under the General Plan designation and zoning. Therefore, because this alternative would not meet any of the project objectives, this alternative is rejected.

## **2. No Project – Existing Land Use Designation Alternative**

- A. Description of Alternative:** The No Project – Existing Land Use Designation Alternative is essentially the same as the proposed project. This alternative was proposed when the project still included a Planned Development Rezoning application to rezone the site from the existing CP Commercial Pedestrian Zoning District and the R-M Multiple Residence Zoning District to a Planned Development Zoning District. This alternative maintained the existing zoning districts and would have constructed a similar project consistent with the General Plan designation and zoning districts. The originally proposed Planned Development Rezoning would have afforded the project more flexibility in terms of site design and setbacks. Under Assembly Bill 3194, the Housing Accountability Act Amendment, effective January 1, 2019, the local governments' authority is limited and cannot reject or restrict housing development projects that comply with applicable objective general plan, zoning, and subdivision standards. Therefore, the Planned Development rezoning application is no longer required for the project rendering this alternative essentially the same as the analyzed project.
- B. Comparison of Environmental Impacts:** Under this alternative, the project would remain the same and result in the same impacts.
- C. Finding:** Because rezoning is no longer required, there is no land use designation alternative. Importantly, alternatives are alternatives that would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant impacts of the project. Because this alternative does not reduce any impacts, it is not a reasonable or feasible alternative. Therefore, this non-alternative is rejected.

//  
//  
//

### **3. Design Alternative – Relocate and Restore Five of the Seven Historic Bungalows**

- A. Description of Alternative:** The Design Alternative – Replace and Restore Five of the Seven Historic Bungalows would lessen the project's impact on the historic resources by relocating and restoring five of the seven historic Spanish Revival-style bungalows on the site. This alternative would require the project to be redesigned in a manner that would preserve the historic resources to the extent feasible while still allowing a physically feasible development on the project site. The proposed Building 1 of the Project would be redesigned with a reduced building footprint to allow five of the historic bungalow units to be relocated and preserved on the southern portion of the site. The proposed Building 2 would remain the same as the proposed project. The five bungalow units would be situated in a horseshoe layout and facing each other to form a central court in the middle, recreating a similar court-like court as the existing unit layout. Building 1, under this alternative, would have 24 fewer residential units, 11,165 square feet less of commercial space, and 18,923 square feet less common space. Building 1 would include 79 residential units, 10,000 square feet of commercial space, and 6,000 square feet of common space, which combined with Building 2 would result in a density of 111 du/ac and 0.29 commercial floor-area ratio (FAR). Additionally, Building 1 would be set back at least 95 feet from the southern property line. Building stories and height would remain the same. Access to the site and bungalow units would be provided on the proposed driveway on West San Carlos Street. This design alternative would preserve five of the seven bungalow units and would reduce the impact to the historic resources but not to a less than significant level. All other impacts during construction and operation would be similar to that of the proposed project.
- B. Comparison of Environmental Impacts:** Under this alternative, five of the seven bungalows would be relocated and preserved. Therefore, not all of the historic resources (eligible City Landmarks) would be preserved. The design alternative would lessen the significant impact to the historic resources; however, all other impacts during construction and operation would be similar to that of the proposed project.
- C. Finding:** Under the Design Alternative, only some of the project objectives would be met or partially met. For instance, Objective 1 which is consistent with the goals of the West San Carlos Urban Village Plan would not be met because the commercial FAR would not meet the minimum 0.3 requirement of the Plan. This alternative would not meet Objectives 5 and 7 or conform with the conceptual paseo envisioned in Figure 2.2-5 of the West San Carlos Urban Village Plan because it would relocate the bungalow units to the southern portion of the site where the paseo is proposed for the project and Urban Village. This Design

Alternative would meet Objective 2 to provide a minimum density of 111 du/ac. The site currently contains approximately 7,600 square feet of commercial uses. The Design Alternative would meet Objective 3 because it would include more commercial space for tax revenue compared to existing conditions. The Design Alternative would also meet Objective 4 because it would be required to replace the existing sidewalk on the project frontages consistent with the City requirements, and it would include commercial/retail uses on the West San Carlos Street project frontage. The Design Alternative would meet Objective 6 because it would continue to be subject to the West San Carlos Urban Village Design Guidelines. This alternative would relocate, preserve, and restore five of the historic bungalows on-site. While the preservation would reduce the severity of the historic resources lost, the alternative would continue to impact historic resources as the single-family home and two other bungalows would be demolished. In consideration of the potential for preservation, the objectives this project would meet, and the balancing of this alternative against the proposed project and City's need for dense, mixed-use residential/commercial projects, this alternative is rejected.

