

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE CERTIFYING THE 5670 CAMDEN AVENUE RESIDENTIAL PROJECT FINAL ENVIRONMENTAL IMPACT REPORT (FILE NOS. H23-040 AND ER23-251) AND MAKING CERTAIN FINDINGS CONCERNING SIGNIFICANT IMPACTS, MITIGATION MEASURES, AND ALTERNATIVES, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING A RELATED MITIGATION MONITORING AND REPORTING PROGRAM, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED

WHEREAS, the proposed 5670 Camden Avenue Residential Project includes a Vesting Tentative Map to subdivide one approximately 10.78-gross-acre parcel situated at the northeast corner of Camden Avenue and Singletree Drive into two parcels and allow up to 108 residential condominiums on a resulting approximately 6.67-gross-acre parcel, and a Site Development Permit to allow the construction of 108 residential condominium units configured in 32 three-story buildings through the demolition of three existing buildings associated with Little League baseball fields (totaling approximately 1,000 square feet) and the removal of 41 trees (23 ordinance-size and 18 non-ordinance-size) on an approximately 6.67-gross-acre site, on a portion of that certain real property situated in the PQP Public/Quasi-Public Zoning District and located on the north side of Singletree Way, approximately 450 feet easterly of the intersection of Camden Avenue and Singletree Way (5670 Camden Avenue) in the City of San José, which real property is sometimes referred to herein as the “subject property”, and the proposed 5670 Camden Avenue Residential Project is referred to herein as the “Project”; and

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

WHEREAS, the City of San José (“City”), acting as lead agency under CEQA, prepared a Draft Environmental Impact Report (“Draft EIR”) for the 5670 Camden Avenue Residential Project (File Nos. H23-040 and ER23-251) dated August 15, 2025; and

WHEREAS, the City prepared a First Amendment to the Draft EIR that provided responses to public comments submitted during the public circulation period and revisions to the text of the Draft EIR; and

WHEREAS, the First Amendment and the Draft EIR together comprise the Final Environmental Impact Report (“FEIR”) for the Project; and

WHEREAS, on March 25, 2026, the Planning Commission of the City of San José reviewed the FEIR prepared for the 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 adopt a resolution certifying the FEIR; and

WHEREAS, CEQA requires that, in connection with the approval of a project for which an Environmental Impact Report has been prepared which 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 a mitigation or monitoring program and 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. The foregoing recitals are true and correct, and are incorporated herein as if fully set forth in the body of this Resolution; and

2. The City Council finds and certifies 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 as lead agency for the Project, and designated the Director of Planning, Building and Code Enforcement (“Director”) at the Director’s Office at 200 East Santa Clara Street, 3rd 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. The City Council recognizes that the FEIR contains additions, clarifications, modifications, and other information in response to comments on the Draft EIR or obtained after the Draft EIR was issued and circulated for public review and hereby finds 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. The City Council finds and determines that recirculation of the FEIR for further public review and comment is not warranted or required under the provisions of CEQA; and
6. The City Council makes the following findings with respect to potentially significant environmental impacts 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.

5670 CAMDEN AVENUE RESIDENTIAL PROJECT

ENVIRONMENTAL EFFECTS FOUND NOT TO BE SIGNIFICANT

Through project scoping and the environmental analysis contained within the FEIR, it was determined that the Project would not result in a potential significant effect on the environment with respect to aesthetics, agricultural and forestry resources, energy, geology and soils, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, utilities and service systems, and wildfire. A summary of the reasons for this determination can be found in Chapters 3.6, 3.7, 3.8, 3.9 and 4.0 of the Draft EIR. No further findings are required for these subject areas.

SIGNIFICANT ENVIRONMENTAL IMPACTS

Air Quality

Impact: **Impact AIR-1:** The proposed Project could conflict with or obstruct implementation of the 2017 Clean Air Plan by exposing nearby sensitive receptors to health risk impacts that exceed the Bay Area Air District (Air District) single-source cancer risk threshold of 10 per million due to project construction diesel particulate matter (DPM) emissions.

Impact AIR-3: The Project construction could result in health risk impacts that exceed the Air District single-source cancer risk threshold of 10 per million due to project construction diesel particulate matter (DPM) emissions.

Mitigation: **MM AIR-1:** Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the Project applicant shall submit a construction management plan to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval. All off-road equipment equal to or greater than 25 horsepower shall meet either United States Environmental Protection Agency (EPA) or California Air Resources Board (ARB) Tier 4 Final off-road emission standards during all construction activities.

The construction management plan shall demonstrate that the off-road equipment used on-site to construct the Project will comply with Tier 4 Final off-road emission standards. Off-road equipment descriptions and information included in the construction management plan may include but are not limited to equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, and engine serial number.

Finding: With implementation of MM AIR-1, the Project's construction-related cancer risk would be reduced below the Air District single-source threshold (10 per million). Therefore, the Project's health risk impacts from construction, with mitigation, would be reduced to a less than significant level. (Less Than Significant Impact with Mitigation Incorporated)

Facts in Support of the Finding: Construction equipment and associated heavy-duty truck traffic that generate diesel exhaust, which is a known Toxic Air Contaminant (TAC), pose a health risk to nearby receptors. For the purposes of this analysis, receptors include locations where sensitive populations would be present for extended periods of time, including all existing childcare and residences surrounding the Project site. A health risk assessment of the Project construction activities was completed for the proposed Project. The assessment evaluated potential health effects for nearby receptors (within 1,000 feet of the Project site) from construction emissions of diesel particulate matter (DPM).

The CalEEMod model was used to determine total annual DPM and PM2.5 dust emissions for the off-road construction equipment and on-road vehicles that would be used during Project construction. Additionally, the U.S. EPA AERMOD dispersion model was used to predict construction related DPM and PM2.5 concentrations at existing receptors in the vicinity of the Project. The off-site truck and passenger vehicle emission rates were calculated using the EMFAC2021 model.

With implementation of MM AIR-1, the Project's construction-related cancer risk would be reduced by approximately 74.6 percent from 31.5 per million to 8.0 per million. Therefore, the impact of the Project's construction would be reduced to a less than significant level.

Biological Resources

Impact: **Impact BIO-1:** The proposed Project could have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service.

Mitigation: **MM BIO-1:** The proposed Project shall implement the following measures to avoid impacts to nesting migratory birds:

- **Avoidance:** Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the Project applicant

shall schedule demolition and construction activities, including ground disturbance and vegetation removal activities, to avoid the nesting season. Tree removal and high-noise activities will be scheduled outside the nesting season where feasible. The nesting season for most birds, including raptors in the San Francisco Bay Area, extends from February 1 through August 31, inclusive.

