

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: Page Street Housing Project

PROJECT FILE NUMBERS: SP17-037 and AT18-012

PROJECT DESCRIPTION: The project applicant is seeking a Special Use Permit to allow the demolition of five residential buildings and ancillary structures and the construction of a five-story multi-family residential building with 81 affordable studio apartments and one three-bedroom manager's unit, alternative parking arrangements, and the removal of 17 ordinance-sized trees on a 0.7-acre site.

PROJECT LOCATION: West side of Page Street approximately 225 feet south of West San Carlos Street; 329, 341, and 353 Page Street, San José

ASSESSORS PARCEL NOS.: 277-20-044, -045, and -046

COUNCIL DISTRICT: 6

APPLICANT CONTACT INFORMATION: Charities Housing, 1400 Parkmoor Avenue, San José, (408) 550-8300

FINDING

The Director of Planning, Building and Code Enforcement finds the project described above would not have a significant effect on the environment if the identified mitigation measures are incorporated into the project. The attached Initial Study identifies one or more potentially significant effects on the environment for which the project applicant, 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.

The following Mitigation Measures are included in the project to reduce potentially significant impacts 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: The project would result in a maximum residential cancer risk during construction activities that would exceed the BAAQMD significance threshold.

MM AIR-1.1: Exhaust emissions reduction: Prior to issuance of any grading or demolition permits, the project applicant shall develop a plan demonstrating that the off-road equipment used

on-site to construct the project would reduce diesel particulate matter (DPM) emissions. One feasible plan to achieve this reduction would include the following measures:

- All mobile diesel-powered off-road equipment larger than 25 horsepower and operating on the site for more than two days continuously shall meet, at a minimum, USEPA particulate matter emissions standards for Tier 4 engines or equivalent.
- Other measures could be used to minimize construction period DPM emissions to reduce the predicted cancer risk below the thresholds. The use of equipment that includes Tier 2 engines and CARB-certified Level 3 Diesel Particulate Filters (DPF), or alternatively-fueled equipment (i.e., non-diesel) would meet this requirement.
- Other measures may include the use of added exhaust devices, or a combination of measures, provided that these measures are approved by the City and demonstrated to reduce community risk impacts to a less than significant level.

The project applicant shall include these DPM reduction measures in the construction contract documents. A copy of the relevant pages shall be submitted to the Supervising Environmental Planner of the City of San José Department of Planning, Building and Code Enforcement for review and approval prior to issuance of any grading or demolition permits.

D. BIOLOGICAL RESOURCES

Impact BIO-1: Demolition, grading, and construction activities and tree removal during nesting season could impact migratory birds.

MM BIO-1.1: Avoidance: The project applicant shall schedule demolition and construction activities to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st (inclusive), as amended.

MM BIO-1.2: Nesting Bird Surveys: If demolition and construction cannot be scheduled to occur between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified biologist to ensure that no nests shall be disturbed during project construction. 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, inclusive) 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, inclusive). During this survey, the biologist shall inspect all trees and other possible nesting habitats on the project site and immediately adjacent to the construction areas for nests.

MM BIO-1.3: Buffer Zones: If an active nest is found sufficiently close to work areas to be disturbed by construction activities, the biologist, in consultation with the California Department of Fish and Wildlife, 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 no-disturbance buffer shall remain in place until the biologist determines the nest is no longer active or the nesting season ends. If construction ceases for two days or more and then resumes again during the nesting season, an additional survey shall be necessary to avoid impacts on active bird nests that may be present.

MM BIO-1.4: Reporting: The project applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the City's Supervising Environmental Planner of Planning, Building and Code Enforcement prior to issuance of any grading or building permits.

- E. **CULTURAL RESOURCES** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- F. **GEOLOGY AND SOILS** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- G. **GREENHOUSE GAS EMISSIONS** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- H. **HAZARDS AND HAZARDOUS MATERIALS**

Impact HAZ-1: Exposure to residual chemicals and metals in on-site soils could be result in a significant health risk to future residents of the site and existing adjacent residents.

