

MITIGATED NEGATIVE DECLARATION

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project implementation. "Significant effect on the environment" means a substantial or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

PROJECT NAME: 1921 and 1927 West San Carlos Street Project

PROJECT FILE NUMBERS: Burbank 45, C21-034, GP23-001/H23-005/T23-003/ER23-026

PROJECT DESCRIPTION:

Annexation

The Project would require annexation of the Project site and the immediately adjacent section of Cleveland Avenue to the City of San José.

General Plan Amendment and Pre-Zoning

While the Project site is located within unincorporated Santa Clara County, it is located within the City's sphere of influence. As such, the General Plan designates the Project site as part of the West San Carlos Urban Village Plan area. The existing General Plan Land Use designation for the Project site is Mixed Use Commercial (MUC). The Project would require a General Plan Amendment (GPA) to change the land use designation from MUC to Urban Village (UV). The Project would use the State's density bonuses, incentives, and waivers to be consistent with the UV zoning district and UV land use designation requirements for the specified affordable housing units as part of the design for the Project.

Tentative Map

The Project includes a Tentative Map to combine the five contiguous parcels on the project site to one parcel. Approval of the tentative map is required for the development proposed by the Project to occur.

Site Development

The applicant proposes to demolish approximately 1,500 square feet (sf) of existing buildings to construct a new seven-story, 108,935 gross square-foot, 94 unit, mixed-income housing development with accompanying retail space. The Project would include 100% affordable housing, with support services, designed for families and individuals with incomes between 30%-60% of the area median income.

The maximum height of the building would be 83 feet and 10 inches. The Project would include development of approximately 65,138 square feet of residential floor area and 1,946 square feet of floor area for retail. Vehicular access to the residential portion of the Project would be provided by two driveways on Cleveland Avenue.

PROJECT LOCATION: 1921 – 1927 West San Carlos Street and 30 – 58 Cleveland Avenue in unincorporated Santa Clara County

ASSESSORS PARCEL NOS.: 274-17-018, 274-17-019, 274-17-020, 274-17-021, and 274-17-022

COUNCIL DISTRICT: 6

APPLICANT CONTACT INFORMATION: PATH Ventures, Attention: Elmer Ochoa, 340 Madison Avenue, North Los Angeles, CA 90004

FINDING

The Director of Planning, Building and Code Enforcement finds the project described above would not have a significant effect on the environment if certain mitigation measures are incorporated into the project. The supporting Initial Study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this Mitigated Negative Declaration (MND), has made or agrees to make project revisions that will clearly mitigate the potentially significant effects to a less than significant level.

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

- A. AESTHETICS** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- B. AGRICULTURE AND FORESTRY RESOURCES** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- C. AIR QUALITY:**

Impact AIR-1: Construction activities associated with the Project could expose sensitive receptors near the Project site to TAC emissions that could exceed the BAAQMD threshold for annual cancer risk of 10 per million by 6.41 per million.

Mitigation Measure AQ-1

Prior to issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the Project applicant shall prepare and submit a construction operations plan that includes specifications of the equipment to be used during construction to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's Designee. The plan shall be accompanied by a letter signed by a qualified air quality specialist, verifying that the plan meets the standards set forth below.

- For all construction equipment larger than 25 horsepower operating on the site for more than two days continuously or 20 total hours, shall, at a minimum meet EPA Tier 4 Final emission standards.
- If Tier 4 Final equipment is not available, all construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet EPA emission standards for Tier 3 engines and include particulate matter (PM) emissions control equivalent to CARB Level 3 verifiable diesel emission control devices that altogether achieve an 85 percent reduction in PM exhaust and 40 percent reduction in NOX in comparison to uncontrolled equipment.

The construction operations plan prepared by the contractor and reviewed by the air quality specialist shall include, but not be limited to the following:

- List of activities and estimated timing.
- Equipment that would be used for each activity.