- **Nesting Surveys:** If demolition and construction activities cannot be scheduled between September 1 and January 31 (inclusive), general pre-construction nesting bird surveys shall be conducted by a qualified Biologist not more than 7 days prior to construction activities involving ground clearing, vegetation removal/trimming, or building demolition. The surveys shall include the disturbance area plus a 200-foot buffer around the site and a 500-foot buffer for raptors.
- **Buffer Zones:** If active nests (i.e., nests containing eggs and/or juveniles) are located, an appropriate avoidance buffer shall be established within which no work activity would be allowed that would impact these nests. The avoidance buffer shall be established by the qualified Biologist on a case-by-case basis based on the species and site conditions. In no case shall the buffer be smaller than 50 feet for non-raptor bird species or smaller than 200 feet for raptor species. Larger buffers may be required depending on the status of the nest and the construction activities occurring near the nest. The buffer area(s) shall be closed to all construction personnel and equipment until juveniles have fledged and the nest is inactive. The qualified Biologist shall confirm that breeding/nesting is completed and young have fledged the nest prior to removal of the buffer. If there are delays in on-site activities for more than 14 days during the breeding season, an additional survey shall be required within 7 days prior to the start of work.

Finding: Implementation of MM BIO-1 would reduce impacts to nesting migratory birds to a less than significant level. (Less Than Significant with Mitigation Incorporated)

Facts in Support of the Finding: Migratory birds, like nesting raptors, are protected under the Migratory Bird Treaty Act and California Department of Fish and Wildlife (CDFW) Code Sections 3503, 3503.5, and 3800. The CDFW defines "taking" as causing abandonment and/or loss of reproductive efforts through disturbance. Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute a significant impact.

Implementation of mitigation measure MM BIO-1 would ensure that construction-related activities of the Project take place outside of the nesting

season, thus avoiding any incidental loss of fertile eggs or nestlings, or nest abandonment. Alternatively, if tree removals, demolition, and/or construction cannot be scheduled between September 1 and January 31, the implementation of mitigation measure MM BIO-1 would also identify and protect all active nests within the Project's area of effect from being disturbed during construction. Therefore, with implementation of mitigation measures MM BIO-1, the Project would reduce impacts to nesting migratory birds to a less than significant level.

Cultural Resources

Impact: **Impact CUL-2:** The proposed Project could cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 due to earthmoving activities associated with Project construction. The proposed Project could uncover previously undiscovered human remains.

Impact CUL-3: The proposed Project could disturb human remains, including those interred outside of formal cemeteries.

Finding: With Implementation of MM TCR-1 and TCR-2, the Project's potential impacts to unrecorded subsurface cultural resources would be less than significant. (Less Than Significant with Mitigation Incorporated)

Facts in Support of the Finding: Native American and historic artifacts have been found throughout San José, particularly near creeks and rivers. The Project site is located within 500 feet of Guadalupe Creek and based on the Cultural Resources report prepared for the project, there is potential for pre-historic Native American cultural resources in the immediate vicinity of the Project site,

Development of the Project would require construction activities such as grading and excavation, which could result in the accidental destruction or disturbance of Native American and historic-era archaeological deposits. Implementation of MM TCR-1 and the City's Standard Permit Conditions for Human Remains and Subsurface Resources would reduce impacts to archaeological resources to less than significant levels by requiring retention of a qualified archeologist, cultural sensitivity training, and retention of a qualified Native American Monitor to be present during earthmoving activities like trenching, initial or full grading, boring on-site, or major landscaping. Moreover, procedures for the disposition of Native American or historic-era archeological materials recovered, if any, will be

implemented in the event that archaeological materials are recovered from the Project site during construction.

Hazards and Hazardous Materials

Impact: **Impact HAZ-1:** The proposed Project could create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials during Project construction, including commonly used substances such as gasoline, diesel, oil, grease, mechanical fluids, paints, and cleaning solvents.

Impact HAZ-2: The proposed Project could create a significant hazard to the public or the environment through the release of hazardous materials commonly used during construction activities (i.e., gasoline, diesel, oil, grease, mechanical fluids, paints, and cleaning solvents) into the environment through upset and accident conditions, either through a transportation accident or an unforeseen event (e.g., fire, flood, or earthquake).

Mitigation: **MM HAZ-1:** Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest), Project applicant will contract a qualified environmental professional to conduct a Limited Phase II Subsurface Investigation at the Project site, following the recommendations provided in the Phase I Environmental Site Assessment (Phase I ESA) performed by AEI Consultants and dated February 10, 2023. The Limited Phase II Subsurface Investigation shall be prepared in accordance with the State and regional guidelines and applicable American Society for Testing and Materials (ASTM) International standards to determine the presence and/or extent of the potential contamination at the Project site and to inform potential remediation actions. If the Limited Phase II Subsurface Investigation identifies contamination at the Project site, recommendations provided in the Limited Phase II Subsurface Investigation shall be implemented. If remediation is required at the Project site, a soil and groundwater management plan (or similar) shall be prepared to provide remediation actions to be performed at the Project site and contamination shall be remediated to satisfactory levels appropriate for residential uses prior to ground disturbance at the Project site. The Limited Phase II Subsurface Investigation and any subsequent report shall be submitted to the Director of Planning, Building and Code Enforcement. If pesticide concentrations are found above regulatory residential Environmental Screening Levels (ESLs), the applicant shall obtain regulatory oversight from County of Santa Clara Department of Environmental Health (DEH), Regional Water Quality Control Board (RWQCB) or the California Department of Toxic Substances Control (DTSC). A Site Management Plan

(SMP), Removal Action Plan (RAP), or equivalent document shall be prepared by a qualified hazardous materials consultant. The SMP shall establish remedial measures and/or soil management practices to ensure construction worker safety and the health of future workers and visitors. The SMP and evidence of regulatory oversight shall be provided to the Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement and the Environmental Compliance Officer in the City of San José Environmental Services Department (ESD).

Finding: With implementation of MM HAZ-1, the Project will have a less than significant hazardous materials impact from contaminated soils. (Less Than Significant with Mitigation Incorporated)

Facts in Support of the Finding: Historical use of the site as an orchard result in agricultural chemicals (i.e., pesticides, herbicides, and fertilizers) at the project site. The proposed project would include grading and excavation during project construction which could result in impacts to construction workers from exposure to hazardous materials and/or soils or groundwater contamination. With implementation of mitigation measure MM HAZ-1, any potentially contaminated soils on-site would be properly identified, characterized, removed, and disposed of prior to ground-disturbing activities, thus preventing exposure of construction workers, nearby sensitive receptors, future occupants, and the environment to soil contaminants from construction of the Project.

Tribal Cultural Resources

Impact: **Impact TCR-1:** The proposed Project could cause a substantial adverse change in the significance of a Tribal Cultural Resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).

Impact TCR-2: The proposed Project could cause a substantial adverse change in the significance of a Tribal Cultural Resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1.

Mitigation: **MM TCR-1: Cultural Awareness Training.** Prior to the issuance of any demolition, grading, or building permits (whichever occurs first), the Project applicant, in association with the City of San José, shall implement a cultural awareness training program for workers that may be present on the Project site during ground-disturbing activities. Training shall be required for all

construction personnel participating in ground-disturbing construction activities to alert them to the archaeological sensitivity of the Project area and provide protocols to follow in the event of a discovery of archaeological materials. The training shall be provided by a qualified Archaeologist in consultation with a Native American Tribal representative registered with the Native American Heritage Commission (NAHC) for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3. The qualified Archaeologist, to be retained by the applicant on an on-call basis, shall develop and distribute for job site posting an “ALERT SHEET” summarizing potential archaeological finds that could be exposed and the protocols to be followed as well as points of contact to alert in the event of a discovery. Documentation verifying that the cultural awareness training program has been completed shall be submitted to the Director of Planning, Building and Code Enforcement (PBCE) or the Director’s designee within 20 days of completion of the training. The Project applicant shall note on any plans that require ground-disturbing excavation that there is a potential for exposing buried cultural resources including prehistoric Native American burials.