### **Environmentally Superior Project**

The No Project – No Development Alternative would avoid all project impacts, including the significant and unavoidable impact to potential historic resources of significance to the City of San José. However, per Section 15126.6(e)(2) of the CEQA Guidelines, when the no-project alternative is the environmentally superior alternative, another alternative shall be identified as the environmentally superior alternative. The Design Alternative – Relocation and Preservation of five bungalows would meet most of the project objectives and avoid the significant and unavoidable impact of the project. This alternative would lessen the significant impacts to the historic resources and support a dense mixed-use project near transit which aligns with the City's Envision San José 2040 General Plan and Urban Village goals. Therefore, this alternative is the environmentally superior alternative.

### **MITIGATION MONITORING AND REPORTING PROGRAM**

Attached to this Resolution as Exhibit "A" and incorporated and adopted as part of this Resolution herein is the Mitigation Monitoring and Reporting Program ("MMRP") for the Project required under Section 21081.6 of the CEQA Statute and Section 15097(b) of the CEQA Guidelines. The MMRP identifies impacts of the Project, corresponding mitigation, designation of responsibility for mitigation implementation and the agency responsible for the monitoring action.



## STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to the provisions of CEQA, the City Council of the City of San José hereby adopts and makes the following statement of overriding considerations regarding the significant and unavoidable impact of the Project as outlined above and the anticipated economic, social, and other benefits of the Project.

- A. **Significant Unavoidable Impacts.** With respect to the foregoing findings and in recognition of those facts which are included in the record, the City has determined the Project has significant unavoidable impacts, as set forth above, associated with demolition of eight candidate City Landmark structures.
- B. **Overriding Considerations.** The City Council specifically adopts and makes this Statement of Overriding Considerations that this Project has eliminated or substantially lessened all significant effects on the environment where feasible, and finds that the remaining significant unavoidable impact of the Project is acceptable in light of the economic and social considerations noted below, because the benefits of the Project outweigh the significant unavoidable impact of the Project. The City Council finds that the overriding considerations set forth below constitutes a separate and independent ground for finding that the benefits of the Project outweigh its significant unavoidable environmental impact and is an overriding consideration warranting approval of the Project. These matters are supported by evidence in the record that includes, but is not limited to, the Envision San José 2040 General Plan and to development in the West San Carlos Urban Village.
- C. **Benefits of the Proposed Project.** While the City recognizes that there is historic value in retaining the Craftsman-style single-family residence and the seven Spanish Revival-style bungalows as City Landmarks associated with the City's agricultural past and the advent of the automobile prior to World War II, the City has designated growth areas such as the West San Carlos Urban Village for the development of dense, mixed-use, multi-modal projects. The City Council has considered the public record of proceedings on the proposed Project and other written materials presented to the City as well as oral and written testimony at all public hearings related to the Project, and does hereby determine that implementation of the Project as specifically provided in the Project documents would result in the following substantial public benefits.
  - 1) **Provision of a Mixed-Use Project in an Identified Growth Area.** Consistent with Major Strategy #3 (Focused Growth) of the General Plan, this project would provide 173 dwelling units and 17,836 square feet of commercial space within two seven-story buildings, sited within a transit priority area, primarily served by VTA Bus Routes 23 and 523 (considered major transit stops because the routes have headways of 15 minutes during the AM and PM peak commute

periods, and is in close proximity to Downtown. The project would support job growth by providing neighborhood-supportive retail spaces along West San Carlos Street and provide new housing units to meet the City's increasing housing demand.

- 2) **Provision of a Paseo.** In addition to the residential/commercial mixed uses, the project would include a 30-foot walkway that wraps around the building and connects to the proposed driveway and the sidewalk on West San Carlos Street to the proposed (private) paseo which is part of the project and envisioned for the West San Carlos Urban Village.
- 3) **Development in Transit Rich Area and along a Grand Boulevard.** The project site is located along West San Carlos Street - a Grand Boulevard that is served by several bus lines. The project site is also within 1.5 miles from the Diridon Transit Depot, a station served by ACE, Caltrain, Greyhound, Amtrak, VTA bus lines, and the future BART line.
- 4) **Complete Communities.** The proposed development also includes 12,818 square feet of outdoor common open space and 9,412 square feet of indoor amenity space in the proposed buildings, and a 4,450-square foot private paseo. The development will also provide on-site parking for vehicles and bicycles, both for the residential component and the retail component of the project. The project will advance the Envision San José 2040 General Plan policies to create a complete community with a mixed-use building with an amenity-rich residential use and new commercial/retail uses placed within walking distance of neighborhoods and the commercial businesses along West San Carlos Street. Placing complementary land uses like residential and commercial/retail uses near each other will reduce the number of single-occupancy automobile trips and vehicle miles traveled compared with the equivalent amount of development in a more suburban location where uses are separated. Less trips would contribute to a decrease in project-generated greenhouse gas emissions.

