

FINAL MITIGATED NEGATIVE DECLARATION

1605 INDUSTRIAL AVENUE REDEVELOPMENT PROJECT

City File No. PD18-044



OCTOBER 2019

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FINAL MITIGATED NEGATIVE DECLARATION

1605 INDUSTRIAL AVENUE REDEVELOPMENT PROJECT

LEAD AGENCY:

CITY OF SAN JOSÉ

200 East Santa Clara Street
San José, California 95113

PREPARED BY:

DUDEK

725 Front Street, Suite 400
Santa Cruz, California 95060

OCTOBER 2019

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1 INTRODUCTION

A Draft Initial Study (IS)/Mitigated Negative Declaration (MND) was prepared and made available for public comment for a 20-day public review period from September 12, 2019, through October 2, 2019, for the proposed 1605 Industrial Avenue Redevelopment Project (project). The project involves the construction of a new, 180,150-square-foot light industrial building, including 10,000 square feet of office space, on a previously developed 10.96-acre site along the eastern side of Interstate 880. The anticipated use is high-cube storage and distribution with ancillary office, and may include interior light manufacturing operations as permitted by the zoning code. The proposed project also includes site improvements, including a truck yard, auto parking, landscaping, and site utility improvements.

In accordance with the California Environmental Quality Act (CEQA) Guidelines, Chapter 14, Section 15074(b) of the California Code of Regulations, before approving the project, the City of San José (City), as the lead agency under CEQA, will consider the Draft IS/MND with any comments received during this public review period. Specifically, Section 15074(b) of the CEQA Guidelines (14 CCR 15074[b]) states the following:

Prior to approving a project, the decision-making body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process. The decision-making body shall adopt the proposed negative declaration or mitigated negative declaration only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the negative declaration or mitigated negative declaration reflects the lead agency's independent judgment and analysis.

The commenters who provided written comments on the environmental issues addressed in the Draft IS/MND are listed in Table I. Although CEQA (California Public Resources Code, Section 21000 et seq.) and the CEQA Guidelines (14 CCR 15000 et seq.) do not explicitly require a lead agency to provide written responses to comments received on a proposed IS/MND, the lead agency may do so voluntarily. Individual comments within each communication are numbered so that comments can be cross-referenced with responses. Comment letters received during the public review period are included in Appendix A.

**TABLE I
COMMENT LETTER SUMMARY**

Letter Number	Commenter	Date
1	Pacific Gas & Electric Company Plan Review Team	September 13, 2019
2	Mark Leong, Branch Chief, Local Government – Intergovernmental Review, California Department of Transportation, District 4	October 1, 2019

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2 RESPONSE TO COMMENTS

Comment Letter I: Pacific Gas & Electric Plan Review Team

Comment I-1

Comment

The comment states the following:

Thank you for submitting the 1605 Industrial Ave plans. The PG&E Plan Review Team is currently reviewing the information provided. Should we find the possibility this project may interfere with our facilities, we will respond to you with project specific comments on or prior to the provided deadline. Attached is general information regarding PG&E facilities for your reference. If you do not hear from us, within 45 days, you can assume we have no comments at this time.

This email and attachment does not constitute PG&E's consent to use any portion of its easement for any purpose not previously conveyed. If there are subsequent modifications made to your design, we ask that you resubmit the plans to the email address listed below.

If you have any questions regarding our response, please contact the PG&E Plan Review Team at (877) 259-8314 or pgeplanreview@pge.com.

Response

The City of San José (City) looks forward to receiving your comments regarding the project and notes that Pacific Gas & Electric Company (PG&E) will submit comments within 45 days of their public review comment letter submittal date (i.e., September 13, 2019). While 45 days exceeds the 20-day public review period, the City will consider PG&E's comment when/if submitted and received.

The City also notes PG&E's request for plan submittals should subsequent modification be made to the project design; however, no modifications to the project are proposed at this time.

Comment Letter 2: Mark Leong, Branch Chief, Local Government – Intergovernmental Review, California Department Of Transportation District 4

Comment 2-1

Comment

The comment states the following:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for this project. In tandem with the Metropolitan Transportation Commission's (MTC) Sustainable Communities Strategy (SCS), Caltrans' mission signals our continuing approach to evaluate and mitigate impacts to the State's multimodal transportation network. Our comments are based on the 1605 Industrial Avenue Redevelopment Project IS-MND.

