CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Department of Planning, Building and Code Enforcement
STEPHEN M. HAASE, AICP, DIRECTOR

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

***Project File Number, Description, and Location***

PDC03-084, Planned Development Rezoning from CP Commercial Pedestrian, RM Multiple Residence and A(PD) Planned Development Zoning Districts to A(PD) Planned Development Zoning District to allow demolition of 3 existing single-family residences and construction of up to 130 senior residential care facility units on 3.09 gross acres. (Irene Romano, Roy Family Partnership and Green Valley Corporation, Owners; S.L. Start, Developer). Council District: 6

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 500 feet of the proposed project to inform them of the Director's intent to adopt a Mitigated Negative Declaration for the proposed project on **January 12, 2004**, 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 22, 2003** and ends on **January 12, 2004.**

A public hearing on the project described above is tentatively scheduled for **January 28, 2004** at **6:00 p.m.** in the City of San Jose Council Chambers, 801 N. First Street, San Jose, CA 95110. 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, 801 N. First Street, Room 400, San Jose, CA 95110. 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 Willow Glen Branch Library, 1157 Minnesota Avenue, San José, CA 95133 San Jose, and online at www.ci.san-jose.ca.us/planning/sjplan/eir/mnd2003.htm 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. For additional information, please call **Carol Hamilton** at (408) 277-4576.

Stephen M. Haase, AICP
Director, Planning, Building and Code Enforcement

Circulated on: December 22, 2003

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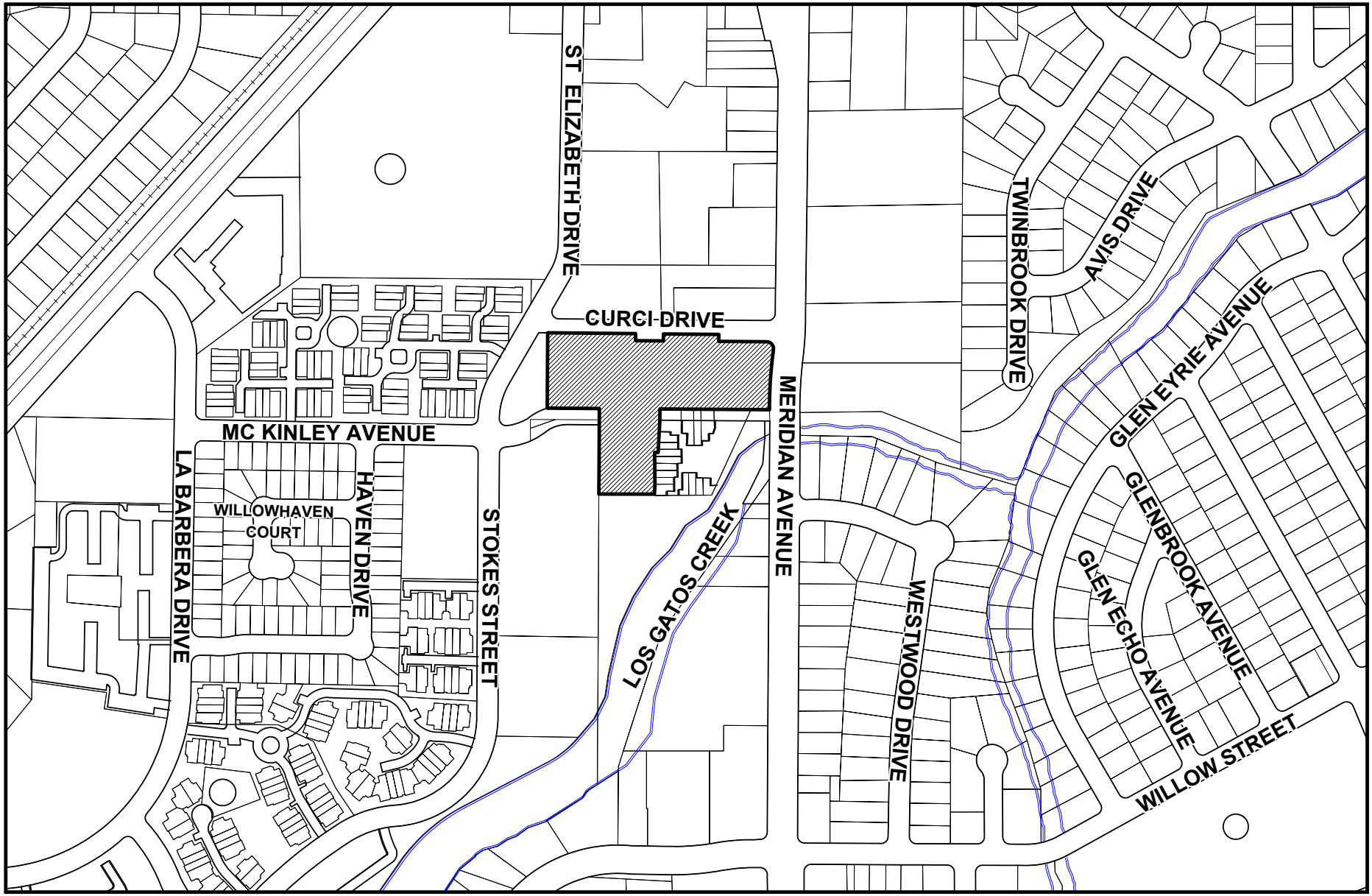
Deputy