Based on the above, the project would meet the strategies and goals of the Envision San José 2040 General Plan and Urban Village criteria of locating high density development on infill sites near transit corridors, activating West San Carlos Street by providing ground floor retail, and promoting bicycling by providing bicycle parking.

The City Council has weighed each of the above benefits of the proposed Project against its significant unavoidable impact identified in the EIR, and hereby determines that these benefits outweigh the adverse environmental effect of the Project and, therefore, further determines that the adverse environmental effect is acceptable and overridden.

## LOCATION AND CUSTODIAN OF RECORDS

The documents and other materials that constitute the record of proceedings on which the City Council based the foregoing findings and approval of the Project are located at the Department of Planning, Building and Code Enforcement, 200 East Santa Clara Street, Third Floor Tower, San José, CA 95113.

ADOPTED this            day of            ,            , by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

---

SAM LICCARDO  
Mayor

ATTEST:

---

TONI J. TABER, CMC  
City Clerk

# **MITIGATION MONITORING AND REPORTING PROGRAM**

---

**1530-1544 San Carlos Mixed-Use Project**  
**File No. SP20-004**  
**July 2021**

---



# 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 1530-1544 West San Carlos Mixed Use 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, Viji Mani, the applicant, on the behalf of Urban Villas LLC, hereby agree to implement the mitigation measures described below which have been developed in conjunction with the preparation of a SEIR for my proposed project. I understand that these mitigation measures or substantially similar measures will be adopted as conditions of approval with my development permit request to avoid or significantly reduce potential environmental impacts to a less than significant level.

Project Applicant's Signature  \_\_\_\_\_

Date 7/12/2021 \_\_\_\_\_

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 the maximally exposed individuals near the project site to cancer risk and PM <sub>10</sub> exhaust in excess of BAAQMD single-source thresholds of greater than 10.0 per million and greater than 0.3 µg/m <sup>3</sup> , respectively (108.6 per million increased cancer lifetime risk and 0.87 µg/m <sup>3</sup> , respectively) without mitigation.					
<b>MM AQ-1.1:</b> Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs first), the project applicant shall 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 or the Director's designee. The plan shall be accompanied by a letter signed by an air quality specialist, verifying that the equipment included in the plan meets a fleet-wide average of 93 percent reduction in diesel particulate matter (DPM). Feasible methods to achieve this reduction would include the following:  1. 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. EPA particulate matter emissions standards for Tier 4 interim engines or equivalent.  2. Provide electric power to avoid use of diesel-powered generator sets and other portable equipment.  3. Alternatively, equipment that meets U.S. EPA Tier 3 engines standards for particulate matter that include	Submit a construction operations plan prepared by the construction contractor that outlines how the contractor will achieve the measures outlined in the mitigation measure to the City of San José Director of Planning, Building and Code Enforcement or Director's designee for review and approval.	Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs first).	Director of Planning, Building and Code Enforcement or the Director's designee	Review and approve the construction operations plan.	Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs first)

