



Department of Planning, Building and Code Enforcement
JOSEPH HORWEDEL, DIRECTOR

**PUBLIC NOTICE
INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION
CITY OF SAN JOSÉ, CALIFORNIA**

1290 Oakland Road, File Nos. GP08-04-04 and H08-044.

General Plan Land Use/Transportation Diagram designation amendment from Medium Density Residential (8-16 DU/AC) to Heavy Industrial, and Site Development Permit to allow the demolition of 13 dwelling units and the construction of a 103,000 square foot self-storage building on a 1.23 gross acre site located on the east side of Oakland Road, approximately 200 feet south of Service Street. The project is located in Council District: 4

California State Law requires the City of San José to conduct environmental review for all pending projects. Environmental review examines the nature and extent of any potentially significant adverse effects on the environment that could occur if a project is approved and implemented. Based on an initial study, the Director of Planning, Building & Code Enforcement has concluded that the project described above will not have a significant effect on the environment. The project location **does not** contain a listed toxic site.

The purpose of this notice is to inform the public of the Director's intent to adopt a Mitigated Negative Declaration for the proposed project on November 16, 2008, and to provide an opportunity for public comments on the draft Mitigated Negative Declaration. The public review period for this draft Mitigated Negative Declaration begins on **October 27, 2009** and ends on **November 16, 2009**. Adoption of a Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above will be made separately as required by City Ordinance.

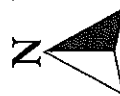
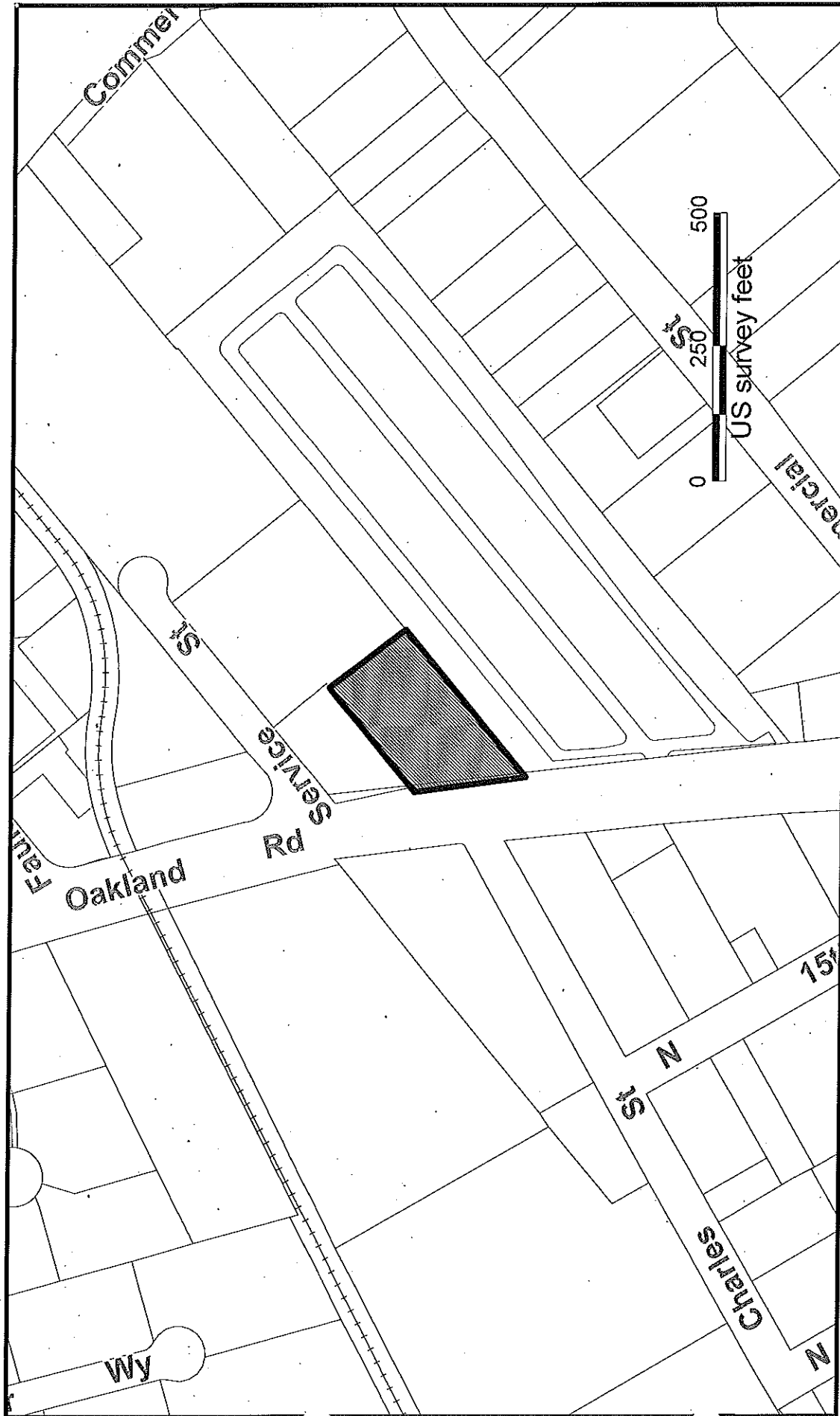
The draft Mitigated Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 200 East Santa Clara Street, San José CA 95113-1905. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 150 E. San Fernando St, San José, CA 95112, the Joyce Ellington Branch Library, 491 E. Empire Street, San Jose, CA 95112, and online at <http://www.sanjoseca.gov/planning/eir/MND.asp>