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Created on 10/06/03

**File No: PDC03-084**

**District: 06**

**Quad No: 98**

**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:** Harbor Crest Estates at Willow Glen

**PROJECT FILE NUMBER:** PDC03-084

**PROJECT DESCRIPTION:** Planned Development Zoning from CP Commercial Pedestrian, RM Multiple Residence and A(PD) Planned Development Zoning Districts to A(PD) Planned Development Zoning District to allow demolition of 3 existing residences and construction of up to 130 senior residential care facility units on 3.09 gross acres.

**PROJECT LOCATION & ASSESSORS PARCEL NO.:** Southwest corner of Meridian Avenue and Curci Drive (accessors parcel numbers 284-03-020, 031, 033 and 284-07-005, 006, 007).

**COUNCIL DISTRICT:** 6

**NAME OF APPLICANT:** Irene Romano, Roy Family Partnership and Green Valley Corp.

**MAILING ADDRESS AND PHONE NO. OF APPLICANT CONTACT PERSON:**

Gary Schoennauer, 2066 Clamar Way, San Jose, CA 95128, (408) 947-1234

**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**

AIR QUALITY

**Impact**: The project would result in short-term air quality impacts during construction associated with an increase in suspended particulates (i.e. dust).
**Mitigation**:

- Provide equipment and manpower for watering all exposed or disturbed earth surfaces at least twice daily or more often as needed to prevent dust emissions, or apply non-toxic soil stabilizers sufficient to prevent emissions from leaving the site. Increased watering frequency shall be required whenever wind speeds exceed 15 miles per hour.
- Cover stockpiles of debris, soil, sand, or other materials that can be windblown. Trucks transporting fill material shall be covered, as required by state law.
- Damp sweep all paved construction areas and adjacent streets of mud and dust daily, or more frequently, as needed to keep these areas free of dirt and debris. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- After clearing is completed, exposed portions of the site shall be watered, landscaped, applied with soil stabilizers, or covered as soon as possible.

## BIOLOGICAL RESOURCES

**Impact**: The proposed project will result in the removal of one ordinance-size tree and six smaller trees.

**Mitigation**:

- A permit shall be obtained for the removal of the ordinance-size tree and it shall be replaced with 4, 24-inch box specimen trees. The project proposes the installation of over 75 24-inch box trees.
- For all trees to be retained, protective mesh fencing shall be erected at the limit of disturbance prior to construction. The fencing shall be maintained throughout the construction period. Any substantial disturbance with the drip line of retained trees shall be conducted under the supervision of a qualified arborist. The arborist shall instruct construction workers to hand cut roots, irrigate cut areas, or implement other measures as deemed necessary.

## CULTURAL RESOURCES

**Impact**: No recorded sites are within or adjacent to the project site. No indications of prehistoric or significant historic cultural materials were noted during the field inventory. The project is not expected to impact any archaeological resources; however, the following measures are required during construction to assure protection of any possible buried resources.

**Mitigation**:

- 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.

- Should evidence of prehistoric cultural resources be discovered during construction, work in the immediate area of the find shall be stopped to allow adequate time for evaluation and mitigation, and a qualified professional archaeologist called in to make an evaluation; the material shall be evaluated; and if significant, a mitigation program including collection and analysis of the materials prior to the resumption of grading, preparation of a report and curation of the materials at a recognized storage facility shall be developed and implemented under the direction of the Director of Planning, Building and Code Enforcement.