Project Understanding

The proposed project would include demolition of the existing structures on the site and construction of a new, 180,150-gross-square-foot (GSF) warehouse building and associated site improvements. The building would occupy the western portion of the site. The building would include 5,000 square feet of office space on the ground floor and 5,000 square feet of office mezzanine. The new warehouse building would be one story and have a maximum height of 46 feet, which conforms to the 50-foot height limit for the Heavy Industrial zoning district. The building would include 28 loading dock doors and loading spaces on the eastern side. Up to 77 container parking stalls would be located east of the building. Exterior lighting would be installed around the building, in parking areas, and along the driveway. Access to the project site is provided by the I-880 Gish/Old Bayshore interchange.

Response

The comment is introductory in nature and summarizes the characteristics of the proposed project. No further response is required.

Comment 2-2

Comment

The comment states the following: **Construction-Related Impacts**

Potential impacts to the State Right-of-Way (ROW) from project-related temporary access points should be analyzed. Mitigation for significant impacts due to construction and noise should be identified in the MND. Project work that requires movement of oversized or excessive load vehicles on state roadways requires a transportation permit that is issued by Caltrans. To apply, visit: <https://dot.ca.gov/programs/traffic-operations/transportation-permits>.

Prior to construction, coordination is required with Caltrans to develop a Transportation Management Plan (TMP) to reduce construction traffic impacts to the State Transportation Network (STN).

Response

Potential impacts to the state right-of-way are addressed in Section 3.17, Transportation, of the Public Review MND. Specifically, the MND describes existing operational problems identified by the City of San José (City) along the Oakland Road corridor at the U.S. 101 interchange and identifies the City's U.S. 101/Oakland/Mabury Transportation Development Policy as the mechanism to address potential effects to operational problems associated with new development. The MND discloses that the project would be required to pay the applicable U.S. 101/Oakland/Mabury Transportation Development Policy traffic impact fee.

Regarding mitigation for significant construction and noise impacts, please refer to Section 3.13, Noise, of the Public Review Draft MND, which identifies standard permit conditions that project contractors would adhere to during construction, and Mitigation Measure NOI-1, which entails the implementation of a construction vibration monitoring plan during construction. Through incorporation of standard permit conditions and Mitigation Measure NOI-1, temporary construction noise impacts including construction vibration would be reduced to a less-than-significant level.

The City acknowledges that any project work that requires movement of oversized or excessive load vehicles on state roadways will require a Transportation Permit and that all environmental concerns must be adequately addressed. Should a Transportation Permit be deemed necessary, the City will coordinate with the California Department of Transportation (Caltrans) to develop a Transportation Management Plan. The City will refer to the website listed in this comment for specific details regarding the Transportation Permit. Should the City have any questions regarding this comment letter or need to meet with Caltrans regarding these comments, the City will contact Caltrans staff.

Comment 2-3

Comment

The comment states the following:Encroachment Permit

Please be advised that any work or traffic control that encroaches onto the State ROW requires a Caltrans-issued encroachment permit. To obtain an encroachment permit, a completed encroachment permit application, environmental documentation, six (6) sets of plans clearly indicating the State ROW, and six (6) copies of signed, dated and stamped (include stamp expiration date) traffic control plans must be submitted to: Office of Encroachment Permits, California DOT, District 4, P.O. Box 23660, Oakland, CA 94623-0660. To download the permit application and obtain more information, visit <https://dot.ca.gov/programs/traffic-operations/ep/applications>.

Response

The City acknowledges that any project work or traffic control proposed within the state's right-of-way will require an Encroachment Permit and that all environmental concerns must be adequately addressed. The City notes the items required to obtain an Encroachment Permit and will refer to the website listed in this comment for specific details regarding the Encroachment Permit. Should the City have any questions regarding this comment letter or need to meet with Caltrans regarding these comments, the City will contact Caltrans staff.

Comment 2-4

Comment

The comment states the following:

Lead Agency

As the Lead Agency, the City of San Jose is responsible for all project mitigation, including any needed improvements to the STN. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Zachary Chop at 510-622-1 643 or zachary.chop @dot.ca.gov.

Response

The City acknowledges that as the Lead Agency, the City is responsible for all project mitigation identified in the MND. The analysis presented in Section 3.17, Transportation, of the MND identified less-than-significant impacts related to three of the four identified thresholds, including (1) conflicts with a program, plan, ordinance, or policy addressing the circulation system; (2) substantially increase hazards due to a design feature or incompatible uses; and (3) inadequate emergency access. Project impacts associated with adherence to the provisions set forth in CEQA Guidelines Section 15064.3(b) were determined to be potentially significant. For the purposes of the MND, the identified threshold of significance is project consistency with the existing regional average vehicle miles traveled for industrial employment use. Mitigation Measure TRA-1 is proposed, and upon implementation would reduce project vehicle miles traveled such that project-related vehicle miles traveled would fall below the City's threshold and reduce the impact to a less-than-significant level. The City acknowledges that it is responsible for implementation of and adherence to Transportation Demand Measures and Conditions of Approval identified in Section 3.17.