- Manufacturer's specifications for each equipment that provides the emissions level; or the manufacturer's specifications for devices that would be added to each piece of equipment to ensure the emissions level meet the thresholds in the mitigation measure.

The Project applicant shall include this requirement in applicable bid documents and require compliance as a condition of contract. A copy of each equipment unit's certified tier specification and CARB or BAAQMD operating permit (if applicable) should be available upon request at the time of mobilization of each applicable unit of equipment. The City shall require periodic reporting and provision of written documentation by contractors to ensure compliance and shall conduct regular inspections to the maximum extent feasible to ensure compliance.

The construction contractor(s) shall maintain equipment maintenance records for the construction portion of the Project. All construction equipment must be tuned and maintained in compliance with the manufacturer's recommended maintenance schedule and specifications. Upon request for inspection, construction contractor(s) shall make available all maintenance records for equipment used on site within one business day (either hardcopy or electronic versions).

- D. BIOLOGICAL RESOURCES** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- E. CULTURAL RESOURCES** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- F. ENERGY** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- G. GEOLOGY AND SOILS** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- H. GREENHOUSE GAS EMISSIONS** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- I. HAZARDS AND HAZARDOUS MATERIALS:**

Impact HAZ-1: An existing UST was determined to be present on the subject property. The removal and decommissioning of the UST has the potential to expose workers and members of the public to hazardous materials during construction and tank disturbing activities.

Mitigation Measure HAZ-1

Prior to the issuance of any grading, demolition, or building permits, the Project applicant shall complete a Geophysical Survey of the parcel to determine if all historical USTs and their associated pipelines have been removed.

If USTs or associated pipelines are discovered the applicant shall complete, submit, and pay the required fees for 1.) a UST System Closure Permit Application with the County of Santa Clara HMCD and 2.) required closure documents with the SJFD Hazardous Materials Division. Closure of the USTs shall consist of removing the tanks and associated piping from the ground and performing soil sampling to evaluate if there is residual contamination from the former operation of the tank. Tank removal and soil sampling activities must be witnessed by a representative from both HMCD and SJFD. The tanks and associated piping are to be managed as hazardous waste once removed unless they are cleaned onsite and certified as non-hazardous.

After tank removal, a representative of HMCD will require soil sampling beneath the tanks. Samples will be submitted to a State certified laboratory for analysis. HMCD will review the soil

analytical results to determine if the tank has leaked. If the tanks are determined to have leaked, HMCD will refer the site to the Local Oversight Program (LOP). The applicant will work with HMCD to determine next steps to investigate the contamination. HMCD may require additional testing to fully delineate the extent of contamination. Once the extent of contamination is defined, some form of remediation such as excavation, offsite disposal, capping in place, etc.. will be performed to reduce potential exposure impacts to future construction/maintenance workers, residents, and the general public. Any contaminated soils shall be disposed of offsite at a licensed hazardous materials disposal site.

Impact HAZ-2: The concentrations of PCE on the Project site exceed current regulatory environmental screening levels and are a potential health risk to future site users.

Mitigation Measure HAZ-2

Prior to the issuance of any building permits, the applicant shall obtain regulatory oversight from the Santa Clara County Department of Environmental Health, the Regional Water Quality Control Board or Department of Toxic Substances Control to review the results of soil gas sampling to determine if further investigation and/or mitigation is required to ensure the future development does not pose a potential health risk to residences.

Impact HAZ-3: The Project's building height of 83 feet and 10 inches would exceed the FAA's navigable airspace review filing criteria for any structure over 45 feet in height.

Mitigation Measure HAZ-3

The Project applicant shall submit to the FAA for airspace review and obtain a "Determination of No Hazard" for the proposed building's rooftop corners and any additional higher points. Prior to issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the Project applicant shall submit the "Determination of No Hazard" from the FAA to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's Designee.