For additional information, please call Sylvia Do at (408) 535-7906.

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Circulated on: October 27, 2009

Susan Walsh
Deputy



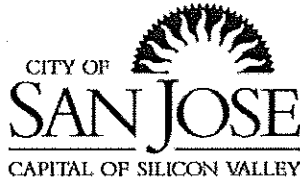
File No: GP08-04-004

District: 4

Quad No: 67

12/05/2008

Noticing Radius: 500 feet



October 27, 2009

DRAFT 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: Self-Storage Facility

PROJECT FILE NUMBER: GP08-04-04 and H08-044

PROJECT DESCRIPTION: A **General Plan Land Use/Transportation Diagram designation amendment** from Medium Density Residential (8-16 DU/AC) to Heavy Industrial, and **Site Development Permit** to allow the demolition of 13 dwelling units and the construction of a 103,000 square foot self-storage building on a 1.23 gross acre site.

PROJECT LOCATION & ASSESSORS PARCEL NO.: Located on the east side of Oakland Road, approximately 200 feet south of Service Street (1290 Oakland Road); APN 241-12-012

COUNCIL DISTRICT: 4

APPLICANT CONTACT INFORMATION: Dan Askari, Khani & Son, Inc., 3897 El Camino Road, Palo Alto, CA 94306 (650-493-2682)

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

- I. **AESTHETICS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- II. **AGRICULTURE RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- III. **AIR QUALITY** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- IV. **BIOLOGICAL RESOURCES** – With the following mitigation, the potential impacts to biological resources will be less than significant.

- **Active Raptor Nests:**

- If possible, construction should be scheduled between September and December (inclusive) to avoid the raptor nesting season. If this is not possible, pre-construction surveys for nesting raptors shall be conducted by a qualified ornithologist to identify active raptor nests that may be disturbed during project implementation. Between January and April (inclusive) pre construction surveys shall be conducted no more than 14 days prior to the initiation of construction activities or tree relocation or remove. Between May and August (inclusive), pre-construction surveys shall be conducted no more than (30) days prior to the initiation of these activities. The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area for raptor nests. If an active raptor nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist shall, in consultation with the California Department of Fish and Game, designate a construction-free buffer zone (typically 250 feet) around the nest, which shall be maintained until after the breeding season has ended and/or a qualified ornithologist has determined that the young birds have fledged. The applicant shall submit a report to the City's Environmental principal Planner indicating the results of the survey and any designated buffer zones to the satisfaction of the City's Environmental principal Planner prior to the issuance of any grading or building permit.

- **Bats:**

- Survey for roosting bats shall be conducted by a qualified bat biologist no more than thirty (30) days prior to any building demolition or removal, construction activities, or relocation and/or removal of trees suitable for roosting by bats. If no bats are observed to be roosting in these features, then no further action would be required and construction activities could proceed. If a female or maternity colony of bats is found on the project site, and the project can be constructed without disturbance to the roosting colony, a qualified bat biologist shall designate buffer zones (both physical and temporal) as necessary to ensure the continued success of the colony; buffer zones may include a 200foot buffer zone from the roost and/or timing of the construction activities outside the maternity roosting season (from February 15th to April 15th and from August 15th to October 15th).
- If an active maternity roost is known to occur on the site and the project cannot be conducted outside of the maternity roosting season, bats shall be excluded from February 15th to April 15th and from August 15th to October 15th to prevent the formation of new maternity colonies. Such exclusion shall occur, under the direction of a qualified bat biologist, by sealing openings and providing bats with one-way exclusion doors. Bat roosts shall be monitored as determined

necessary by a qualified bat biologist. , and removal or displacement of bats shall be performed in conformance with California Department of Fish and Game requirements.

