

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

Project File Number, Description, and Location

PP08-024 - Public Project. The proposed project, located at the intersection of Schulte Drive and Educational Park Drive in the City of San José, includes the construction of a new 17,978 square foot (s.f.) library building and a 47-space parking lot, and the removal of the current parking lot for the existing Educational Park Branch Library. The proposed Educational Park Branch Library will include a viewing garden, an adult collection and seating area, a children's collection and seating area, a community room, a family place area, a teen room, a tech connect area, a media area, and other support facilities. The existing library located to the north of the site will be utilized by Independence High School, located east of the project site.

Council District: 5

California State Law requires the City of San José to conduct environmental review for all pending projects that require a public hearing. 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. The Director of Planning, Building & Code Enforcement would require the preparation of an Environmental Impact Report if the review concluded that the proposed project could have a significant unavoidable effect on the environment. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present. The project location does not contain a listed toxic site.

Based on an initial study, the Director has concluded that the project described above will not have a significant effect on the environment. We have sent this notice to all owners and occupants of property within 1,000 feet of the proposed project to inform them of the Director's intent to adopt a Mitigated Negative Declaration for the proposed project on **November 10, 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 21, 2008** and ends on **November 10, 2008**.

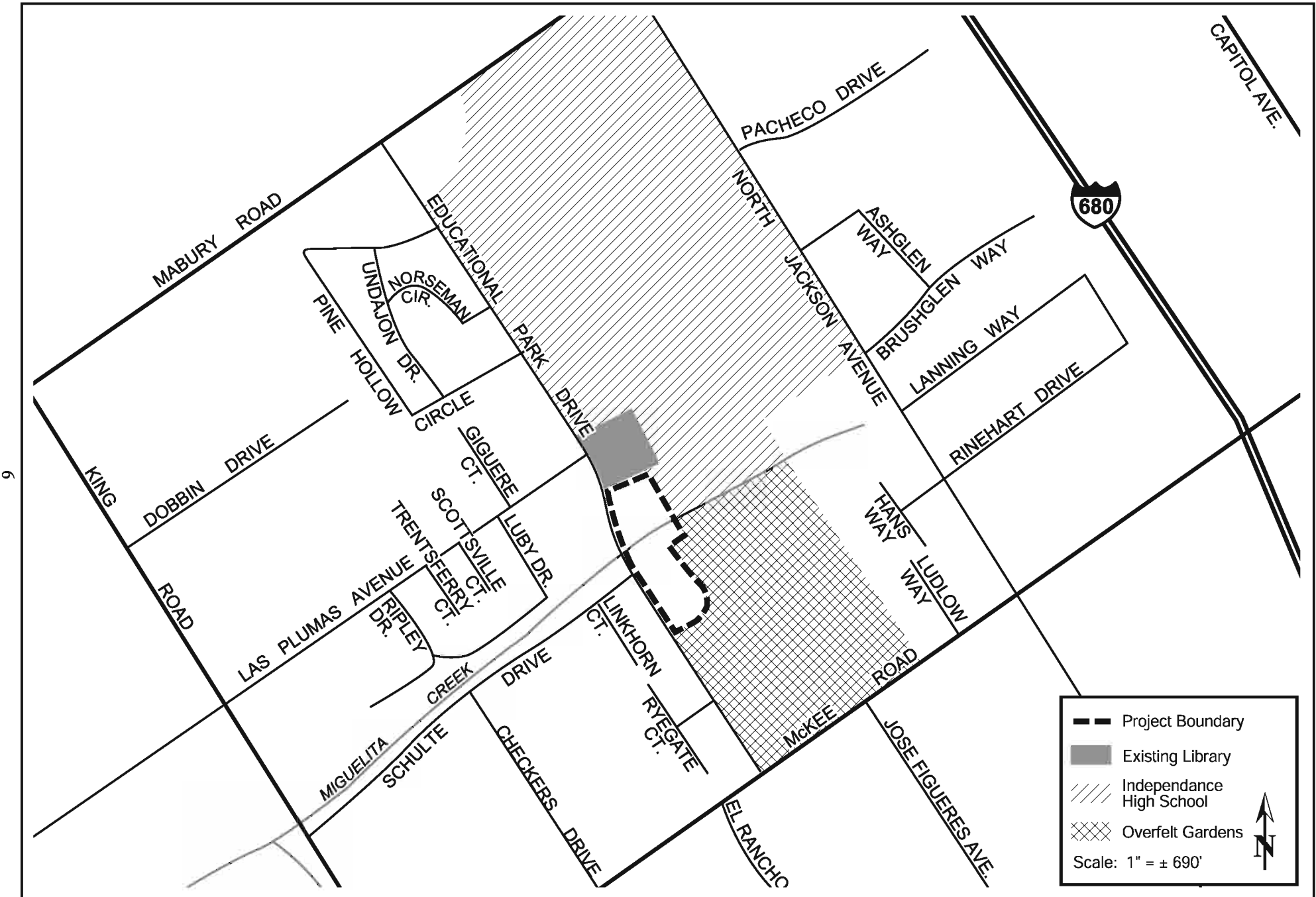
The draft Mitigated Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 200 East Santa Clara Street, 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, and the existing **Educational Park Branch Library**, San José, CA, and online at <http://www.sanjoseca.gov/planning/eir/MND.asp> For additional information, please call **Jared Hart** at (408) 535-7904 or email to jared.hart@sanjoseca.gov, or **Susan Walsh** at (408) 535-7910 or email to susan.walsh@sanjoseca.gov.