MM HAZ-1.1: Prior to issuance of any grading permits, the project applicant shall enter into the Santa Clara County Department of Environmental Health's (SCCDEH's) Voluntary Cleanup Program to obtain regulatory oversight to remediate the contaminated soil discovered. A Removal Action Workplan (RAW), or equivalent, shall be prepared for review and approval by SCCDEH that describes the process for the removal of all impacted soil to below established cleanup levels. The RAW shall include a Health and Safety Plan (HSP) for construction worker safety and include measures to control dust and other potential exposure to neighboring properties during remediation. A copy of the SCCDEH-approved RAW shall be provided to the Supervising Environmental Planner of the City of San José Department of Planning, Building and Code Enforcement and the Municipal Compliance Officer of the City of San José Environmental Services Department prior to issuance of any grading permits.

MM HAZ-1.2: Removal work shall be performed by a California-licensed hazardous waste contractor under the supervision of a Professional Geologist or Engineer. Dust control measures and dust monitoring shall be implemented at the site during demolition, removal of current site structures, and excavation of impacted soil in accordance with the approved Removal Action Workplan and to the satisfaction of the Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement and the Environmental Services Department Municipal Compliance Officer.

MM HAZ-1.3: After post-remediation sampling has confirmed that the soil has been removed to meet the approved soil cleanup levels, the project applicant shall prepare and submit a final report to SCCDEH and a "No Further Action" or "Closure" letter shall be obtained. This closure letter shall be submitted to the Supervising Environmental Planner of Planning, Building and Code Enforcement prior to issuance of any grading permits.

MM HAZ-1.4: Prior to issuance of any grading permits, the project applicant shall prepare a report detailing the excavation, removal, and disposal of contaminated soils. The report shall be submitted to California Department of Environmental Protection (Cal EPA) after completion of field activities, with a copy submitted to the Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement.

MM HAZ-1.5: The project applicant shall submit all clearance documents received from the County and the Cal EPA to the Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement prior to issuance of any grading permits.

Impact HAZ-2: Construction workers could be exposed to elevated levels of lead (and other metals), which could be hazardous.

MM HAZ-2.1: The project applicant shall prepare a Site Management Plan (SMP) prior to issuance of any grading permits to reduce or eliminate exposure risk to human health and the environment, specifically, potential risks associated with the presence of lead-contaminated soils. The SMP shall include, but is not limited to, the following elements to mitigate potential risks associated with environmental conditions:

- Procedures for transporting and disposing the waste material generated during removal activities, if such transport and disposal is necessary
- Procedures for stockpiling soil on-site, if such stockpiling is necessary
- Provisions for collecting additional soil samples in previously inaccessible areas to confirm the extent of soil contamination, following demolition activities
- Provisions for confirmation soil sampling as appropriate to obtain a “No Further Action” letter (or equivalent) from the state and/or local agency assuming oversight for the site
- Procedures to ensure that fill and cap materials are verified as clean truck routes
- Staging and loading procedures and record keeping requirements

The SMP shall be submitted to the Santa Clara County Department of Environmental Health (SCCDEH), or equivalent regulatory agency, for review and approval. Copies of the approved SMP shall be provided to the City’s Department of Planning, Building and Code Enforcement, and Environmental Services Department Municipal Compliance Officer prior to issuance of any grading permits.

MM HAZ-2.2: All contractors and subcontractors at the project site shall develop a health and safety plan (HSP) specific to their scope of work and based upon the known environmental conditions for the site. Each Health and Safety plan shall be implemented under the direction of a Site Safety and Health Officer. The Health and Safety Plan shall include, but not limited to, the following elements, as applicable:

- Provisions for personal protection and monitoring exposure to construction workers
- Procedures to be undertaken in the event that contamination is identified above action levels or previously unknown contamination is discovered
- Procedures for the safe storage, stockpiling, and disposal of contaminated soils
- Provisions for the on-site management and/or treatment of contaminated groundwater during extraction or dewatering activities
- Emergency procedures and responsible personnel.

The HSP shall be submitted to the Santa Clara County Department of Environmental Health (SCCDEH), or equivalent regulatory agency, for review and approval. Copies of the approved HSP shall be provided to the City’s Department of Planning, Building and Code Enforcement, and Environmental Services Department Municipal Compliance Officer prior to issuance of any grading permits.

- I. HYDROLOGY AND WATER QUALITY** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- J. LAND USE AND PLANNING** – The project would not have a significant impact on this resource, therefore no mitigation is required.

