

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.

PROJECT NAME: Emergency Interim Housing Programs

PROJECT FILE NUMBER: ER22-198

PROJECT DESCRIPTION: The proposed project would implement a program whereby the City would select up to 15 Emergency Interim Housing (EIH) sites in order to provide temporary housing and supportive services for individuals, couples, and families experiencing homelessness. Potential EIH sites would be selected based on guidelines established in accordance with requirements set forth by the State law, City Ordinance No. 30199, and project Siting Guidelines. The project would construct two-story modular buildings, each containing up to six units. Construction activities would last approximately 12 months per site and be limited to surface grading and utility trenching. An average EIH site size is typically two to three acres with a service population of approximately 50 to 200 individuals. The estimated average service population per site is expected to be 100 individuals. The expected minimum stay is four months with a maximum stay of 12 months.

PROJECT LOCATION: City-owned or City-leased sites Citywide. Individual sites will be selected based on guidelines established in accordance with requirements set forth by the State law and City Ordinance No. 30199.

ASSESSORS PARCEL NO.: N/A

COUNCIL DISTRICT: All

APPLICANT CONTACT INFORMATION: City of San José, Housing Department, 200 East Santa Clara Street, San José CA 95113

FINDING

The Director of Planning, Building and Code Enforcement finds the project described above would not have a significant effect on the environment if certain mitigation measures are incorporated into the project. The attached Initial Study identifies one or more potentially significant effects on the environment for which the City, before public release of this Mitigated Negative Declaration (MND), has made or agrees to make project revisions that will clearly mitigate the potentially significant effects to a less than significant level.

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

- A. **AESTHETICS** – The project would not have a significant impact on this resource, therefore no mitigation is required.

B. AGRICULTURE AND FORESTRY RESOURCES – The project would not have a significant impact on this resource, therefore no mitigation is required.

C. AIR QUALITY

Impact AIR-1: Future projects located within 1,000 feet of existing sensitive receptors could result in a significant health risk impact from toxic air contaminants during construction.

Mitigation Measures: The following mitigation measures would be implemented by all future EIH projects (when applicable) to reduce health risk impacts from toxic air contaminants emissions during construction activities to a less than significant level.

MM AIR-1.1: Emergency Interim Housing (EIH) projects proposing development within 1,000 feet of existing sensitive receptors as defined by the Bay Area Air Quality Management District (BAAQMD) shall have a qualified air quality consultant prepare a site-specific construction and operational health risk assessment (HRA). If the HRA demonstrates that the health risk exposures for adjacent sensitive receptors will be less than the BAAQMD project-level thresholds, no additional mitigation is necessary.

MM AIR-1.2: If the HRA demonstrates that the health risk exposures for adjacent receptors will be above BAAQMD project-level thresholds, projects shall implement the following measures during all phases of construction:

- Use Tier 4 engines for all off-road equipment greater than 50 horsepower and operating for more than 20 total hours over the entire duration of construction activities.
- Implement fugitive dust best management practices (as outlined in the Standard Permit Conditions) and, if necessary, enhanced dust control measures recommended by BAAQMD. The need for enhanced measures shall be determined by the findings in the HRA.
- Use portable electrical equipment where commercially available and practicable to complete construction. Construction contractors shall utilize electrical grid power instead of diesel generators when (1) grid power is available at the construction site; (2) when construction of temporary power lines is not necessary to provide power to portions of the site distant from existing utility lines; and (3) when use of portable extension lines is practicable given construction safety and operational limitations.

With implementation of the standard permit conditions listed under checklist question a) and mitigation measures MM AIR-1.1 and MM AIR-1.2 above, future EIH projects would have a less than significant TAC impact from construction activities.

D. BIOLOGICAL RESOURCES – The project would not have a significant impact on this resource, therefore no mitigation is required.

E. CULTURAL RESOURCES – The project would not have a significant impact on this resource, therefore no mitigation is required.

F. ENERGY – The project would not have a significant impact on this resource, therefore no mitigation is required.

- G. **GEOLOGY AND SOILS** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- H. **GREENHOUSE GAS EMISSIONS** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- I. **HAZARDS AND HAZARDOUS MATERIALS** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- J. **HYDROLOGY AND WATER QUALITY**

Impact HYD-1: Construction of Emergency Interim Housing (EIH) projects within Special Flood Hazard Areas or in proximity to waterways could increase the risk of project inundation.