MM TCR-2: Monitoring Plan. Prior to the issuance of any demolition, grading, or building permits (whichever occurs first), a qualified Archaeologist, in consultation with a Native American representative registered with the Native American Heritage Commission (NAHC) for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, shall prepare a Monitoring Plan for all earthmoving activities. The Monitoring Plan shall be submitted to the Director of Planning, Building and Code Enforcement (PBCE) or the Director’s designee for review and approval. The Monitoring Plan shall include, but is not limited to, the following: Monitoring schedules, contract information, recommended monitoring methods, and timing of reporting finds. A qualified Archaeologist in collaboration with a Native American Monitor, registered with the NAHC for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, shall be present during applicable earthmoving activities in accordance with the Monitoring Plan. These could include but not are not limited to, trenching, initial or full grading, lifting of foundation, boring on-site, or major landscaping.

Finding: With implementation of MM TCR-1 and MM TCR-2, the Project will have a less than significant impact to tribal cultural resources. (Less Than Significant with Mitigation Incorporated)

Facts in Support of the Finding: Native American and historic artifacts have been found throughout San José, particularly near creeks and rivers. The Project site is located within 500 feet of Guadalupe Creek and based on the Cultural Resources report prepared for the project, there is potential for pre-historic Native American cultural resources in the immediate vicinity of the Project site.

Development of the Project would require construction activities such as grading and excavation, which could result in the accidental destruction or disturbance of Native American and historic-era archaeological deposits. With implementation of mitigation measure MM TCR-1 and MM TCR-2, any tribal cultural resources that may potentially be uncovered during ground-disturbing activities would be identified and protocol for treatment of the resources would be follows, thus protecting potentially discovered resources during construction of the Project. Additionally, with implementation of the City's standard permit conditions for Subsurface Cultural Resources and for Human Remains, construction of the Project would not result in significant impacts related to tribal cultural resources.

SIGNIFICANT UNAVOIDABLE ENVIRONMENTAL IMPACTS

Greenhouse Gas Emissions

Impact: **Impact GHG-1:** The proposed Project would generate greenhouse gas (GHG) emissions, that may significantly affect the environment since it does not meet one of the Air District's qualitative GHG thresholds because its estimated 15.23 daily vehicle miles travelled (VMT) per capita exceeds the City's residential threshold.

Impact GHG-2: The proposed Project would conflict with Plan Bay Area 2050 for VMT and GHG emissions reductions since the proposed Project would not meet the City's VMT significance threshold.

Mitigation: Implement MM TRANS-2.

Finding: With Implementation of MM TRANS-2, the Project's potential impacts to greenhouse gas emissions would be significant and unavoidable. (Significant and Unavoidable with Mitigation Incorporated)

Facts in Support of the Finding: The proposed Project and its associated GHG emissions were not considered in the City's Greenhouse Gas Reduction Strategy (GHGRS) because that GHG analysis is based on the General Plan land use designations, strategies and policies, and residential uses

were not assumed to occur on sites with a Public/Quasi-Public General Plan land use designation. However, the proposed Project was submitted under the provisions of the AB 1893 (Builder's Remedy) and is therefore deemed consistent with the General Plan for purposes of analysis. Therefore, the Project was evaluated against the design elements in Criterion A of the Bay Area Air District's (Air District) 2022 GHG Significance thresholds. The Project would satisfy three of the four design elements as outlined in the Air District GHG threshold Criterion A, but since the proposed Project is inconsistent with the vehicle miles traveled (VMT) design element, the proposed Project would have a significant and unavoidable impact per Air District GHG threshold Criterion A. To reduce GHG emissions impacts, the Project proponent must implement MM TRANS-2 that aims to reduce VMT impacts as well as GHG impacts, including pedestrian network improvements, traffic calming measures, and increased transit accessibility improvements. Even with implementation of MM TRANS-2, the Project applicant would not be able to mitigate greenhouse gas emissions to less-than-significant levels due to the Project's location in an immitigable VMT area. No feasible mitigation would reduce the impact of the Project to GHG emissions to less than significant levels.

Transportation

Impact: **Impact TRANS-2:** The proposed Project would conflict or be inconsistent with CEQA Guidelines Section 15064.3 subdivision (b) because its daily VMT estimated by the City's VMT Evaluation Tool is 15.23 per capita which exceeds the City's residential VMT threshold.

Mitigation: **MM TRANS-2:** Prior to issuance of building occupancy permits, the Project applicant shall implement the following mitigation measures to reduce Vehicle Miles Traveled (VMT) impacts to the satisfaction of the Director of Public Works or the Director's designee, and submit proof of compliance documentation for review and approval to the Director of Planning, Building, and Code Enforcement or the Director's designee:

- **Pedestrian Network Improvements (MI-05):** Remove pork-chop islands and extend the curb-lines at the northwest and southwest corners of the Camden Avenue and Blossom Hill Road intersection. These improvements will require a signal modification, including the replacement of existing signal poles and associated mast arms and streetlights, and signal improvements (closed-circuit television monitoring, accessible pedestrian signals, high visibility backplates, and cabinet upgrades). The proposed Project shall construct new Americans with Disabilities Act (ADA) compliant curb ramps with

truncated domes and install high-visibility yellow ladder striping on all legs of the intersection.

- **Traffic Calming Measures (MI-04):**
 - Construct a bulb-out at the northeast corner of the Camden Avenue and Singletree Way intersection, directional ADA compliant curb ramps at both the northeast and southeast corners of the intersection, and a yellow-striped crosswalk on Singletree Way.
 - Extend the raised median island on Camden Avenue south to Singletree Way (approximately 150 feet).

- **Increase Transit Accessibility:** Relocate the existing near side Santa Clara Valley Transit Authority (VTA) bus stop along westbound Blossom Hill Road to the far side of the intersection (west side of Camden Avenue). Improvements include construction of a new concrete bus pad, and installation of a new standard metal bench and bus shelter.