## GEOLOGY AND SOILS

**Impact**: The project would be subject to moderate to strong ground shaking from earthquakes during its design life, which could result in potential damage to structures. Excavation of the garage has the potential to undermine adjacent natural and man-made structures by removing lateral support provided by the soil.

**Mitigation**:

- The project shall be designed in accordance with the seismic requirements of CBC/UBC for seismic zone 4.
- The project shall incorporate all recommendations set forth in the geotechnical investigation prepared for the development by Lowney associates (October 2003).

## HYDROLOGY AND WATER QUALITY

**Impact**: Demolition and construction activities on the project site may result in an increase in erosion affecting the quality of storm water runoff. In addition, surface runoff from the proposed development could somewhat increase urban pollutants.

**Mitigation**:

- A Storm Water Pollution Prevention Plan (SWPPP) in compliance with the local NPDES permit shall be developed and implemented including: 1) site description; 2) erosion and sediment controls; 3) waste disposal; 4) implementation of approved local plans; 5) proposed post-construction controls, including description of local post-construction erosion and sediment control requirements; 6) Best Management Practices (BMP) such as the use of infiltration of runoff onsite, first flush diversion, flow attenuation by use of open vegetated swales and natural depressions, stormwater retention or detention structures, oil/water separators, porous pavement, fossil filters, or a combination of these practices for both construction and post-construction period water quality impacts; and 7) non-storm water management.
- The project shall submit an erosion control plan to the City of San Jose and the RWQCB. All proposed erosion control measures shall be established in conformance with the City and County grading ordinances, RWQCB regulations, and the Santa Clara Valley Urban Runoff Pollution Prevention Program.

## NOISE

**Impact**: The project will be exposed to interior noise levels in excess of those recommended by the City of San Jose General Plan. Construction of the project would temporarily increase noise levels at adjacent receptors.

**Mitigation**:

- At living spaces within 120 feet of the centerline, windows and balcony doors with a sound transmission class (STC) of 30 shall be installed. Patio doors shall be rated a minimum STC 26. Mechanical ventilation shall be provided for all noise impacted living spaces.
- Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific construction noise mitigation plan and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
- All internal combustion engines for construction equipment used on the site shall be properly muffled and maintained.
- All stationary noise-generating construction equipment, such as air compressors and portable power generators, shall be located as far as practical from existing residences and businesses. The setback shall be determined in the field based on changing construction conditions.

### HAZARDOUS MATERIALS

**Impact:** The project includes the demolition of existing structures on the site that may contain lead paint and asbestos.

**Mitigation:**

Prior to demolition, the applicant shall retain a qualified consultant to survey the existing buildings on the site for asbestos, in accordance with the National Emissions Standards for Hazardous Air Pollutants guidelines. All potentially friable asbestos shall be removed by a licensed abatement contractor, in accordance with NESHAP guidelines. The demolition or removal of asbestos-containing building materials is also subject to the limitations of the Bay Area Air Quality Mangement District. The BAAQMD's Enforcement Division shall be consulted prior to commencing demolition of a building containing asbestos materials.

Prior to demolition, the applicant shall retain a qualified consultant to prepare a lead-based paint survey of the existing buildings on the site. All peeling and flaking lead-based paint shall be removed and property disposed of separately from building debris by a licensed abatement contractor, in accordance with current California Department of Toxic Substances Control policies. An abatement work plan shall be submitted to the City for review and approval prior to the issuance of a building permit.

## PUBLIC REVIEW PERIOD

Before 5:00 p.m. on J**anuary 12, 2004**, 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; or

(3) File a formal written protest of the determination that the project would not have a significant effect on the environment. This formal protest must be filed in the Department of Planning, Building and Code Enforcement, 801 North First Street, San Jose, Room 400 and include a $50 filing fee. The written protest should make a "fair argument" based on substantial evidence that the project will have one or more significant effects on the environment. If a valid written protest is filed with the Director of Planning, Building & Code Enforcement within the noticed public review period, the Director may (1) adopt the Mitigated Negative Declaration and set a noticed public hearing on the protest before the Planning Commission, (2) require the project applicant to prepare an environmental impact report and refund the filing fee to the protestant, or (3) require the Draft MND to be revised and undergo additional noticed public review, and refund the filing fee to the protestant.

Stephen M. Haase, AICP
Director, Planning, Building and Code Enforcement

Circulated on: December 22, 2003

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Deputy

Adopted on: _____

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Deputy

MND/RE/9/24/01