

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: Downtown College Preparatory Relocation Project

PROJECT FILE NUMBER: CP16-013

PROJECT DESCRIPTION: Conditional Use Permit to allow a public secondary school (grades 6-12) use with a maximum enrollment of 1,237 students in buildings totaling 84,998 square feet; and a Site Development Permit to allow the demolition of a 7,027 square foot building, a 10,527 square foot expansion of a legal nonconforming structure, and site improvements on an approximately 3.69 gross acres site.

PROJECT LOCATION & ASSESSORS PARCEL NO.: The project site is located at 1402 Monterey Road, at the southwesterly corner of West Alma Avenue and Monterey Highway, in San José, California. The Assessor's Parcel Number (APN) is 477-07-012 on the Santa Clara County Assessor's Parcel Map.

COUNCIL DISTRICT: 7

APPLICANT CONTACT INFORMATION: Jennifer Andaluz, Downtown College Preparatory, 1400 Parkmoor Avenue Suite 206, San Jose, CA 95126.

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 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. Implementation of the proposed project would expose sensitive receptors (i.e., students) to TAC emissions above established thresholds.

MM AIR 1-1: A refined TAC analysis for the project shall be completed by a qualified air quality consultant, consistent with BAAQMD standards, prior to issuance of building permits

MM AIR 1-2: Based on the findings of the TAC emissions analysis, the qualified air quality consultant will determine performance standards for air filtration systems for the buildings on-site.

MM AIR 1-3: The air filtration system shall be tested by a qualified air quality consultant to ensure that the systems are operating as designed. A report of the findings will be submitted to the Director of Planning, Building and Code Enforcement for review and approval prior to issuance of occupancy permits.

MM AIR 1-4: An ongoing maintenance plan for the buildings' heating, ventilation, and air conditioning (HVAC) air filtration systems shall be prepared and submitted to the Director of Planning, Building, and Code Enforcement for review and approval prior to issuance of the occupancy permit. This maintenance plan is typically developed by the contractor responsible for designing and constructing the HVAC system for the project.

IV. BIOLOGICAL RESOURCES. The project will not have a significant impact on biological resources, therefore no mitigation is required.

V. CULTURAL RESOURCES. The project will not have a significant impact to cultural resources, therefore no mitigation is required.

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. Development of the proposed project would result in the exposure of construction workers or off-site users to contaminated soils.

MM HAZ-1.1: A Risk Management Plan (RMP) shall be prepared to establish appropriate practices to manage the impacted soil both during construction and post-construction. The RMP shall include the following key components:

- Protocols for the excavation and disposal of impacted soil in planned softscape areas;
- Procedures to follow when the hardscape “cap” is breached and underlying soil is exposed and/or disturbed;
- A long-term operation and maintenance plan to confirm the integrity of the “cap”;
- Protocols to evaluate the quality of soil suspected of being contaminated so that appropriate mitigation, disposal or reuse alternatives, if necessary, can be determined;
- Health and Safety Plan (HASP) presenting worker training requirements, health and safety measures and soil handling procedures such that field activities can be conducted in a safe manner;
- Site-specific ADMP specifying dust mitigation practices to be implemented during planned construction, excavation and grading activities.

MM HAZ-1.2: Prior to issuance of a grading permit, a copy of the RMP must be approved by the City’s Director of Planning, Building and Code Enforcement, and copied to the Environmental Service Department’s Environmental Compliance Officer.

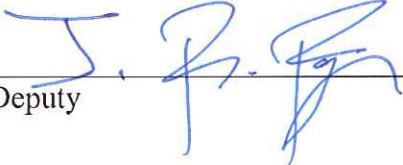
- IX. HYDROLOGY AND WATER QUALITY.** The project will not have a significant hydrology and water quality impact, therefore no mitigation is required.
- X. LAND USE AND PLANNING.** The project will not have a significant land use impact, therefore no mitigation is required.
- XI. MINERAL RESOURCES.** 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.** 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 26th** 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.

Harry Freitas, Director
Planning, Building and Code Enforcement


Deputy

Circulation period, from April 6 2016 to April 26, 2016