

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

**Branham Lane/Snell Avenue Roadway Widening and Improvement Project, File No. PP08-054.**

The proposed project includes widening and improvements to Branham Lane between Vista Park Drive and Snell Avenue, and Snell Avenue between Branham Lane and Chynoweth Avenue, consistent with City standards. Branham Lane would be widened from two to four lanes, and Snell Avenue would be widened from four to six lanes. The project includes installation of curb, gutter, sidewalks, median islands, drainage and sanitary systems, and street lights. The project is located in Council District: 2 and 10

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.

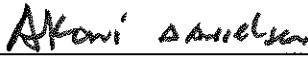
The purpose of this notice is to inform the public of the Director's intent to adopt a Mitigated Negative Declaration for the proposed project on **January 9, 2009**, and to provide an opportunity for public comments on the draft Mitigated Negative Declaration. The public review period for this draft Mitigated Negative Declaration begins on **December 9, 2008** and ends on **January 9, 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. Please note that City offices will be closed from December 24, 2008 through January 2, 2009. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 150 E. San Fernando St, San José, CA 95112, the Edenvale Branch Library, 101 Branham Lane East, San Jose, CA 95111, and online at <http://www.sanjoseca.gov/planning/eir/MND.asp>

For additional information, please call Jared Hart at (408) 535-7904 or email at [jared.hart@sanjoseca.gov](mailto:jared.hart@sanjoseca.gov).

Joseph Horwedel, Director  
Planning, Building and Code Enforcement

Circulated on: December 9, 2008

  
Deputy

**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:** Branham Lane/Snell Avenue Roadway Widening and Improvement Project

**PROJECT FILE NUMBER:** PP08-054

**PROJECT DESCRIPTION:** The proposed project includes widening and improvements to Branham Lane between Vista Park Drive and Snell Avenue, and Snell Avenue between Branham Lane and Chynoweth Avenue, consistent with City standards. Branham Lane would be widened from two to four lanes, and Snell Avenue would be widened from four to six lanes. The project includes installation of curb, gutter, sidewalks, median islands, drainage and sanitary systems, and street lights.

**PROJECT LOCATION:** Branham Lane between Vista Park Drive and Snell Avenue, and Snell Avenue between Branham Lane and Chynoweth Avenue in the City of San José, California.

**COUNCIL DISTRICT:** 2 and 10

**APPLICANT CONTACT INFORMATION:** Jess Tanciango, City of San Jose Department of Public Works, Transportation and Hydraulic Services Division, 200 East Santa Clara Street, San Jose, CA 95113, (408) 793-4145, [jess.tanciango@sanjoseca.gov](mailto:jess.tanciango@sanjoseca.gov)

**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 Burrowing Owls:
- The City of San Jose Public Works Department shall have a qualified biologist conduct a survey and prepare a report not more than one month prior to construction activities to determine the presence of burrowing owls on the site.
  - If owls are present on the site, a mitigation program shall be developed in conformance with the requirements of the California Department of Fish and Game and the U.S. Wildlife Service. During the breeding season (February 1- August 31), a 250-foot buffer, within which no new activity will be permissible, will be maintained between project activities and occupied burrows, either on-site or off-site. If mitigation includes relocation, owls shall not be relocated during the nesting season (February though August).
  - Prior to construction, the City of San Jose Public Works Department shall submit a biologist's report to the City's Environmental Principal Planner to the satisfaction of the Director of Planning indicating that no owls were found on the site or that owls were present and that mitigation has been implemented in conformance with the requirements of the above regulatory agencies.
- 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 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** – 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 **January 9, 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: December 9, 2008

Afari Amichien  
Deputy

Adopted on: \_\_\_\_\_

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Deputy

Revised 10/19/07 JAC