

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

File Nos. and Project Name; Description: GP16-001, Evans Lane Housing. A General Plan Land Use /Transportation Diagram Amendment from Neighborhood/Community Commercial designation to Mixed Use Neighborhood on a 5.93 gross acre site. **Location.** East side of Evans Lane, approximately 250 feet north of Canoas Garden Avenue. **Assessor Parcel Numbers:** 455-31-053, -055 **City Council District:** 6.

The City has performed environmental review on the project. Environmental review examines the nature and extent of any adverse effects on the environment that could occur if a project is approved and implemented. Based on the review, the City has prepared a draft Mitigated Negative Declaration (MND) for this project. An MND is a statement by the City that the project will not have a significant effect on the environment if protective measures (mitigation measures) are included in the project.

The public is welcome to review and comment on the draft Mitigated Negative Declaration.

The public comment period for this draft Mitigated Negative Declaration begins on **March 24, 2016, and ends on April 12, 2016.**

The draft Mitigated Negative Declaration, initial study, and reference documents are available online at: <http://www.sanjoseca.gov/NegativeDeclarations> . The documents are also available for review 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, located at City Hall, 200 East Santa Clara Street; and at the Dr. Martin Luther King, Jr. Main Library, located at 150 E. San Fernando Street.

For additional information, please contact Sanhita Ghosal at (408) 535-7851, or by e-mail at sanhita.ghosal@sanjoseca.gov.

Harry Freitas, Director
Planning, Building and Code Enforcement

Date: 3-23-16



Deputy

Circulated between March 24, 2016, and ends on April 12, 2016.

MITGATED 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: Evans Lane Housing

PROJECT FILE NUMBER: GP16-001, PDC16-007

PROJECT DESCRIPTION: GP16-001, Evans Lane Housing. A General Plan Land Use /Transportation Diagram Amendment from Neighborhood/Community Commercial designation to Mixed Use Neighborhood on a 5.93 gross acre site.

PROJECT LOCATION & ASSESSORS PARCEL NO.: East side of Evans Lane, approximately 250 feet north of Canoas Garden Avenue. (APNs 455-31-053, -055).

COUNCIL DISTRICT: 6

APPLICANT CONTACT INFORMATION: City of San Jose Housing Department (Attn: Patrick Heisinger)

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 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.

- I. **AESTHETICS.** The project will not have a significant impact on aesthetics or visual resources, therefore no mitigation is required.
- II. **AGRICULTURE AND FOREST RESOURCES.** The project will not have a significant impact on agriculture or forest resources, therefore no mitigation is required.
- III. **AIR QUALITY.** The project will not have a significant impact on aesthetics or visual resources, therefore no mitigation is required.
- IV. **BIOLOGICAL RESOURCES.**

Impact BIO-1: Construction activities and tree removal may impact nesting migratory birds and raptors.

Mitigation Measures BIO 1-1:

Construction shall be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1 through August 31.

Mitigation Measures BIO 1-2:

If it is not possible to schedule demolition and construction between September and January, pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests will be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1 through April 30) and no more than 30 days prior to the initiation of these activities during the latter part of the breeding season (May 1 through August 31). During this survey, the ornithologist will inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests. If an active nest is found in or close enough to the construction area to be disturbed by these activities, the biologist/ornithologist shall, in consultation with the California Department of Fish and Wildlife, designate a construction-free buffer zone (typically 250 feet for raptors and 100 feet for other birds) around the nest, which shall be maintained until after the breeding season has ended and/or a qualified biologist or ornithologist has determined that the young birds have fledged. The biologist/ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement prior to the issuance of any grading or building permit.

V. CULTURAL RESOURCES.

Impact CUL-1: Grading and construction activities may encounter and disturb archaeological resources on the site.

Mitigation Measures CUL 1-1:

A qualified archaeologist shall be on-site to monitor the initial excavation of the project site. After monitoring the initial excavation, the archaeologist will make recommendations for further monitoring if it is determined that the site has cultural resources. If the archaeologist determines that no resources are likely to be found on site, no additional monitoring will be required. • If no resources are discovered, the archaeologist shall submit a report to the Supervising Planner of the Environmental Review Team verifying that the required monitoring occurred and that no further mitigation is necessary.

Mitigation Measures CUL 1-2:

In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement shall be notified, and the archaeologist will examine the finding and make appropriate recommendations. Recommendations could include collection, recordation, and analysis of any significant cultural materials. The archaeologist shall submit reports, to the satisfaction of the Supervising Planner of the Environmental Review Team, describing the testing program and subsequent results. These reports shall identify any program mitigation to be completed in order to

mitigate archaeological impacts (including resource recovery and/or avoidance, testing and analysis, removal, reburial, and curation of archaeological resources at a recognized storage facility). A final report shall verify completion of the mitigation program to the satisfaction of the Supervising Planner of the Environmental Review Team.

