

**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:** White Road Residential

**PROJECT FILE NUMBER:** PDC09-008

**PROJECT DESCRIPTION:** Planned Development Rezoning from the R-1-8 Residential Zoning District to the A(PD) Residential Zoning District to allow up to 19 single-family detached residences or up to 14 single-family detached residences adjacent to a possible future new fire station on a 3.21 gross acres site. (Note: This site is one of several locations being considered for a possible new fire station. Any potential new fire station will undergo a separate environmental review.)

**PROJECT LOCATION & ASSESSORS PARCEL NO.:** East side of S. White Road approximately 250 feet south of Cunningham Lake Court; APN: 649-24-016, -017

**COUNCIL DISTRICT:** 8

**APPLICANT CONTACT INFORMATION:** Reyad Katwan c/o Hawkstone LLC, 3750-B Charter Park Drive, San Jose, CA, 408-448-1619

**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 –**

The General Development Plan shall include requirements to ensure that structures shall not be built on, deep rooted shrubs and trees shall not be planted within the SCVWD easement, and that a Homeowner's Association shall be required to enforce these requirements. At the Grading Permit stage the applicant's engineer shall verify that there is adequate protection to the pipes within the District's easement.

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

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

**VII. HAZARDS AND HAZARDOUS MATERIALS –** The project will not have a significant impact on this resource, therefore no mitigation is required.

**VIII. HYDROLOGY AND WATER QUALITY –**

- a. Prior to the issuance of a Building Permits, the applicant shall obtain an Elevation Certificate (FEMA Form 81-31) for each proposed structure, based on construction drawings, prior to issuance of building permits; and an Elevation Certificate based on finished construction is required for each built structure prior to issuance of an occupancy permit.
- b. Elevate the lowest floor above 134.00' NAVD88, or 131.00' NGVD29.
- c. Building support utility systems such as HVAC, electrical, plumbing, air conditioning equipment, including ductwork, and other service facilities must be elevated above the base flood elevation or otherwise protected from flood damage.

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

**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 –**

- a. This project is within the Evergreen Development Policy area has no existing allocation. Therefore, Traffic Impact Fee payment shall be required for the proposed residential units. The 2008 residential Traffic Impact fee is \$13,214 for each proposed unit. This fee is subject to annual increase per the Construction Cost Index published by the Engineering News Record (ENR).

**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** – 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 additional mitigation is required.

**PUBLIC REVIEW PERIOD**

Before 5:00 p.m. on April 8, 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: 3/17/09

  
Deputy

Adopted on: 4/8/09

  
Deputy