

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

Winchester Blvd. Neighborhood Business District Overlay General Plan Amendment and Municipal Code Changes for Business Destination Areas, File Nos. GP10-01-01 and PP10-059.

A proposed Public Project consisting of two parts:

(1) The proposed Winchester Blvd. Neighborhood Business District overlay would facilitate new businesses on the corridor. The overlay does not change the underlying General Plan land use designations or zoning districts of properties within the overlay area. If approved by the City Council, most ground floor businesses in the area would have a reduced parking requirement and additional signage based on existing ordinances for San Jose's Neighborhood Business Districts. The change in parking requirements provides for a minimum number of off-street spaces and does not identify a maximum number of spaces.

(2) The proposed Municipal Code changes consist of adding a definition of Business Destination Areas (areas designated by City Council resolution with at least ten (10) blocks of contiguous street frontage with Commercial Zoning Districts and General Plan Land Use designations allowing retail, office, and/or other commercial economic development uses), and establishing a parking standard for many ground floor uses of 1 parking space for every 300 square feet of floor area if certain criteria are met.

The project is located in Council District: 1.

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 April 5, 2010, 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 **March 16, 2010** and ends on **April 5, 2010**. 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.

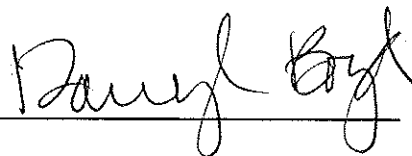
The draft Mitigated Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 200 East Santa Clara Street, San José CA 95113-1905. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 150 E. San Fernando St, San José, CA 95112, and online at <http://www.sanjoseca.gov/planning/eir/MND.asp>