Mitigation Measures CUL 1-3:

In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find will be stopped. The Santa Clara County Coroner will be notified and shall make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC) immediately. Once NAHC identifies the most likely descendants, the descendants will make recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.

VI. GEOLOGY AND SOILS. The project will not have a significant impact due to geology and soils, therefore no mitigation is required.

VII. GREENHOUSE GAS EMISSIONS. The project will not have a significant impact due to greenhouse gas emissions, therefore no mitigation is required.

VIII. HAZARDS AND HAZARDOUS MATERIALS.

Mitigation Measures HAZ-1 –

Prior to issuance of development permits, a Phase I Environmental Site Assessment (ESA) shall be completed by a qualified consultant to confirm the findings of the Environmental Database Resources report. The report must be reviewed and approved by the Director of Planning, Building and Code Enforcement and the Environmental Service Department's Environmental Compliance Officer prior to approval of the development permit.

Mitigation Measures HAZ-2 -

If required by the City, upon completion of the Phase I ESA, shallow soil samples shall be taken to determine if contaminants from previous agricultural operations (organochlorine pesticides and/or pesticide based metals including lead and arsenic) are located on-site in concentrations above established construction worker and residential thresholds. The soil sampling plan must be reviewed and approved by the Director of Planning, Building and Code Enforcement and the Environmental Service Department's Environmental Compliance Officer prior to initiation of work.

Mitigation Measures HAZ-3 –

If the Phase I ESA identifies environmental concerns other than agricultural chemicals, shallow soil samples shall be taken to determine if non-agricultural contaminants are located on-site in concentrations above established construction worker and residential thresholds. The soil sampling plan must be reviewed and approved by the Director of Planning, Building and Code Enforcement and the Environmental Service Department's Environmental Compliance Officer prior to initiation of work.

Mitigation Measures HAZ-4 -

If contaminated soils are found in concentrations above regulatory thresholds for worker safety and/or residential thresholds, it shall be reported to the appropriate regulatory agency for oversight and a Site Management Plan (SMP) will be prepared and implemented (as outlined below) and any contaminated soils found in concentrations above established thresholds shall be removed and disposed of according to California Hazardous Waste Regulations. The contaminated soil removed from the site shall be hauled off-site and disposed of at a licensed hazardous materials disposal site

A SMP will be prepared to establish management practices for handling impacted soil material that may be encountered during site development and soil-disturbing activities. Components of the SMP will include, but will not be limited to: a detailed discussion of the site background; preparation of a Health and Safety Plan by an industrial hygienist; notification procedures if previously undiscovered significantly impacted soil or free fuel product is encountered during construction; on-site soil reuse guidelines based on the California Regional Water Quality Control Board, San Francisco Bay Region's reuse policy; sampling and laboratory analyses of excess soil requiring disposal at an appropriate off-site waste disposal facility; soil stockpiling protocols; and protocols to manage groundwater that may be encountered during trenching and/or subsurface excavation activities. Prior to issuance of grading permits, a copy of the SMP must be approved by the Santa Clara County Department of Environmental Health, the City's Director of Planning, Building and Code Enforcement, and copied to the Environmental Service Department's Environmental Compliance Officer.

- IX. HYDROLOGY AND WATER QUALITY.** The project will not have a significant hydrology and water quality impact, therefore no mitigation is required.
- X. LAND USE AND PLANNING.** The project will not have a significant land use impact, therefore no mitigation is required.
- XI. MINERAL RESOURCES.** The project will not have a significant impact on mineral resources, therefore no mitigation is required.
- XII. NOISE.** The project will not have a significant noise impact, therefore no mitigation is required.
- XIII. POPULATION AND HOUSING.** The project will not have a significant population and housing impact, therefore no mitigation is required.
- XIV. PUBLIC SERVICES.** The project will not have a significant impact on public services, therefore no mitigation is required.
- XV. RECREATION.** The project will not have a significant impact on recreation, therefore no mitigation is required.
- XVI. TRANSPORTATION / TRAFFIC.** The project will not have a significant traffic impact, therefore no mitigation is required.
- XVII. UTILITIES AND SERVICE SYSTEMS.** The project will not have a significant impact on utilities and service systems, therefore no mitigation is required.
- XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.** With the implementation of Mitigation Measures BIO-1, BIO-2, CUL-1, CUL-2, CUL-3, HAZ1, HAZ2, HAZ3 and HAZ4, 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.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **Monday, April 12, 2016**, 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.

Circulation period, from **March 24, 2016 to April 12, 2016**.

Harry Freitas, Director
Planning, Building and Code Enforcement



Deputy