- **Parking and TDM Ordinance:** The TDM Plan for the Project has additional measures to meet the City Parking TDM requirements. The TDM Plan includes the following measures from the Transportation Analysis prepared for the Project and shall be implemented prior to issuance of the Certificate of Occupancy. Compliance shall be coordinated with the Director of Public Works or the Director's designee, and then the Project proponent shall submit proof of compliance documentation for review and approval to the Director of Planning, Building, and Code Enforcement or the Directors' designee:
 - Provide Residential Street Improvements (MI-04)
 - Provide Pedestrian Network improvements (MI-05)
 - Right-Size Off-Site Vehicle Parking Supply (PK-01)
 - Provide End of Trip Bike Facilities (PK-02)
 - Provide School Pool Program (TP-01)
 - Education/Marketing & Outreach Program (TP-04)
 - Provide Ride-Share Program (TP-13)
 - Provide Targeted Behavioral Intervention (TP-15)
 - Provide Voluntary Travel Behavior Change Program (TP-18)

- **Council Policy 5-1 VMT Impact Overriding Offset Payment:**
 - Prior to issuance of building occupancy permits, the Project proponent shall pay the VMT Impact Overriding Offset payment for the proposed 108 townhome residential units. In coordination with the City, the Project proponent will

implement the following improvements prior to building occupancy in lieu of VMT Impact Overriding Offset payment. The improvements will include the following:

- Construct a new traffic signal at the Camden Avenue/Singletree Way intersection with new crosswalks along Camden Avenue

Finding: No feasible mitigation would reduce the VMT per household of the Project below the residential thresholds of 11.39 VMT per household. With Implementation of MM TRANS-2, the Project's potential impacts to Transportation would continue to be significant and unavoidable. (Significant and Unavoidable with Mitigation Incorporated)

Facts in Support of the Finding: As discussed in Section 3.10 of the EIR, even with implementation of the identified mitigation measures (MM TRANS-2), development of the Project would constitute a significant transportation impact because the Project is located in an immitigable VMT area for residential development as mapped by the City's Department of Transportation (2021 per Capita VMT per Parcel). Even with implementation of the included mitigation measures, which would partially reduce VMT impacts, the impacts would remain significant and unavoidable because the Project's VMT would not be reduced below the thresholds in the City's Transportation Analysis Policy (Council Policy 5-1) of 15 percent below the citywide average VMT per capita.

The City's VMT impact threshold is 15 percent below the citywide average VMT per capita for residential developments. Thus, residential projects are said to create a significant adverse impact when the estimated project-generated VMT exceeds the existing citywide average VMT per capita minus 15 percent. Currently, the reported citywide average is 13.4 daily VMT per capita which equates to a significant impact threshold of 11.39 daily VMT per capita for this Project. Projects that trigger a significant VMT impact can implement strategies described in the San José Transportation Analysis Handbook, such as project design characteristics, multimodal network improvements, parking measures, and TDM measures to reduce the project's VMT per capita. A significant impact is said to be satisfactorily mitigated when the strategies and VMT reductions implemented result in a reduction in VMT per capita below the residential threshold.

The mitigation measure TRANS-2 requires implementation of VMT reduction measures from each of the four strategies from the Transportation Analysis Handbook. With implementation of this mitigation measure, the Permittee will mitigate the Project VMT to the maximum reduction feasible for the Project, 13.50 per capita. This is still above the threshold of 11.39

VMT per capita, which is 15 percent below the citywide average for residential developments.

FINDINGS CONCERNING ALTERNATIVES

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 commonsense approach, meaning 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 Draft EIR 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. Five alternatives were explored, including two alternatives that were rejected and not analyzed. The following three alternatives were fully analyzed as alternatives to the proposed Project:

1. No Project – Retain Existing Use Alternative
2. Reduced Intensity Alternative
3. Increased Intensity Alternative

Project Objectives

The objectives for the Project are as follows:

1. Deliver approximately 100 units of new, high-quality housing in an existing residential neighborhood.
2. Provide housing with a variety of floor plans and unit types to enhance the economic viability of the development for long-term sustainability.
3. Phase development to allow for managed and orderly growth, while limiting construction-related effects in the Project site vicinity.
4. Construct housing with sufficient density to be marketable and produce a reasonable return on investment for the Project applicant and its investors and that is able to attract investment capital and construction financing.
5. Assist the City of San José to satisfy its regional housing needs allocation for market-rate and below market rate housing units.
6. Provide quality housing that connects to the existing circulation system and includes pedestrian access to create a walkable community.

Selection of Alternatives

CEQA, the CEQA Guidelines, and case law on the subject have found that feasibility can be based on a wide range of factors and influences. The CEQA Guidelines advise that such factors can include (but are not necessarily limited to) the suitability of an alternative site, economic viability, availability of infrastructure, consistency with the general plan or other plans or regulatory limitations, jurisdictional boundaries, and whether the Project proponent can “reasonably acquire, control or otherwise have access to the alternative site” (Section 15126.6[f][1]).

1. No Project – Retain Existing Use Alternative

- A. Description of Alternative:** Under the No Project – Retain Existing Use Alternative, no changes from existing conditions would occur. This alternative would avoid the Project’s impacts but would not meet any of the Project objectives. Under the No Project – Retain Existing Use Alternative, the proposed 108-unit 32-building proposed community would not be constructed on the Project site. The existing sports fields and associated structures would remain on-site. In this scenario, off-site improvements would not occur, grading would not take place, and no trees would be removed. For the purposes of the alternatives analysis, it is assumed that the existing sports fields would remain on the site and would continue to be used for youth sports. This alternative would not require a Site Development Permit or Tentative Map approval. This alternative would retain the existing land uses on the Project site, and the Project site would continue to be used for sports fields and associated structures. If the subject parcels were to remain in their existing condition, the impacts associated with construction and operation of the proposed Project would not occur, and the baseline conditions described throughout this EIR would remain.
- B. Comparison of Environmental Impacts:** Under the No Project – Retain Existing Use Alternative, no construction would occur and, as a result, no impacts associated with ground disturbing activities, including potential impacts related to Cultural Resources, Biological Resources, Hazards, and Tribal Cultural Resources would occur. No trees would be removed. Impacts in these areas would be less than under the proposed Project. Under the No Project – Retain Existing Use Alternative, the Project would not generate VMT in excess of the City’s threshold and would avoid the Project’s significant and unavoidable impacts to the environment from Greenhouse Gas Emissions and Transportation. As such, all of the proposed Project’s significant and unavoidable impacts would be avoided under this alternative. Furthermore, the proposed Project’s potentially significant impacts related to air quality, biological, cultural resources, hazardous materials, and Tribal cultural resources impacts would be avoided and there would be no need for mitigation. Therefore, the No Project – Retain Existing Use Alternative would avoid these impacts.

- C. Finding:** This alternative would avoid all of the Project’s environmental impacts by maintaining the baseline conditions for the Project site described in the EIR. However, this Alternative would not meet any of the Project’s specific objectives, which include providing planned housing, and would not assist the City with meeting its regional housing needs allocation. In summary, while the No Project – Retain Existing Use Alternative would avoid all of the proposed Project’s potentially significant impacts and its significant and unavoidable impacts, this alternative would not meet any of the Project objectives.