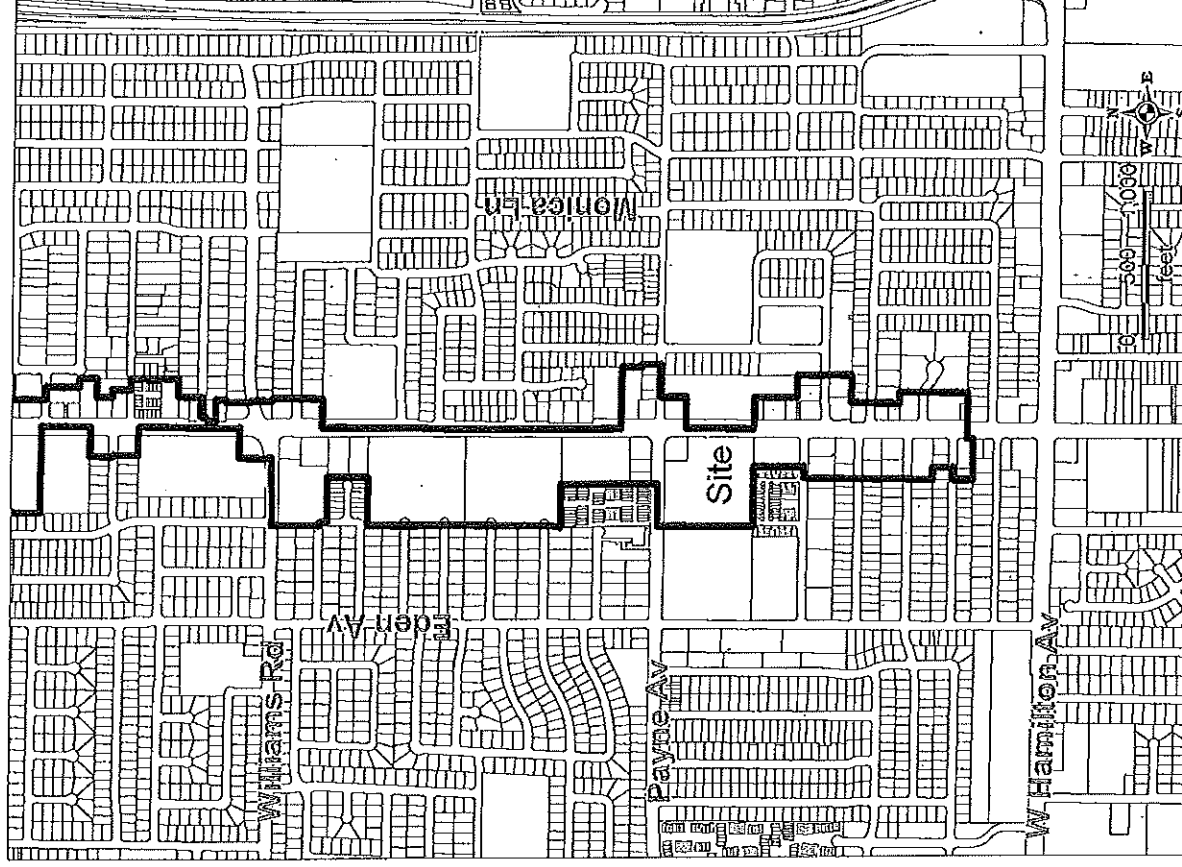
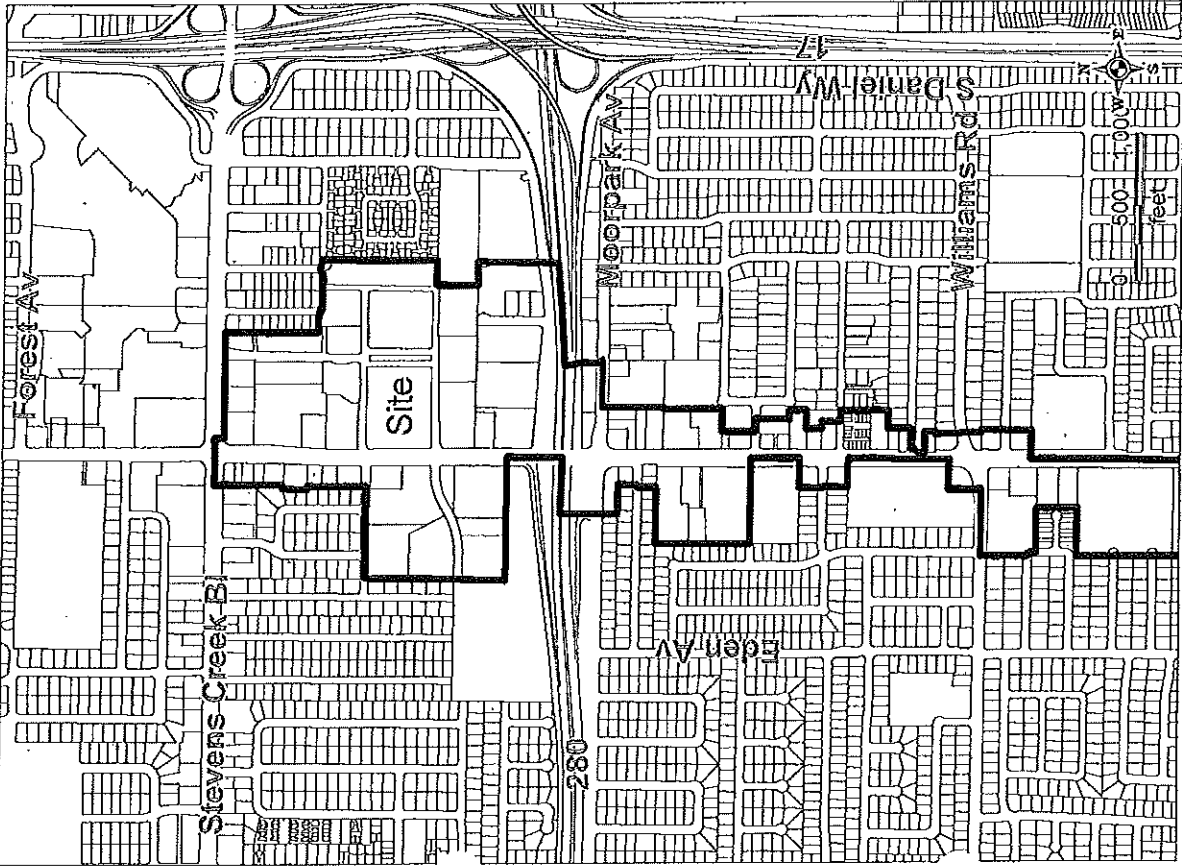
For additional information, please call **Laurel Prevetti** at (408) 535-7901.

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Circulated on: March 16, 2010

Darryl Boyd
Deputy





File No: GP10-01-001
 District: 1



Prepared by the Department of Planning,
 Building, and Code Enforcement
 2/5/2010

Location

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: Winchester Blvd. Neighborhood Business District Overlay General Plan Amendment and Municipal Code Changes for Business Destination Areas

PROJECT FILE NUMBER(S): GP10-01-01 and PP10-059

PROJECT DESCRIPTION: The proposed project consists of two parts:

(1) The proposed Winchester Blvd. Neighborhood Business District overlay would facilitate new businesses on the corridor. The overlay does not change the underlying General Plan land use designations nor zoning districts of properties within the overlay area. If approved by the City Council, most ground floor businesses in the area would have a reduced parking requirement and additional signage based on existing ordinances for San Jose's Neighborhood Business Districts. The change in parking requirements provides for a minimum number of off-street spaces and does not identify a maximum number of spaces.