- J. HYDROLOGY AND WATER QUALITY** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- K. LAND USE AND PLANNING** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- L. MINERAL RESOURCES** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- M. NOISE:**

Impact NOI-1: Project construction would exceed the City's General Plan Policy EC-1.7 construction noise standards and would temporarily result in substantial noise-generating activities for more than 12 months adjacent to residential uses.

Mitigation Measure NOI-1 Construction Noise Logistics Plan

Prior to demolition or grading permit issuance (whichever comes first), the Applicant shall provide a Construction Noise Logistics Plan that includes the following measures:

- Post signs at gates and other places where vehicles may congregate reminding operators of the State's Airborne Toxic Control Measure (ATCM) limiting idling to no more than 5 minutes.
- A sign regarding the construction schedule of the Project, legible at 50 feet shall be posted at the Project construction site. The sign shall be reviewed and approved by the Director of PBCE or Director's designee, prior to posting.

- Prior to issuance of any Grading or Building Permit, the Contractor shall provide evidence that at all times during construction activities an on-site construction staff member shall be designated as a Noise Disturbance Coordinator.

Impact NOI-2: Project construction would exceed the City's General Plan Policy EC-2.3 construction vibration standards by approximately 0.79 PPV and would temporarily result in substantial vibration-generating activities to nearby off-site structures.

Mitigation Measure NOI-2

The Project Applicant will require contractor(s) to comply with a Vibration Management Plan and implement minimum allowable setbacks from nearby buildings/structures to the north and west for heavy machinery. For all new construction, the contractor(s) will not use pile drivers, pavement breakers, or blasting equipment. In addition, when construction is required in direct proximity to the existing residences to the north and/or the residences immediately west of the Project site, the contractor(s) will observe the following minimum allowable setbacks for specified construction equipment:

- Jackhammers shall not be used within 8 feet of any building.
- Rock Breakers shall not be used within 12 feet of any building.
- Loaded Trucks shall not be used within 14 feet of any building.
- Large Bulldozers shall not be used within 15 feet of any building.

N. POPULATION AND HOUSING – The project would not have a significant impact on this resource, therefore no mitigation is required.

O. PUBLIC SERVICES – The project would not have a significant impact on this resource, therefore no mitigation is required.

P. RECREATION – The project would not have a significant impact on this resource, therefore no mitigation is required.

Q. TRANSPORTATION / TRAFFIC – The project would not have a significant impact on this resource, therefore no mitigation is required.

R. TRIBAL CULTURAL RESOURCES:

Impact TRI-1: Project construction has the potential to uncover and/or damage potential tribal resources during ground disturbance.

Mitigation Measure TRI-1

If tribal cultural resources are encountered during excavation and/or grading of the Project site, the Project Applicant shall notify the Tamien Nation Representative of the discovery.

S. UTILITIES AND SERVICE SYSTEMS – The project would not have a significant impact on this resource, therefore no mitigation is required.

T. WILDFIRE – The project would not have a significant impact on this resource, therefore no mitigation is required.

U. MANDATORY FINDINGS OF SIGNIFICANCE

Cumulative impacts would be less than significant. The proposed Project would implement the identified mitigation measures and would have either have no impacts or less-than-significant

impacts on air quality, hazards and hazardous materials, noise, and Tribal cultural resources. Therefore, the proposed Project would not contribute to any cumulative impact for these resources. The Project would not cause changes in the environment that have any potential to cause substantial adverse direct or indirect effects on human beings.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **Monday, November 18, 2024** any person may:

1. Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or
2. Submit written comments regarding the information and analysis in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND.

Written comments may be submitted via mail to:

City of San José
Planning, Building & Code Enforcement
Attn: Reema Mahamood, Planner III
200 East Santa Clara Street
San José, CA 95113

Or via email to reema.mahamood@sanjoseca.gov

Christopher Burton, Director
Planning, Building and Code Enforcement

10/22/24

Date



Deputy

Environmental Project Manager: Reema Mahamood

Circulation period: October 28, 2024 through November 18, 2024