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
CARB-certified Level 3 Diesel Particulate Filters or use of equipment that is electrically powered or uses non-diesel fuels would meet this requirement.					
<b>Impact AQ(C)-1:</b> The maximum cancer risk and annual PM <sub>10</sub> concentration would exceed the BAAQMD threshold for cumulative sources for lifetime cancer risk (more than 100 million) and PM <sub>10</sub> exhaust (more than 0.8) without mitigation.					
See Impact AQ-1, above.					
<b>BIOLOGICAL RESOURCES</b>					
<b>Impact BIO-1:</b> Project construction could impact nesting birds on or adjacent to the site, if present.					
<p><b>MM BIO-1.1:</b> Avoidance: The project applicant shall schedule demolition and construction activities 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 30th (inclusive).</p> <p><b>MM BIO-1.2:</b> Nesting Bird Surveys: Demolition and construction cannot be scheduled to occur between September 1 and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st</p>	Avoid construction activities during nesting seasons. If construction activities cannot be scheduled to occur outside of nesting season, a pre-construction nesting bird survey shall be conducted by a qualified ornithologist and, in consultation with the California Department of Fish and Wildlife, a construction-free buffer zone shall be designated around any discovered nest.	<p>Surveys: No more than 14 days prior to initiation of construction activities (February 1 – April 30, inclusive) or no more than 30 days prior to initiation of construction activities (May 1 – August 30, inclusive).</p> <p>Reporting: Prior to issuance of any tree</p>	City’s Director of Planning, Building and Code Enforcement or Director’s designee	<p>Confirm that demolition and construction activities are scheduled outside of the nesting season.</p> <p>Review report indicating the results of the survey (or any other environmental</p>	Prior to issuance of any tree removal, grading, demolition, and/or building permit or activities.

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
<p>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 30th inclusive). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests.</p> <p><b>MM BIO-1.3:</b> Buffer Zones: If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with the California Department of Fish and Wildlife, shall determine the extent of a construction free buffer zone to be established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests shall not be disturbed during project construction.</p> <p><b>MM BIO-1.4:</b> Reporting: Prior to any tree removal, or approval of any grading permits (whichever occurs first), the ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the City's Director of Planning, Building and Code Enforcement or the Director's designee.</p>	<p>The ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the City's Director of Planning, Building and Code Enforcement or Director's designee.</p>	<p>removal, grading, demolition, and/or building permit or activities.</p>		<p>investigation reports, if applicable) and any designated buffer zones.</p>	
<b>CULTURAL RESOURCES</b>					



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>Impact CUL-1:</b> Implementation of the proposed project would result in the demolition of the Craftsman style house and the seven Spanish Revival-style bungalows on-site that are eligible candidate City Landmarks.					
<p><b>MM CUL-1.1:</b> The project applicant shall implement the following measures prior to issuance of any demolition permits for the Craftsman style house and seven Spanish Revival style bungalow units on-site.</p> <p>Documentation: The structures 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"> <li>1. Drawings – Prepare sketch floor plans.</li> <li>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.</li> <li>3. Written Data – HABS written documentation in short form.</li> </ol> <p>This documentation shall be prepared by a professional historic resources consultant who meets the Secretary of Interior’s Professional Qualifications Standards. The report shall be deposited with History San José and a copy provided to the City’s Planning Division as well</p>	<p>Prepare and submit all documentation to the Director of Planning, Building and Code Enforcement or the Director’s designee and City’s Historic Preservation Officer.</p> <p>An architectural historian meeting the Secretary of the Interior’s Professional Qualification Standards shall oversee the preparation of the documentation.</p> <p>The required documentation after approval shall be filed with the San José Library’s California Room and the Northwest Information Center at Sonoma State University.</p>	<p>Prior to issuance of demolition permits for the Craftsman style house and seven Spanish Revival style bungalows on-site.</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 all documentation.</p>	<p>Prior to issuance of demolition permits for the Craftsman style house and seven Spanish Revival style bungalows on-site.</p>

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [Project Applicant/Proponent Responsibility]		Documentation of Compliance [Lead Agency Responsibility]		
	Method of Compliance Or Mitigation Action	Timing of Compliance	Oversight Responsibility	Actions/Reports	Monitoring Timing or Schedule
<p>as filed with the Northwest Information Center, Sonoma State University.</p> <p>Relocation by a Third Party: The structures shall be advertised for relocation by a third party. The project applicant shall advertise the availability of the structure 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 and must be reviewed by the City's Historic Preservation Officer or Environmental Review Supervising Planner prior to circulation. The project applicant shall provide evidence to City staff that this condition has been met prior to the issuance of any demolition permits.</p> <p>If a third party does agree to relocate one or more of the structures the following measures must be followed:</p> <ol style="list-style-type: none"> <li>1. The City's Director of Planning, Building and Code Enforcement, based on consultation with the City's Historic Preservation Officer, must determine that the receiver site(s) are suitable for the building(s).</li> <li>2. Prior to relocation, a historic preservation architect and a structural engineer shall undertake an existing condition study. The purpose of the study shall be to establish the baseline condition of the buildings prior to</li> </ol>	<p>The advertisement shall be reviewed by the Director of Planning, Building and Code Enforcement or the Director's designee and City's Historic Preservation Officer before posing. Evidence of the circulated advertisement shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee and City's Historic Preservation Officer as well.</p>				