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

L. NOISE

Impact NOI-1: The noise levels from vehicles at the proposed parking areas within 37 feet of a residential property line could exceed City's 55 dBA DNL threshold.

MM NOI-1.1: Parking areas within the project area shall be below grade or completely shielded to reduce noise to comply with the City's 55 dBA Leq residential and 60 dBA Leq commercial noise limit at the shared property line. The applicant shall construct a minimum six-foot solid wood fence with no gaps or spaces in the wood paneling between the future driveway and existing residences to the north. This fence shall provide at least 5 dBA of noise reduction between properties.

Prior to issuance of any grading permits, the project applicant shall submit plans showing construction design of the fence to the Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement for review and approval.

Impact NOI-2: Ground-borne construction vibration could result in significant vibration impacts to nearby residences.

MM NOI-2.1: The project applicant shall not include the use of heavy vibration-generating construction equipment, such as pile drivers, vibratory rollers, jackhammers, rock drillers, or clam shovel drops, within 30 feet of any adjacent structures and 30 feet from the residence at 319 Page Street.

The method of ground disturbance (including equipment) for the project shall be shown on the grading and construction plans and a copy shall be submitted to the Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement for review and approval.

Impact NOI-3: Construction noise generated by the proposed project could impact nearby noise-sensitive receptors.

MM NOI-3.1: Construction Best Management Practices: The project applicant shall develop a construction noise plan including, but not limited to, the following available controls:

- In accordance with Policy EC-1.7 of the City's General Plan, the project applicant shall use the best available noise suppression devices and techniques during construction activities.
- The project applicant shall construct temporary noise barriers, where feasible, to screen stationary noise-generating equipment. Temporary eight-foot noise barrier fences would provide a 5 dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receiver and if the barrier is constructed in a manner that eliminates any cracks or gaps. Temporary noise barriers can be made from standard eight-foot sheets of plywood.
- The project applicant shall equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- The project applicant shall ensure that unnecessary idling of internal combustion engines shall be strictly prohibited.
- The project applicant shall ensure that stationary noise-generating equipment, such as air compressors or portable power generators, are located as far as possible from sensitive receptors as feasible. If they must be located near receptors, adequate muffling (with enclosures where

feasible and appropriate) shall be used to reduce noise levels at the adjacent sensitive receptors. Any enclosure openings or venting shall face away from sensitive receptors.

- The project applicant shall ensure that “quiet” air compressors and other stationary noise sources are used where technology exists.
- The project applicant shall ensure that construction staging areas shall be established at locations that would create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.
- The project applicant shall ensure that a temporary noise control blanket barrier is erected, if necessary, along building façades facing construction sites if conflicts occur which cannot be remedied by appropriate scheduling. Noise control blanket barriers can be rented and quickly erected.
- The project applicant shall ensure that material stockpiles, as well as maintenance/equipment staging and parking areas, are located as far as feasible from residential receptors.
- The project applicant shall ensure that noise from construction workers’ radios are controlled to a point where they are not audible at existing residences bordering the project site.
- Prior to issuance of any grading permits, the project applicant shall prepare a detailed schedule for expected major noise-generating construction activities. The schedule shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.
- The project applicant shall post the schedule for expected major noise-generating activities and any subsequent changes to the schedule, and mail notices of the schedule to residents and other sensitive receptors (places of worship, senior homes, hospitals, etc.) within 30 feet of the project site.
- The project applicant shall designate a “disturbance coordinator” who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.
- The noise construction noise plan shall be submitted to the Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement for review and approval prior to issuance of a demolition or grading permit.

M. POPULATION AND HOUSING – The project would not have a significant impact on this resource, therefore no mitigation is required.

N. PUBLIC SERVICES – The project would not have a significant impact on this resource, therefore no mitigation is required.

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

P. TRANSPORTATION / TRAFFIC – The project would not have a significant impact on this resource, therefore no mitigation is required.

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

R. MANDATORY FINDINGS OF SIGNIFICANCE

The project would 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 **Tuesday November 13th, 2018** 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, Director
Planning, Building and Code Enforcement

10/19/18
Date

SBHalsky
Deputy

Circulation period: October 25, 2018 through November 13, 2018

Environmental Project Manager: Reema Mahamood