Mitigation Measure: EIH projects would implement the following mitigation measure to ensure residential structures are raised above the base flood elevation.

MM HYD-1.1: Emergency Interim Housing (EIH) projects located within 100-year and 500-year floodplains (Federal Emergency Management Agency [FEMA] Zone AE, A, AH, or AO) shall have the first finished floor of all proposed structures raised above the base flood elevation consistent with the requirements of the Municipal Code (Floodplain Ordinance 17.08) and General Plan policies EC-5.1 and IN-3.7.

With implementation of MM HYD-1.1 described above, the proposed project would not risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones, and potential flooding impacts to future residents would be reduced to a less than significant level.

- K. **LAND USE AND PLANNING** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- L. **MINERAL RESOURCES** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- M. **NOISE** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- N. **POPULATION AND HOUSING** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- O. **PUBLIC SERVICES** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- P. **RECREATION** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- Q. **TRANSPORTATION / TRAFFIC** – The project would not have a significant impact on this resource, therefore no mitigation is required.

R. TRIBAL CULTURAL RESOURCES

Impact TRC-1: Construction of Emergency Interim Housing (EIH) projects within one mile of a creek, or 1,000 feet of a known Tribal cultural Resource, could result in significant impacts to unknown Tribal Cultural Resources from ground disturbing activities.

Mitigation Measure: The following mitigation measure would be implemented by all future EIH projects (when applicable) to reduce impacts to known Tribal Cultural Resources from ground disturbing to less than significant levels.

MM TCR-1.1: Upon identification of an EIH site, the City shall notify Tribal Representatives of Tribes with a traditional or cultural affiliation in the City of San José who have requested consultation under AB 52. Notification shall be made via electronic mail, and such notification shall include a site address, Assessor's Parcel Number(s), a location map, and conceptual site plan (if available). The notification shall also include information on proposed grading and trenching.

Tribal Representatives will have 30 days from the date of the notice to respond and request consultation and/or additional mitigation measures depending on the characteristics of the site and the project. Additional mitigation measures may include, but are not limited to, the following:

- Conducting a cultural sensitivity training for construction workers in coordination with a Native American Tribal representative from a Tribe with a traditional or cultural affiliation in the City of San José and registered with the Native American Heritage Commission (NAHC).
- Engagement of a Native American Tribal Monitor from a Tribe with a traditional or cultural affiliation in the City of San José and registered with the NAHC to be present during ground disturbing activities.
- Engagement of an archaeological monitor to be present during ground disturbing activities.
- Preparation of an Archaeological Research Treatment Plan (ARTP), which will include guidelines if resources are discovered during site construction.

The Tribal and archaeological monitors shall report any findings to the Director of Planning, Building and Code Enforcement or the Director's designee immediately upon discovery.

S. UTILITIES AND SERVICE SYSTEMS – The project would not have a significant impact on this resource, therefore no mitigation is required.

T. WILDFIRE – The project would not have a significant impact on this resource, therefore no mitigation is required.

U. MANDATORY FINDINGS OF SIGNIFICANCE

Cumulative impacts would be less than significant. The proposed Project would implement the identified mitigation measures and would have either have no impacts or less-than-significant impacts on all other resource areas. Therefore, the proposed Project would not contribute to any cumulative impact for these resources. The Project would not cause changes in the environment

that have any potential to cause substantial adverse direct or indirect effects on human beings.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **Monday, June 26, 2023** any person may:

1. Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or
2. Submit written comments regarding the information and analysis in the Draft MND. Written comments should be submitted to Reema Mahamood, Planner III, City of San José, Planning, Building and Code Enforcement, 200 East Santa Clara Street, San José, CA 95113, or via email to reema.mahamood@sanjoseca.gov. 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.

Christopher Burton, Director
Planning, Building and Code Enforcement



Deputy

Reema Mahamood
Environmental Project Manager

Circulation period: June 5, 2023 through June 26, 2023

