



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 completion. "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.

NAME OF PROJECT: Senter & Alma Self-Storage Facility Project

PROJECT FILE NUMBER: H15-058

PROJECT DESCRIPTION: The project proposes to develop the site with thirteen (13) self-storage facility buildings (approximately 89,537 square feet) and one building would contain an office and caretaker unit (approximately 2,348 square feet). A public bike trail is proposed along the northern boundary of the site and a pedestrian sidewalk is proposed on the eastern boundary along the site's Senter Road frontage.

PROJECT LOCATION & ASSESSORS PARCEL NO.: The project site is an approximately 4.9-acre, L-shaped property located on Senter Road between E. Alma Avenue and Phelan Avenue in San José;

ASSESSOR'S PARCEL NO.: 477-38-014

COUNCIL DISTRICT: 7

APPLICANT CONTACT INFORMATION:

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FINDING

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the 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 will not have a significant impact on this resource, therefore no mitigation is required.
- B. **AGRICULTURE AND FOREST RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- C. **AIR QUALITY** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- D. **BIOLOGICAL RESOURCES.**

Impact BIO-1: Removal of trees from the site could impact birds utilizing those trees for nesting.

MM BIO-1.1: In conformance with the California State Fish and Wildlife Code and provisions of the Migratory Bird Treaty Act, the project proposes to implement the following mitigation measures to avoid and/or reduce impacts to nesting birds (if present on or adjacent to the site) to a less than significant level:

- Construction shall be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1 through August 31.
- If it is not possible to schedule demolition and construction between September 1 and January 31, pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests will be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1 through April 30) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1 through August 31). During this survey, the ornithologist will inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests. If an active nest is found in an area that would be disturbed by construction, the biologist shall designate a construction-free buffer zone (typically 250 feet) to be established around the nest, in consultation with California Department of Fish and Wildlife (CDFW).
- The project applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Environmental Supervising Planner of the City of San José Department of Planning, Building, and Code Enforcement, prior to the issuance of any grading permit.

Impact BIO-2: Removal of trees from the site could impact birds utilizing those trees for nesting.

MM BIO-2.1: The project shall implement a tree protection plan to reduce impacts to trees on the property line or trees with a canopy that extends over the project site during the construction period.

- The project applicant, in consultation with a certified arborist or biologist, shall submit a tree protection plan to the Supervising Planner of the Department of Planning, Building, and Code Enforcement for trees on the property line or trees with a canopy

that extends over the project site prior to issuance of any grading permit. The tree protection plan shall include, but is not limited to, the following:

- Number, location, and type of tree to be protected.
- Size and location for tree protection zones. The tree protection plan shall include any specific recommendation and suggestions for each protect zone if applicable.
- Maintenance methodology for tree protection zones during the entire demolition and construction periods.

E. CULTURAL RESOURCES.

Impact CUL-1: Removal of trees from the site could impact birds utilizing those trees for nesting.

MM CUL-1.1: Investigation Prior to Construction. The project applicant shall retain a qualified archaeologist to perform a surface survey of the project site after the small structure composed of freight containers and all of the asphalt surface cover (if any) are removed, prior to any construction activities. If any indication of prehistoric or historic-era resources or paleosol (buried soil) is identified during the surface survey, the Supervising Environmental Planner of the City of San José Department of Planning, Building and Code Enforcement shall be notified. The qualified archaeologist shall make recommendations for further evaluation that may include measures to protect potential resources including a research design and excavation plan. Field work shall also be conducted by the archaeologist to determine if the resource is eligible for the California Register, in accordance with CEQA guidelines.

MM CUL-1.2: If the resource is Native American in origin, the project applicant shall contact the Native American Heritage Commission (NAHC) to identify the appropriate Native American monitor. The project applicant shall then retain the Native American monitor or qualified that has knowledge of local historic and prehistoric Native American village sites, culture, religion, ceremony, and burial practices for the field work portions of construction, and actively consulted by the archaeologist.

MM CUL-1.3: A final report of the results of the surface survey, findings, and recommendation (if applicable) shall be submitted to the Supervising Environmental Planner of the City of San José Department of Planning, Building and Code Enforcement.