2. Reduced Intensity Alternative

- A. Description of Alternative:** Under the Reduced Intensity Alternative, 87 units would be developed, which would be 21 units fewer than the proposed Project. The units would be single-family detached homes clustered on the property, and seven percent (6 units) of the homes would be extremely-low-income units. A community park would be available for residents of the community. Based on the average household size of 2.86 people, the Reduced Intensity Alternative would increase the City’s population by approximately 249 people, which would represent a reduction of 60 people compared to the proposed Project’s estimate.
- B. Comparison of Environmental Impacts:** Given that this alternative would still result in the redevelopment of the Project site, reducing the number of units to be developed and the number of residents generated by the Project could result in reduced impacts associated with biological resources, cultural resources, tribal cultural resources, and hazards and hazardous materials. According to the City’s VMT evaluation tool, this alternative would not reduce the Project impacts below the City’s threshold of 11.39 daily VMT per capita, which is 15 percent below citywide VMT per capita. Therefore, the significant and unavoidable Greenhouse Gas Emissions and VMT impacts would remain, similar to the proposed Project.

Reducing the intensity of the proposed Project would still require the removal of trees and disturbance of soils underlying the site. However, due to the reduced Project footprint, the biological resources, cultural resources, hazardous materials, and Tribal cultural resources impacts would be slightly reduced compared to the proposed Project but would still require mitigation to reduce impacts to less than significant. Additionally, this alternative would not comply with the VMT design element and therefore, GHG impacts would remain significant and unavoidable under this alternative, similar to the proposed Project. Therefore, reducing the scale of the proposed Project would not substantially lessen or avoid the significant and unavoidable impacts. Potential impacts to all other resource areas (agricultural resources, energy, geology and soils, hydrology and water quality, land use and planning, mineral resources, public services, recreation, utilities, and wildfire) would be similar to the proposed Project.

- C. Finding:** The Reduced Intensity Alternative would result in similar environmental impacts as the Project (refer to Table 6-1 of the EIR). Since the Reduced Intensity Alternative would still result in the development of the site with housing uses which is a change in land use from existing conditions, impacts to CEQA resource areas, including significant and unavoidable impacts to greenhouse gas emissions and transportation, would not be avoided. The Project's objectives are centered on providing housing units in the City of San José to satisfy its regional housing needs allocation while retaining a reasonable return on investment. A development that nearly meets the Project's objectives (Objectives 1, 4 and 5) could potentially reduce the Project impacts below the City's threshold of 11.39 daily VMT per capita if very little to no onsite parking was provided and would result in significant and unavoidable impacts to greenhouse gas emissions and potentially to transportation from VMT under CEQA. Therefore, the Reduced Intensity Alternative would still result in significant and unavoidable impacts and may also render the Project economically infeasible. If the Reduced Intensity Alternative was not developed, the site would remain in its existing conditions maintaining the baseline conditions for the Project site described in the EIR and would not assist the City in satisfying its regional housing needs allocation.

3. Increased Intensity Alternative

- A. Description of Alternative:** Under the Increased Intensity Alternative, it is assumed that the site would be developed to its full buildout potential under Assembly Bill 1893 using a density bonus for 100-percent affordable housing. Given the site's size of 6.67 acres, this alternative would result in a total of 667 residential units. This alternative would represent an increase of 559 units as compared to the proposed Project of 108 units, which would further the City's objective of meeting its regional housing needs allocation for below market rate housing. This alternative would result in development of a correspondingly larger percentage of the Project site and would result in greater earth-moving activity and longer construction timelines. For purposes of this alternative analysis, the residential units would be in 5-story apartment buildings, and no parking would be provided.
- B. Comparison of Environmental Impacts:** The Increased Intensity Alternative would result in increased building heights and increased impervious surfaces on the site. This alternative would introduce taller structures to the neighborhood that would not be consistent with the existing lower-density residential character.

Since the Increased Intensity Alternative would not include on-site parking, and street parking availability in the neighborhood is limited, it is reasonable to assume that the Increased Intensity Alternative would attract residents who would use public transit. With no parking provided onsite with this alternative, VMT impacts would likely be reduced to a less than significant level because the majority of

residents would need to utilize public transportation. However, assuming the majority of residents of the 667 units would utilize public transportation, there would be an increased impact for public transit in the area. As such, it was assumed that the proposed Project's significant and unavoidable VMT impacts would likely be avoided under this impact. Nonetheless, because this alternative would be inconsistent with the Project site's existing land use designation, greenhouse gas emissions impacts would remain significant and unavoidable, similar to the proposed Project.

Additionally, this alternative would require similar construction-related air quality mitigation as the proposed Project to reduce emissions generated by Project construction and, therefore, air quality impacts would not be reduced under this alternative. Energy use for construction and during operations would be higher than the proposed Project due to the additional units and residents. Increasing the intensity of the proposed Project to the Increased Intensity Alternative would require the removal of all trees on the site including all ordinance-sized trees and would result in greater disturbance of soils underlying the site. As a result, the biological resources, cultural resources, hazardous materials, and tribal cultural resources impacts would be slightly greater compared to the proposed Project and would remain potentially significant, requiring mitigation to reduce impacts to less than significant. All other impact areas not discussed would be similar to the proposed Project.

- C. Finding:** The Increased Intensity Alternative would reduce the significant and unavoidable impacts related to VMT from the proposed Project. This alternative would result in potentially increased impacts compared to the proposed Project in the areas of aesthetics, biological, cultural resources, hazardous materials, public services, and tribal cultural resources, and would result in similar environmental impacts compared to the proposed Project for all other resource areas (refer to Table 6-1 of the EIR). Since the Increased Intensity Alternative would result in the development of the site with even more housing uses than the proposed Project and would remain a change in land use from existing conditions, impacts to several CEQA resource areas, including significant and unavoidable impacts to greenhouse gas emissions, would not be avoided. Mitigation measures would be able to reduce those impacts to less than significant levels, but greenhouse gas emissions would remain a significant and unavoidable impact.

The Project's objectives are centered on providing housing units in the City of San José to satisfy its regional housing needs allocation while retaining a reasonable return on investment. The development under this alternative nearly meets the Project's objectives (Objectives 1, 4 and 5) and could likely reduce the Project impacts below the City's threshold of 11.39 daily VMT per capita if no onsite parking was provided. However, the Increased Intensity Alternative would still result in significant and unavoidable impacts to greenhouse gas emissions under

CEQA. If the Increased Intensity Alternative was not developed, the site would remain in its existing conditions maintaining the baseline conditions for the Project site described in the EIR and would not assist the City in satisfying its regional housing needs allocation.

Environmentally Superior Alternative

Section 15126.6 of the CEQA Guidelines states that an EIR shall identify an environmentally superior alternative. The environmentally superior alternative is the No Project– Retain Existing Use Alternative. The No Project– Retain Existing Use Alternative would avoid all of the potentially significant impacts and the significant and unavoidable impacts of the proposed Project. The No Project – Retain Existing Use Alternative would retain the site in its current condition. This alternative would avoid all construction and operational impacts associated with the proposed Project, and no mitigation or imposition of Standard Permit Conditions would be required. Therefore, the No Project – Retain Existing Use Alternative is the environmentally superior alternative; however, it would not achieve any of the Project objectives.