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [Project Applicant/Proponent Responsibility]		Documentation of Compliance [Lead Agency Responsibility]		
	Method of Compliance Or Mitigation Action	Timing of Compliance	Oversight Responsibility	Actions/Reports	Monitoring Timing or Schedule
<p>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 of San José prior to the structures being moved. Documentation already completed will be used to the extent possible to avoid repetition in work.</p> <p>3. To protect the buildings during relocation, the third party shall engage a building mover who has experience moving similar historic structures. A structural engineer will also be engaged to determine if the buildings need to be reinforced/stabilized before the move.</p> <p>4. The project applicant shall offer financial assistance for the relocation that is equal to a reasonable cost of demolition of the structure(s).</p> <p>5. Once moved, the building shall be repaired and restored, as needed, in conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties. 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>					

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
<p>Upon completion of the repairs, a qualified architectural historian shall document and confirm that renovations of the structure(s) were completed in conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties and that all character-defining features were preserved and submit a memo report to the Director of Planning, Building and Code Enforcement, the City's Historic Preservation Officer, or Director's designee.</p> <p>Salvage: If no third party relocates the structure(s), the structure(s) shall be made available for salvage to salvage companies facilitating the reuse of historic building materials. The time frame available for salvage shall be established by the City of San José Department of Planning, Building and Code Enforcement. The project applicant must provide evidence to the Director of Planning, Building and Code Enforcement, the City's Historic Preservation Officer, or Director's designee that this condition has been met prior to the issuance of demolition permits.</p>					
<p><b>Impact CUL(C)-1:</b> Implementation of the proposed project would result in a cumulatively considerable contribution to a significant cultural resources impact to the remaining Craftsman style houses and bungalow courts in the City.</p>					
<p>See MM CUL-1.1, above.</p>					

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [Project Applicant/Proponent Responsibility]		Documentation of Compliance [Lead Agency Responsibility]		
	Method of Compliance Or Mitigation Action	Timing of Compliance	Oversight Responsibility	Actions/Reports	Monitoring Timing or Schedule
<b>HAZARDS AND HAZARDOUS MATERIALS</b>					
<b>Impact HAZ-1:</b> Construction activities associated with the proposed project could expose construction workers and nearby land uses to toxic contaminants and hazardous materials associated with historical agricultural and auto-related uses during earthwork activities.					
<b>MM HAZ-1.1:</b> Prior to commencement of earthwork activities, the project applicant shall hire a qualified professional to develop a Site Management Plan that includes: <ul style="list-style-type: none"> <li>Stockpile management including dust control, sampling, stormwater pollution prevention and the installation of BMPs</li> <li>Proper disposal procedures of contaminated materials</li> <li>Monitoring, reporting, and regulatory oversight notifications</li> <li>A health and safety plan for each contractor working at the site that addresses the safety and health hazards of each phase of site operations with the requirements and procedures for employee protection</li> <li>The health and safety plan will also outline proper soil/ and or groundwater handling procedures and health and safety</li> </ul>	Provide documentation of construction worker training for unknown USTs, former tank holds, and/or other associate features.  If unknown USTs, former tank holds, and/or other associated features are discovered, USTs shall be properly removed and soil sampling shall be completed at the project site and results shall be provided to the City's Director of Planning, Building and Code Enforcement or Director's designee and Municipal Environmental Compliance Officer for review.	Prior to the issuance of any site demolition, grading, excavation, and building permits.	Director of Planning, Building and Code Enforcement or the Director's designee, and the Environmental Compliance Officer of Environmental Services Department	Director of Planning, Building and Code Enforcement or the Director's designee and the Environmental Compliance Officer of Environmental Services Department shall review all documentation.	Prior to the issuance of any site demolition, grading, excavation, and building permits.