Joseph Horwedel, Director
Planning, Building and Code Enforcement

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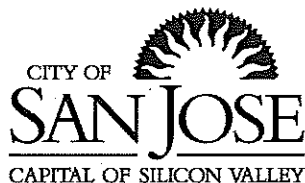
10/21/08

Deputy



VICINITY MAP

FIGURE 2.0-2



**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: Educational Park Branch Library

PROJECT FILE NUMBER: PP08-024

PROJECT DESCRIPTION: The proposed project, located at the intersection of Schulte Drive and Educational Park Drive in the City of San José, includes the construction of a new 17,978 square foot (s.f.) library building and a 47-space parking lot, and the removal of the current parking lot for the existing Educational Park Branch Library. The proposed Educational Park Branch Library will include a viewing garden, an adult collection and seating area, a children's collection and seating area, a community room, a family place area, a teen room, a tech connect area, a media area, and other support facilities. The existing library located to the north of the site will be utilized by Independence High School, located east of the project site.

PROJECT LOCATION & ASSESSORS PARCEL NO.: 1770 Educational Park Drive, at the intersection of Schulte Drive and Educational Park Drive in the City of San José, California; 254-08-009 and 254-05-042

COUNCIL DISTRICT: 5

APPLICANT CONTACT INFORMATION: Steven Blum, City of San José Department of Public Works City Facilities, 200 East Santa Clara Street, San Jose, CA 95113.

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 proposed project includes the following mitigation measures to reduce potential impacts to nesting raptors:
- If possible, construction should be scheduled between October and December (inclusive) to avoid the raptor nesting season. If this is not possible, pre-construction surveys for nesting raptors shall be completed 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 completed no more than 14 days prior to the initiation of construction activities or tree relocation or removal.
 - Between May and August (inclusive), pre-construction surveys no more than thirty (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 State of California, Department of Fish & Game (CDFG), designate a construction-free buffer zone (typically 250 feet) around the nest.
 - The contractor shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the City's Environmental Principal Planner and the Director of Public Works prior to the start of construction.
- 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** – 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** – The proposed project includes the following mitigation measures to reduce potential impacts related to interior noise levels and mechanical equipment:
- Noise control shall be used in the design of the library. A complete forced air mechanical ventilation system shall be included so that windows may be kept closed to control traffic noise intrusion. An acoustical consultant shall participate in the design of the library building. A detailed analysis during the project design phase shall be completed so that the buildings design incorporates treatment necessary to minimize noise intrusion in noise sensitive areas and to maintain an interior noise level of less than or equal to 45 DNL.
 - Mechanical equipment shall be designed as to minimize impacts on surrounding uses, particularly residences located southwest of the proposed library building. This can be accomplished by locating noise-generating equipment on the northwestern portion of the site, or by providing acoustical shielding. If rooftop-mounted mechanical equipment is used, it will be shielded from the adjacent residential development by rooftop screens or perimeter parapet walls, noise control baffles, sound attenuators, or enclosures. An acoustical specialist shall review the mechanical equipment plans prior to construction to ensure the 55-dBA DNL guideline is met.
- 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** – 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. Mitigation has been included to ensure that all potentially significant impacts will be reduced to a less than significant level.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **November 10, 2008**, 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: October 21, 2008

SBWalsh

Deputy

Adopted on: _____

Deputy

Revised 10/19/07 JAC