CEQA Guidelines Section 15126.6(e)(2) states that “if the environmentally superior alternative is the No Project Alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.” Based on the above discussion, the environmentally superior alternative is the Reduced Intensity Alternative. This alternative would not avoid any of the significant and unavoidable impacts or any of the potentially significant impacts identified in the Draft EIR. The Reduced Intensity Alternative would require the same mitigation measures and standard permit conditions as the proposed Project. The Reduced Intensity Alternative would only partially meet the Project’s objectives since it would provide at least 19 percent fewer market-rate residential units and 64 fewer affordable units than the proposed Project, which would therefore not achieve the underlying purpose or Project objectives to the same extent of the proposed Project. Furthermore, because of the reduced density, this alternative would not fully meet the objective of constructing housing with sufficient density to be marketable and produce a reasonable return on investment for the Project applicant and its investors, rendering the Project infeasible.

STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to CEQA, the City Council of the City of San José hereby adopts and makes the following statement of overriding considerations regarding the remaining significant 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 that are included in the record, the City has determined

that the Project will result in significant unmitigated or unavoidable impacts, as set forth above, associated with greenhouse gas emissions and transportation.

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 impacts of the Project are acceptable in light of the economic, legal, environmental, social, technological or other considerations noted below and in accordance with Public Resources Code Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), because the benefits of the Project outweigh the significant adverse environmental impact of the Project. The City Council finds that each of the overriding considerations set forth below constitutes a separate and independent basis for finding that the benefits of the Project outweigh the significant adverse environmental impacts and is an overriding consideration warranting approval of the Project. These matters are supported by evidence in the administrative record that includes, but is not limited to, the Envision San José 2040 General Plan.

C. Benefits of the Proposed Project. 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:

- **Diverse Income Housing Options:** The Project is a housing development project that adds a significant number of both market-rate and affordable housing units to the City of San José, directly supporting the City's diversity and inclusivity goals by providing high-quality housing for a wide range of income levels, as well as satisfying the City's Regional Housing Needs Allocation. The Project will develop 108 for-sale townhome units. 100 of the units would be sold at market-rate, and eight of the units (approximately 7.4% of the units in the Project) will be restricted to households earning up to 30% Area Median Income (Extremely Low Income) for a period of 55 years, including housing-related benefits up to \$20,000 per each affordable unit (\$160,000 in total) and a 5% homeowners association fee cap for BMR units.
- **Transportation Improvements:** The Project will implement transportation improvements consisting of pedestrian network improvements, traffic calming measures and transit access improvements. The following improvements are the overriding benefits from the maximum feasible extent of VMT mitigation and from the VMT Impact Overriding offset payment:
 - Pedestrian improvements at the Blossom Hill and Camden intersection, including removal of pork-chop islands on the western

- side of the intersection and signal modification (replacement of existing signal poles, masts, and streetlights), signal improvements (closed-circuit television monitoring, accessible pedestrian signals, high-visibility backplates, cabinet upgrades), ADA-compliant curb ramps, and high-visibility striping.
 - Traffic calming improvements including a bulb-out at the northeast corner of the Camden Avenue and Singletree Way intersection, directional ADA compliant curb ramps at both the northeast and southeast corners of the intersection, and a yellow-striped crosswalk on Singletree Way, and an extended raised median island on Camden Avenue south to Singletree Way (approximately 150 feet).
 - Relocation of the VTA bus stop at Blossom Hill and Camden from the eastern side of the intersection to the western side, including a new concrete bus pad, bench, and bus shelter.
 - Construction of a new signalized intersection at the Singletree and Camden intersection with new crosswalks along Camden Avenue.
 - New driveways along Camden Avenue and Singletree Way.
 - New red curbing along Singletree Way.
 - Financial contribution for a future Class IV protected bike lane along the Camden Avenue Project frontage.
- **Green Infrastructure:** The Project will implement numerous sustainable building practices aligning with the General Plan’s emphasis on environmental stewardship and sustainability. The Project would be 100 percent electric and would meet the energy efficiency performance requirements of the San José Reach Code.

The City Council has weighed each of the above benefits of the Project against its unavoidable environmental risks and adverse environmental effects identified in the FEIR and hereby determines that those benefits outweigh the risks and adverse environmental effects of the Project and, therefore, further determines that these risks and adverse environmental effects are acceptable and overridden.

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 California Public Resources Code Section 21081.6 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.

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 City's Department of Planning, Building and Code Enforcement, San José City Hall, 200 East Santa Clara Street, 3rd Floor Tower, San José, California, 95113, and are also available for viewing electronically on the Department of Planning, Building and Code Enforcement website. The City Council hereby designates the City's 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.

ADOPTED this ____ day of _____, 2026, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, MMC
City Clerk

MITIGATION MONITORING AND REPORTING PROGRAM

5670 Camden Avenue Residential Project
Environmental Impact Report
File Nos. H23-040, ER23-251
March 2026



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 proposed 5670 Camden Avenue Residential Project (Project) concluded that the implementation of the Project could result in significant effects on the environment and mitigation measures were incorporated into the 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.

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.

I, Orville Power, the applicant, on the behalf of Mana Camden Fund, LLC, hereby agree to implement the mitigation measures described below which have been developed in conjunction with the preparation of an Environmental Impact Report for the 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 2.28.26 _____



Planning, Building and Code Enforcement
CHRISTOPHER BURTON, DIRECTOR

5670 Camden Avenue Residential Project
File Nos. H23-040 & ER23-251

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [Project Applicant/Proponent Responsibility]		Documentation of Compliance [Lead Agency Responsibility]		
	Method of Compliance or Mitigation Action	Timing of Compliance	Oversight Responsibility	Actions/Reports	Monitoring Timing or Schedule
Air Quality					
<p>Impact AIR-1: The proposed project could conflict with or obstruct implementation of the 2017 Clean Air Plan by exposing nearby sensitive receptors to health risk impacts that exceed the Bay Area Air Quality Management District (BAAQMD) single-source cancer risk threshold of 10 per million due to project construction diesel particulate matter (DPM) emissions.</p> <p>Impact AIR-3: The project construction could result in health risk impacts that exceed the Bay Area Air Quality Management District (BAAQMD) single-source cancer risk threshold of 10 per million due to project construction diesel particulate matter (DPM) emissions.</p>					
<p>MM AIR-1: Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the project applicant shall submit a construction management plan to the Director of Planning, Building and Code Enforcement or the Director’s designee for review and approval.</p> <p>The construction management plan shall demonstrate that the off-road equipment used on-site to construct the project will comply with Tier 4 Final off-road emission standards. Off-road equipment descriptions and information included in the construction management plan may include but are not limited to equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, and engine serial number. Additionally, all off-road equipment equal to or greater than 25 horsepower shall meet either United</p>	<p>The project applicant shall submit a construction management plan for review and approval.</p>	<p>Prior to issuance of any demolition, grading and/or building permits (whichever occurs earliest).</p>	<p>Director of Planning, Building, and Code Enforcement or the Director’s designee.</p>	<p>Review and approve the construction management plan.</p>	<p>Prior to issuance of any demolition, grading and/or building permits (whichever occurs earliest).</p>