MM CUL-1.4: During Construction. In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find will be stopped, the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement shall be notified, and the archaeologist will examine the find and make appropriate recommendations regarding treatment of the find. Recommendations could include, but are not limited to, collection, recordation, and analysis of any significant cultural materials. A final report documenting any data recovery during demolition, grading, and/or construction on-site shall be submitted to the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement prior to issuance of any occupancy permits.

MM CUL-1.5: Human Remains. If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and

Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed. In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The project applicant shall immediately notify the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement and the qualified archaeologist, who will then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American.

If the remains are believed to be Native American, the Coroner will contact the NAHC within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts.

If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

- The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 24 hours after being notified by the NAHC.
- The MLD identified fails to make a recommendation; or
The landowner or his authorized representative rejects the recommendation of the MLD, and the mediation by the NAHC fails to provide measures acceptable to the landowner.

F. GEOLOGY AND SOILS – The project will not have a significant impact on this resource, therefore no mitigation is required.

G. GREENHOUSE GAS EMISSIONS – The project will not have a significant impact on this resource, therefore no mitigation is required.

H. HAZARDS AND HAZARDOUS MATERIALS.

Impact HAZ-1: Construction on the project site could encounter soils impacted by contaminated imported fill, incidental spills from the site's historical freight transfer uses, and/or metal particulates from the adjacent firing range.

MM HAZ-1.1: Site Management Plan. A Site Management Plan shall be prepared by a qualified hazardous materials consultant to establish management practices for handling contaminated soil or other materials encountered during construction activities. The sampling results shall be compared to appropriate risk-based screening levels in the Site Management Plan. The Site Management Plan shall identify potential health, safety, and environmental exposure considerations associated with redevelopment activities and shall identify appropriate mitigation measures. The Site Management Plan shall be submitted to the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement and Santa Clara County Department of Environmental Health (or equivalent regulatory agency) for approval prior to commencing construction activities. The Site Management Plan shall include, but is not limited to, the following:

- Proper mitigation as needed for demolition of existing structures;

- Management of stockpiles, including sampling, disposal, and dust and runoff control including implementation of a stormwater pollution prevention program;
- Management of underground structures encountered, including utilities and/or underground storage tanks;
- Procedures to follow if evidence of an unknown historic release of hazardous materials (e.g., underground storage tanks, polychlorinated biphenyls [PCBs], asbestos containing materials, lead-based paint, etc.) is discovered during excavation or demolition activities;
- Traffic control during site improvements;
- Noise, work hours, and other relevant City regulations;
- Mitigation of soil vapors (if required);
- Procedures for proper disposal of contaminated materials (if required); and
- Monitoring, reporting, and regulatory oversight arrangements.

MM HAZ-1.2: Health and Safety Plan. A site-specific Health and Safety Plan shall be prepared by the project applicant prior to issuance of any grading permit for project construction to address potential health and safety hazards associated with implementation of the Work Plan and proposed redevelopment activities (e.g., site preparation, demolition, grading and construction). The Health and Safety Plan shall be submitted to Santa Clara County Department of Environmental Health (or equivalent regulatory agency) for review and approval prior to commencing construction activities. A copy of the Santa Clara County Department of Environmental Health (or equivalent regulatory agency) approval shall be submitted to the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement and the Compliance Officer/Hazardous Materials Specialist of the City of San José Department of Environmental Services.

- I. HYDROLOGY AND WATER QUALITY** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- J. LAND USE AND PLANNING** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- K. MINERAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- L. NOISE** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- M. POPULATION AND HOUSING** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- N. PUBLIC SERVICES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- O. RECREATION** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- P. TRANSPORTATION / TRAFFIC** – The project will not have a significant impact on this resource, therefore no mitigation is required.

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

R. MANDATORY FINDINGS OF SIGNIFICANCE

The project will not substantially reduce the habitat of a fish or wildlife species, be cumulatively considerable, or have a substantial adverse effect on human beings, therefore no mitigation is required.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **Monday January 16, 2016**⁷ 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.

Harry Freitas, Director
Planning, Building and Code Enforcement

12/19/16

Date



Deputy

Circulation period: December 22, 2016 to January 16, 2016⁷