- A biologist report outlining the results of pre-construction bat surveys and any recommended buffer zones or other mitigation shall be submitted to the City's Environmental principal Planner and shall be approved to the satisfaction of the Director of Planning prior to the issuance of any grading, building, or tree removal permits.

V. CULTURAL RESOURCES – With the following mitigation, the potential impacts to cultural resources will be less than significant.

- There shall be monitoring of site excavation activities to the extent determined by a qualified professional archaeologist to be necessary to insure accurate evaluation of potential impacts to prehistoric resources.
- If no resources are discovered, the archaeologist shall submit a report to the City's Environmental Principal Planner verifying that the required monitoring occurred and that no further mitigation is necessary.
- If evidence of any archaeological, cultural, and/or historical deposits are found, hand excavation and/or mechanical excavation will proceed to evaluate the deposits for determination of significance as defined by CEQA guidelines. The archaeologist shall submit reports, to the satisfaction of the City's Environmental Principal Planner, describing the testing program and subsequent results. These reports shall identify any program mitigation that the Developer shall complete in order to mitigate archaeological impacts (including resource recovery and/or avoidance testing and analysis, removal, reburial, and curation of archaeological resources.)
- In the event that human remains and/or cultural materials are found, all project-related construction shall cease within a 50-foot radius in order to proceed with the testing and mitigation measures required. Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California:
 - 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 Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.
 - A final report shall be submitted to the City's Environmental Principal Planner prior to release of a Certificate of Occupancy. This report shall contain a description of the mitigation programs and its results including a description of the monitoring and testing program, a list of the resources found, a summary of the resources analysis methodology and conclusions, and a description of the disposition/curation of the resources. The report shall verify completion of the mitigation program to the satisfaction of the City's Environmental Principal Planner.

VI. GEOLOGY AND SOILS – With the following mitigation, the potential impacts to geology and soils will be less than significant.

- The proposed structure at the site will be designed and constructed in conformance with the Uniform Building Code Guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking on the site.
- A soil investigation addressing liquefaction shall be submitted to, reviewed, and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. A depth of 50 feet should be explored and evaluated in the report.
- A geotechnical investigation report addressing the potential hazard of liquefaction will be submitted to the City for reviewed and approval.

VII. HAZARDS AND HAZARDOUS MATERIALS – With the following mitigation, the potential hazards and hazardous materials impacts will be less than significant.

- In conformance with State and Local laws, an inspection/pre-demolition survey, including sampling, will be conducted prior to the demolition of the buildings to determine the presence and location of ACM, and deteriorated painted surfaces containing lead.
- All identified ACMs will be removed, and deteriorated painted surfaces containing lead will be stabilized by qualified asbestos & lead abatement contractor, before demolition of the buildings at the site.
- Shallow soil samples shall be collected from the vacant area east of the site for chemicals associated with auto storage and pesticides, and submitted to the Environmental Compliance Officer of the City's Environmental Services Department for review and determination of disposal requirements prior to issuance of a grading permit.

VIII. HYDROLOGY AND WATER QUALITY – The project will not have a significant impact on this resource, therefore no mitigation is required.

IX. LAND USE AND PLANNING – The project will not have a significant impact on this resource, therefore no mitigation is required.

X. MINERAL RESOURCES – The project will not have a significant impact on this resource, therefore no mitigation is required.

XI. NOISE – With the following mitigation, the potential noise impacts will be less than significant.

- The project will include mechanical ventilation, to allow the windows to be closed for noise control and will reduce the noise levels inside the unit to at least 45 DNL.
- Install windows and glass doors so that the sliding window and glass door panels form an airtight seal when in the closed position and the window and glass doorframes are caulked to the wall

opening around their entire perimeter with a non-hardening caulking compound to prevent sound infiltration.

- All window assemblies in the manager's residence will be well fitted and well weather-stripped. The perimeters of all window frames shall be sealed to the exterior wall construction with a weather-resistant sealant.

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

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

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

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

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

XVII. MANDATORY FINDINGS OF SIGNIFICANCE – With mitigation, the proposed project will not have any significant impacts with respect to biological, cultural resources, geology, hazards and hazardous materials, and noise.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on November 16, 2009, any person may:

1. Review the Draft Mitigated Negative Declaration (MND) as an informational document only;
or
2. Submit written comments regarding the information, analysis, and mitigation measures 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.

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Circulated on: 10/27/09

SB Walsh
Deputy

Adopted on: _____

Deputy

Revised 10.20.08 sbw