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
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States Environmental Protection Agency (EPA) or California Air Resources Board (ARB) Tier 4 Final off-road emission standards during all construction activities.					
Biological Resources					
Impact BIO-1: The Project could disturb protected nesting sites.					
<p>MM BIO-1: Impacts to Nesting Birds The project applicant would implement the following measures to avoid impacts to nesting migratory birds:</p> <ul style="list-style-type: none"> • Avoidance: Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the project applicant shall schedule demolition and construction activities, including ground disturbance and vegetation removal activities, to avoid the nesting season. Tree removal and high-noise activities will be scheduled outside the nesting season where feasible. The nesting season for most birds, including raptors in the San Francisco Bay Area, extends from February 1 through August 31, inclusive. 	Avoid construction activities during nesting seasons (February 1 through August 31, inclusive).	Prior to initiation of any demolition, grading, and/or building permits (whichever occurs earliest).	Director of Planning, Building, and Code Enforcement or the Director’s designee.	Receive confirmation that construction activities will not occur during nesting season.	Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest)
<ul style="list-style-type: none"> • Nesting Surveys: If demolition and construction activities cannot be scheduled between September 1 and January 31 (inclusive), general pre-construction nesting bird surveys shall be conducted by a qualified Biologist not more than 7 days prior to construction activities involving ground clearing, vegetation removal/trimming, or building demolition. The surveys shall include the disturbance area plus a 200-foot buffer around the site and a 500-foot buffer for raptors. 	If construction is scheduled during nesting bird season February 1 – August 31 (inclusive) the Project applicant or its contractor shall contract a qualified biologist to conduct preconstruction surveys for nesting birds, and submit a preconstruction survey report to the Director of	Prior to the 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 and approve the preconstruction survey report.	Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest).

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	Planning, Building and Code Enforcement or the Director’s designee.				
<ul style="list-style-type: none"> Buffer Zones: If active nests (i.e., nests containing eggs and/or juveniles) are located during nesting bird surveys, an appropriate avoidance buffer shall be established within which no work activity would be allowed that would impact those nests. The avoidance buffer shall be established by the qualified Biologist on a case-by-case basis based on the species and site conditions. In no case shall the buffer be smaller than 50 feet for non-raptor bird species or smaller than 200 feet for raptor species. Larger buffers may be required depending on the status of the nest and the construction activities occurring near the nest. The buffer area(s) shall be closed to all construction personnel and equipment until juveniles have fledged and the nest is inactive. The qualified Biologist shall confirm that breeding/nesting is completed and young have fledged the nest prior to removal of the buffer. If there are delays in on-site activities for more than 14 days during the breeding season, an additional survey shall be required within 7 days prior to the start of work. 	If an active nest is identified, project applicant or its contractor shall establish no-disturbance buffer zones around each nest, and monitor construction activities near suitable habitat, when applicable.	During construction, as needed.	Director of Planning, Building, and Code Enforcement or the Director’s designee.		
<ul style="list-style-type: none"> Regulatory Coordination: If active raptor nests are located within buffer zones, the project applicant shall consult with the California Department of Fish and Wildlife (CDFW)/United States Fish and Wildlife Service (USFWS). 	If an active raptor nest is identified, project applicant or its contractor shall coordinate with the CDFW/USFWS	During construction, as needed.	Director of Planning, Building, and Code Enforcement or the Director’s designee.		
Cultural Resources					
<p>Impact CUL-2: The proposed project could cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 due to earthmoving activities association with Project construction. Impact CUL-3: The proposed project could uncover previously undiscovered human remains.</p>					

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	Method of Compliance or Mitigation Action	Timing of Compliance	Oversight Responsibility	Actions/Reports	Monitoring Timing or Schedule
Implement MM TCR-1.	See MM TCR-1.	See MM TCR-1.	See MM TCR-1.	See MM TCR-1.	See MM TCR-1.
Greenhouse Gas Emissions					
<p>Impact GHG-1: The project would generate greenhouse gas emissions that may significantly affect the environment since it does not meet one of BAAQMD’s qualitative GHG thresholds because its estimated 15.29 daily VMT per capita exceeds the City’s residential threshold.</p> <p>Impact GHG-2: The proposed Project would conflict with Plan Bay Area 2050 for VMT and GHG emissions reductions since the proposed project would not meet the City’s VMT significance threshold.</p>					
Implement MM TRANS-2.	See MM TRANS-2.	See MM TRANS-2.	See MM TRANS-2.	See MM TRANS-2.	See MM TRANS-2.
Hazards and Hazardous Materials					
<p>Impact HAZ-1: The proposed project could create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials during Project construction, including commonly used substances such as gasoline, diesel, oil, grease, mechanical fluids, paints, and cleaning solvents.</p> <p>Impact HAZ-2: The proposed project could create a significant hazard to the public or the environment through the release of hazardous materials commonly used during construction activities (i.e., gasoline, diesel, oil, grease, mechanical fluids, paints, and cleaning solvents) into the environment through upset and accident conditions, either through a transportation accident or an unforeseen event (e.g., fire, flood, or earthquake).</p> <p>Impact HAZ-4: The proposed project could result in impacts associated with hazardous materials sites compiled pursuant to Government Code Section 65962.5 because it is unknown whether or not the soil/groundwater beneath the project site is contaminated by an open Cleanup Program Site located 0.16 mile southwest of the project site.</p>					
MM HAZ-1: Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the project applicant will contract a qualified environmental professional to conduct a Limited Phase II Subsurface Investigation at the project site, following the recommendations provided in the Phase I Environmental Site Assessment (Phase I ESA) performed by AEI Consultants and dated February 10, 2023. The Limited Phase II Subsurface Investigation shall be prepared in accordance with the State and regional guidelines and applicable American Society for Testing and Materials	Conduct a Limited Phase II Subsurface Investigation and prepare a subsequent report.	Prior to the 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 the Limited Phase II Subsurface Investigation report.	Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest)

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<p>(ASTM) International standards to determine the presence and/or extent of the potential contamination at the project site and to inform potential remediation actions. If the Limited Phase II Subsurface Investigation identifies contamination at the project site, recommendations provided in the Limited Phase II Subsurface Investigation shall be implemented. If remediation is required at the project site, a soil and groundwater management plan (or similar) shall be prepared to provide remediation actions to be performed at the project site and contamination shall be remediated to satisfactory levels appropriate for residential uses prior to ground disturbance at the project site. The Limited Phase II Subsurface Investigation and any subsequent report shall be submitted to the Director of Planning, Building and Code Enforcement (PBCE). If pesticide concentrations are found above regulatory residential Environmental Screening Levels (ESLs), the applicant shall obtain regulatory oversight from County of Santa Clara Department of Environmental Health (DEH), Regional Water Quality Control Board (RWQCB) or the California Department of Toxic Substances Control (DTSC). A Site Management Plan (SMP), Removal Action Plan (RAP), or equivalent document shall be prepared by a qualified hazardous materials consultant. The SMP shall establish remedial measures and/or soil management practices to ensure construction worker safety and the health of future workers and visitors. The SMP and evidence of regulatory oversight shall be provided to the Supervising Environmental Planner of the PBCE and the Environmental Compliance Officer in the City of San José Environmental Services Department (ESD).</p>					