(2) The proposed Municipal Code changes consist of adding a definition of Business Destination Areas (areas designated by City Council resolution with at least ten (10) blocks of contiguous street frontage with Commercial Zoning Districts and General Plan Land Use designations allowing retail, office, and/or other commercial economic development uses), and establishing a parking standard for many ground floor uses of 1 parking space for every 300 square feet of floor area if certain criteria are met.

PROJECT LOCATION & ASSESSOR'S PARCEL NUMBER (APN): Both sides of Winchester Blvd., generally from Stevens Creek Blvd. to Hamilton Ave. within the City of San Jose; Various APNs

COUNCIL DISTRICTS: 1 and 6

STAFF CONTACT: City of San Jose: Laurel Prevetti (408) 535-7901

APPLICANT CONTACT: City of San Jose Redevelopment Agency: Richard Keit (408) 795-1849

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 have a less than 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 have a less than significant impact on this resource, therefore no mitigation is required.
- IV. BIOLOGICAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- 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 have a less than 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 have a less than significant impact on this resource, therefore no mitigation is required.
- XII. POPULATION AND HOUSING** – The project will have a less than 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, therefore no mitigation is required.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on April 5, 2010, 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: March 16, 2010

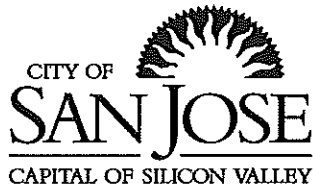


Deputy

Adopted on: _____

Deputy

Revised 10..20.08 sbw



NOTICE OF PUBLIC HEARINGS

City of San Jose, City Hall
200 East Santa Clara Street, City Council Chambers, Wing 2nd Floor

Planning Commission: Wednesday, April 7, 2010 at 6:30 p.m.

City Council: Tuesday, April 27, 2010 at 7:00 p.m.

General Plan Amendment (File No. GP10-01-01):

Proposal to amend the San Jose 2020 General Plan Land Use/Transportation Diagram amendment to add a Neighborhood Business District (NBD) overlay to the Winchester Boulevard area.

CEQA: Negative Declaration.

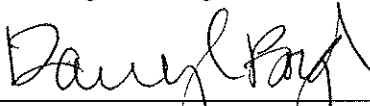
The Neighborhood Business District overlay would facilitate new businesses on the Winchester corridor. The overlay does not change the underlying General Plan land use designations nor zoning districts of properties within the overlay area. If approved by the City Council, most ground floor businesses in the area would have a reduced parking requirement and additional signage based on existing ordinances for San Jose's Neighborhood Business Districts. The change in parking requirements provides for a minimum number of off-street spaces and does not identify a maximum number of spaces.

You are invited to attend and speak at the above public hearings. To arrange an accommodation under the Americans with Disabilities Act to participate in this meeting, please call (408) 535-7800 (Voice)/TTY# (408) 294-9337 at least 48 hours before the meeting. **Muốn biết tin tức bằng tiếng Việt Nam về tờ thông tin này, xin quý vị liên lạc Trung Nguyen ở số (408) 535-7883 và đọc số dự án GP10-01-01. Para información en Español acerca de esta solicitud, comuníquese con Juan Borrelli al (408) 535-7709, e indique el número de proyecto GP10-01-01.**

The Planning Commission will make a recommendation to the City Council, and the City Council will make the final decision on the proposed General Plan amendment. If you choose to challenge this land use decision in court, you may be limited to only those issues you, or someone else, raised and discussed at the public hearing or in written correspondence delivered to the City at or prior to the public hearing.

Comments and questions regarding this proposal or the General Plan amendment process are welcome, and should be referred to the Project Manager, **Laurel Prevetti**, at (408) 535-7901 or laurel.prevetti@sanjoseca.gov. Documents for this project are on file and available for review from 9:00 a.m. to 5:00 p.m. at: **Planning, Building and Code Enforcement, 200 East Santa Clara Street, San Jose, CA 95113**. Reports and documents will also available online at: <http://www.sanjoseca.gov/planning/hearings/> one week prior to the scheduled hearing. Please refer to the file number for further information on this project.

Joseph Horwedel, Director
Planning, Building and Code Enforcement


Darryl Boyd, Principal Planner

Date: 3/15/10