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
<p>requirements to minimize worker and public exposure to contaminated soil/and or groundwater during construction.</p> <p>The Site Management Plan will be submitted to the Director of Planning, Building and Code Enforcement or Director's designee and the City's Municipal Environmental Compliance Officer of the Department of Environmental Services.</p> <p>If any contamination is encountered above appropriate regulatory screening levels, then the applicant shall notify the Santa Clara County Department of Environmental Health and enter into the County Site Cleanup Program. Removal of USTs and additional sampling/analysis will be completed under County Oversight. Evidence of County oversight shall be provided to the Director of Planning, Building and Code Enforcement or the Director's designee and the Municipal Environmental Compliance Officer.</p>					
<b>NOISE</b>					
<b>Impact NOI-1:</b> Project construction would generate vibration levels reaching up to 1.2 in/sec PPV (within five feet south from project site), in exceedance of 0.2 in/sec PPV at buildings of normal conventional construction located within 30 feet of the project site.					
<b>MM NOI-1.1:</b> Equipment Selection. Prior to issuance of any demolition or grading permits, the project	Submission and approval of a construction vibration monitoring plan prepared by	Prior to issuance of any demolition or grading permits.	Director of Planning, Building and Code	Review of construction	Prior to issuance of any

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
<p>applicant shall implement the following controls to reduce vibration impacts from construction activities:</p> <ul style="list-style-type: none"> <li>Prohibit impact or vibratory pile driving. Drilled piles or mat slab foundations cause lower vibration levels where geological conditions permit their use.</li> <li>A list of all heavy construction equipment to be used for this project known to produce high vibration levels (tracked vehicles, vibratory compaction, jackhammers, hoe rams, etc.) shall be submitted to the City 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 required for continuous vibration monitoring.</li> <li>Place operating equipment on the construction site at least 30 feet from vibration-sensitive receptors.</li> <li>Use the smallest equipment available to complete the task and minimize vibration levels as low as feasible.</li> <li>Avoid using vibratory rollers and tampers near sensitive areas.</li> <li>Select demolition methods not involving impact tools.</li> </ul>	an acoustical and/or structural engineer.		Enforcement or Director's designee.	vibration monitoring plan.	demolition or grading permits.



MITIGATIONS	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [Project Applicant/Proponent Responsibility]		Documentation of Compliance [Lead Agency Responsibility]		
	Method of Compliance Or Mitigation Action	Timing of Compliance	Oversight Responsibility	Actions/Reports	Monitoring Timing or Schedule
<ul style="list-style-type: none"> <li>Modify/design or identify alternative construction methods to reduce vibration levels below the limits.</li> <li>Avoid dropping heavy objects or materials.</li> </ul> <p><b>MM NOI-1.2:</b> Vibration monitoring plan. Prior to issuance of demolition or grading permits, the project applicant shall implement the following controls to identify and monitor construction vibration:</p> <ul style="list-style-type: none"> <li>Implement a construction vibration monitoring plan to document condition of conventional properties within 30 feet of the project site 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 construction vibration monitoring plan shall be implemented to include the following tasks: <ul style="list-style-type: none"> <li>Identification of sensitivity to ground-borne vibration of the property. A vibration survey (generally described below) shall be performed.</li> </ul> </li> </ul>					



MITIGATIONS	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [Project Applicant/Proponent Responsibility]		Documentation of Compliance [Lead Agency Responsibility]		
	Method of Compliance Or Mitigation Action	Timing of Compliance	Oversight Responsibility	Actions/Reports	Monitoring Timing or Schedule
<ul style="list-style-type: none"> <li>- Performance of a photo survey, elevation survey, and crack monitoring survey for the structures within 30 feet of the site. Surveys shall be performed prior to, in regular intervals during, and after completion of vibration generating construction activities and 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 said structure.</li> <li>- Development of a vibration monitoring and construction contingency plan to identify where monitoring shall 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. Construction contingencies, such as alternative construction methods and equipment, or securing the structure, shall be</li> </ul>					

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [Project Applicant/Proponent Responsibility]		Documentation of Compliance [Lead Agency Responsibility]		
	Method of Compliance Or Mitigation Action	Timing of Compliance	Oversight Responsibility	Actions/Reports	Monitoring Timing or Schedule
<p>identified for when vibration levels approach the limits.</p> <ul style="list-style-type: none"> <li>- If vibration levels approach limits, suspend construction and implement contingencies to either lower vibration levels or secure the affected structure.</li> <li>- Complete 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.</li> <li>- 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 will 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</li> </ul>					

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [Project Applicant/Proponent Responsibility]		Documentation of Compliance [Lead Agency Responsibility]		
	Method of Compliance Or Mitigation Action	Timing of Compliance	Oversight Responsibility	Actions/Reports	Monitoring Timing or Schedule
<p>will be included together with proper documentation supporting any such claims.</p> <ul style="list-style-type: none"> <li>- Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.</li> </ul>					

**Source:** City of San José. Draft Environmental Impact Report. 1530-1544 West San Carlos Mixed-Use Project. July 2021.