MITIGATIONS	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
Transportation					
Impact TRANS-2: The proposed project would be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b) because its daily VMT estimated by the City’s VMT Evaluation Tool is 15.29 per capita which exceeds the city’s residential VMT threshold.					
<p>MM TRANS-2: Prior to issuance of building occupancy permits, the project applicant shall implement the following mitigation measures to reduce Vehicle Miles Traveled (VMT) impacts to the satisfaction of the Director of Public Works or the Director’s designee, and submit proof of compliance documentation for review and approval to the Director of Planning, Building, and Code Enforcement or the Directors’ designee:</p> <p>Pedestrian Network Improvements (MI-05) Remove pork-chop islands and extend the curb-lines at the northwest and southwest corners of the Camden Avenue and Blossom Hill Road intersection. These improvements will require a signal modification, including the replacement of existing signal poles and associated mast arms and streetlights, and signal improvements (closed-circuit television monitoring, accessible pedestrian signals, high-visibility backplates, and cabinet upgrades). The proposed project shall construct new Americans with Disabilities Act (ADA) compliant curb ramps with truncated domes and install high-visibility yellow ladder striping on all legs of the intersection.</p> <p>Traffic Calming Measures (MI-04)</p> <ul style="list-style-type: none"> Construct a bulb-out at the northeast corner of the Camden Avenue and Singletree Way intersection, directional ADA compliant curb ramps at both the northeast and southeast corners of the intersection, and a yellow-striped crosswalk on Singletree Way. 	Develop and submit a Transportation Demand Management Plan (TDM Plan) for review and approval.	Prior to issuance of building permits.	Director of Planning, Building, and Code Enforcement or the Director’s designee.	Review and approve Transportation Demand Management Plan (TDM Plan) and confirm required measures are included in the plan.	Prior to issuance of building permits.

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
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<ul style="list-style-type: none"> Extend the raised median island on Camden Avenue south to Singletree Way (approximately 150 feet). <p>Increase Transit Accessibility Relocate the existing near side Santa Clara Valley Transit Authority (VTA) bus stop along westbound Blossom Hill Road to the far side of the intersection (west side of Camden Avenue). Improvements include construction of a new concrete bus pad, and installation of a new standard metal bench and bus shelter.</p> <p>Parking and TDM Ordinance The TDM Plan for the project has additional measures to meet the City Parking TDM requirements. The TDM Plan includes the following measures from the Transportation Analysis prepared for the project and shall be implemented prior to issuance of the Certificate of Occupancy. Compliance shall be coordinated with the Director of Public Works or the Director’s designee, and then the project proponent shall submit proof of compliance documentation for review and approval to the Director of Planning, Building, and Code Enforcement or the Directors’ designee:</p> <ul style="list-style-type: none"> Provide Residential Street Improvements (MI-04) Provide Pedestrian Network Improvements (MI-05) Right-size Off-site Vehicle Parking Supply (PK-01) Provide End of Trip Bike Facilities (PK-02) Provide School Pool Program (TP-01) Provide Education, Marketing and Outreach Program (TP-04) Provide Ride Share Program (TP-13) Provide Targeted Behavioral Intervention (TP-15) 					

MITIGATIONS	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
<ul style="list-style-type: none"> Provide Voluntary Travel Behavior Change Program (TP-18) <p>Council Policy 5-1 VMT Impact Override Offset Payment Prior to issuance of building occupancy permits, the project proponent shall pay the VMT Impact Overriding Offset payment for the proposed 108 townhome residential units. In coordination with the City, the project Proponent will implement the following improvements prior to building occupancy in lieu of VMT Impact Overriding Offset payment. The improvements will include the following:</p> <ul style="list-style-type: none"> Construct a new traffic signal at the Camden Avenue/Singletree Way intersection with new crosswalks along Camden Avenue. 					
Tribal Cultural Resources					
<p>Impact TCR-1: The proposed project could cause a substantial adverse change in the significance of a Tribal Cultural Resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).</p> <p>Impact TCR-2: The proposed project could cause a substantial adverse change in the significance of a Tribal Cultural Resource determined by the lead agency in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1</p>					
<p>MM TCR-1: Cultural Awareness Training: Prior to the issuance of any demolition, grading, or building permits (whichever occurs first), the project applicant, in association with the City of San José, shall implement a cultural awareness training program for workers that may be present on the project site during ground-disturbing activities. Training shall be required for all construction</p>	<p>Provide the Cultural and Tribal Cultural Resources Awareness Training materials, training sing-in sheets of every training session conducted, and a</p>	<p>Prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest).</p>	<p>Director of Planning, Building, and Code Enforcement or the Director’s designee.</p>	<p>Review documentation verifying that a Cultural and Tribal Cultural Resources Awareness Training has been conducted.</p>	<p>Prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest).</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>personnel participating in ground-disturbing construction activities to alert them to the archaeological sensitivity of the project area and provide protocols to follow in the event of a discovery of archaeological materials. The training shall be provided by a qualified Archaeologist in consultation with a Native American Tribal representative registered with the Native American Heritage Commission (NAHC) for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3. The qualified Archaeologist, to be retained by the applicant on an on-call basis, shall develop and distribute for job site posting an “ALERT SHEET” summarizing potential archaeological finds that could be exposed and the protocols to be followed as well as points of contact to alert in the event of a discovery. Documentation verifying that the cultural awareness training program has been completed shall be submitted to the Director of Planning, Building and Code Enforcement (PBCE) or the Director’s designee within 20 days of completion of the training. The project applicant shall note on any plans that require ground-disturbing excavation that there is a potential for exposing buried cultural resources including prehistoric Native American burials.</p>	<p>copy of the ALERT SHEET.</p>				
<p>MM TCR-2: Monitoring Plan Prior to the issuance of any demolition, grading, or building permits (whichever occurs first), a qualified Archaeologist, in consultation with a Native American representative registered with the Native American Heritage Commission (NAHC) for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, shall prepare a Monitoring Plan for all</p>	<p>Provide copy of the Monitoring Plan to the Director of Planning, Building, and Code Enforcement or the Director’s designee</p>	<p>Prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest). During ground-disturbing activities.</p>	<p>Director of Planning, Building, and Code Enforcement or the Director’s designee.</p>	<p>Review and approve the Monitoring Plan. Coordinate with Qualified Archeologist or Tribal officials, as appropriate, upon the discovery of</p>	<p>Prior to construction. During construction, and in the event that buried archaeological resources are</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
earthmoving activities. The Monitoring Plan shall be submitted to the Director of Planning, Building and Code Enforcement (PBCE) or the Director’s designee for review and approval. The Monitoring Plan shall include, but is not limited to, the following: Monitoring schedules, contract information, recommended monitoring methods, and timing of reporting finds. A qualified Archaeologist in collaboration with a Native American Monitor, registered with the NAHC for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, shall be present during applicable earthmoving activities in accordance with the Monitoring Plan. These could include but not are not limited to, trenching, initial or full grading, lifting of foundation, boring on-site, or major landscaping.	Conduct on-site monitoring by a qualified Archaeological Monitor.			cultural resources to ensure protection of those resources.	discovered during construction.

Source: EIR, 5670 Camden Avenue Residential Project, City of San José, August 2025.