APPENDIX A

Comment Letters

Dear Ms. Hawkins,

Thank you for submitting the 1605 Industrial Ave plans. The PG&E Plan Review Team is currently reviewing the information provided. Should we find the possibility this project may interfere with our facilities, we will respond to you with project specific comments on or prior to the provided deadline. Attached is general information regarding PG&E facilities for your reference. **If you do not hear from us, within 45 days, you can assume we have no comments at this time.**

This email and attachment does not constitute PG&E's consent to use any portion of its easement for any purpose not previously conveyed. If there are subsequent modifications made to your design, we ask that you resubmit the plans to the email address listed below.

If you have any questions regarding our response, please contact the PG&E Plan Review Team at (877) 259-8314 or pgeplanreview@pge.com.

Thank you,

Plan Review Team
6111 Bollinger Canyon Rd., 3rd Floor
Mail Code BR1Y3A
San Ramon, CA 94583
pgeplanreview@pge.com

*****This is a notification email only. Please do not reply to this message.***

Sent: 9/13/19

1-1

DEPARTMENT OF TRANSPORTATION

DISTRICT 4
OFFICE OF TRANSIT AND COMMUNITY PLANNING
P.O. BOX 23660, MS-10D
OAKLAND, CA 94623-0660
PHONE (510) 286-5528
TTY 711
www.dot.ca.gov



*Making Conservation
a California Way of Life.*

October 1, 2019

GTS # 04-SCL-2019-00664
GTS ID: 17065
SCL/880/4.62

Kara Hawkins, Environmental Project Manager
City of San Jose
801 N. First Street
San Jose, CA 95110-1795

Project – 1605 Industrial Avenue Redevelopment Project (IS) Mitigated Negative Declaration (MND)

Dear Kara Hawkins:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for this project. In tandem with the Metropolitan Transportation Commission's (MTC) Sustainable Communities Strategy (SCS), Caltrans' mission signals our continuing approach to evaluate and mitigate impacts to the State's multimodal transportation network. Our comments are based on the 1605 Industrial Avenue Redevelopment Project IS-MND.

Project Understanding

The proposed project would include demolition of the existing structures on the site and construction of a new, 180,150-gross-square-foot (GSF) warehouse building and associated site improvements. The building would occupy the western portion of the site. The building would include 5,000 square feet of office space on the ground floor and 5,000 square feet of office mezzanine. The new warehouse building would be one story and have a maximum height of 46 feet, which conforms to the 50-foot height limit for the Heavy Industrial zoning district. The building would include 28 loading dock doors and loading spaces on the eastern side. Up to 77 container parking stalls would be located east of the building. Exterior lighting would be installed around the building, in parking areas, and along the driveway. Access to the project site is provided by the I-880 Gish/Old Bayshore interchange.

2-1

Construction-Related Impacts

Potential impacts to the State Right-of-Way (ROW) from project-related temporary access points should be analyzed. Mitigation for significant impacts due to construction and noise should be identified in the MND. Project work that requires movement of oversized or excessive load vehicles on state roadways requires a transportation permit that is issued by Caltrans. To apply, visit: <https://dot.ca.gov/programs/traffic-operations/transportation-permits>.

2-2

Prior to construction, coordination is required with Caltrans to develop a Transportation Management Plan (TMP) to reduce construction traffic impacts to the State Transportation Network (STN).

Encroachment Permit

Please be advised that any work or traffic control that encroaches onto the State ROW requires a Caltrans-issued encroachment permit. To obtain an encroachment permit, a completed encroachment permit application, environmental documentation, six (6) sets of plans clearly indicating the State ROW, and six (6) copies of signed, dated and stamped (include stamp expiration date) traffic control plans must be submitted to: Office of Encroachment Permits, California DOT, District 4, P.O. Box 23660, Oakland, CA 94623-0660. To download the permit application and obtain more information, visit <https://dot.ca.gov/programs/traffic-operations/ep/applications>.

2-3

Lead Agency

As the Lead Agency, the City of San Jose is responsible for all project mitigation, including any needed improvements to the STN. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

2-4

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Zachary Chop at 510-622-1643 or zachary.chop@dot.ca.gov.

Sincerely,



Mark Leong
District Branch Chief
Local Development - Intergovernmental Review