

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: Senter Road Office Project

PROJECT FILE NUMBER: C16-034, CP16-039

PROJECT DESCRIPTION: The project proposes to rezone from A(PD) to HI Heavy Industrial Zoning District to develop an office building on the currently undeveloped site adjacent to an existing 50,360 square foot office building located at 1919 Senter Road, which is currently occupied by the Santa Clara County Social Services Agency. The Santa Clara County Social Services Agency plans to use the new office building for the Continuing Benefit Services Unit that would replace the two existing facilities at 1870 and 1877 Senter Road. The proposed building would be approximately 39 feet tall (two stories). The first floor of the office building would be approximately 25,235 square feet and the second floor of the office building would be approximately 25,525 square feet, with a combined total of 50,760 square feet.

PROJECT LOCATION: The 2.69-acre project site is comprised of one parcel located along the west side of Senter Road in the City of San José.

ASSESSORS PARCEL NO.: 477-50-024

COUNCIL DISTRICT: 7

APPLICANT CONTACT INFORMATION: J.P. DiNapoli Companies, Inc., Representative Peter Larko, 99 Almaden Boulevard, Suite 565, San Jose, CA 95116. [408-535-2224]

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

- A. **AESTHETICS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- B. **AGRICULTURE AND FOREST RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.

C. **AIR QUALITY** – The project will not have a significant impact on this resource, therefore no mitigation is required.

D. **BIOLOGICAL RESOURCES.**

Impact BIO-1: Construction activities associated with the proposed project could result in the loss of fertile eggs, nesting raptors or other migratory birds, or nest abandonment.

MM BIO-1.1: If The project applicant shall schedule construction 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 through August. If it is not possible to schedule construction between September 1st and January 31st, pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall 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 1st through April 30th) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with California Department of Fish and Wildlife (CDFW), shall determine the extent of a construction-free buffer zone to be established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests shall not be disturbed during project construction. The ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Supervising Environmental Planner of the City of San José Department of Planning, Building and Code Enforcement prior to issuance of any grading permit.

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

F. **GEOLOGY AND SOILS** – The project will not have a significant impact on this resource, therefore no mitigation is required.

G. **GREENHOUSE GAS EMISSIONS** – The project will not have a significant impact on this resource, therefore no mitigation is required.

H. **HAZARDS AND HAZARDOUS MATERIALS** – The project will not have a significant impact on this resource, therefore no mitigation is required.

I. **HYDROLOGY AND WATER QUALITY** – The project will not have a significant impact on this resource, therefore no mitigation is required.

J. **LAND USE AND PLANNING** – The project will not have a significant impact on this resource, therefore no mitigation is required.

K. **MINERAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.

L. **NOISE** – The project will not have a significant impact on this resource, therefore no mitigation is required.

- M. **POPULATION AND HOUSING** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- N. **PUBLIC SERVICES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- O. **RECREATION** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- P. **TRANSPORTATION / TRAFFIC** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- Q. **UTILITIES AND SERVICE SYSTEMS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- R. **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 **Thursday June 29th, 2017** 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. 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.

Rosalynn Hughey, Interim Director
 Planning, Building and Code Enforcement

6/7/17

 Date



 Deputy

Circulation period: June 9, 2017, and ends on June 29, 2017.