

**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:** Blossom Hill Mixed-Use Project

**PROJECT FILE NUMBERS:** CP18-022 and T18-034

**PROJECT DESCRIPTION:** The project applicant proposes to demolish an approximately 32,000 square foot building, remove six ordinance-sized trees and two non-ordinance sized trees, and to construct a 147-unit affordable housing building for seniors with approximately 16,000 square feet of ground floor commercial uses, site improvements, with reductions in motorcycle parking, vehicular parking, and open space requirements under the State Density Bonus law, on an approximately 2.0-gross acre site.

**PROJECT LOCATION:** 397 Blossom Hill Road, north side of Blossom Hill Road approximately 720 feet easterly of Snell Avenue.

**ASSESSORS PARCEL NO.:** 690-25-021

**COUNCIL DISTRICT:** 2

**APPLICANT CONTACT INFORMATION:** Charities Housing, 1400 Parkmoor Avenue, San José, CA 95126, (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 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 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.

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

**D. BIOLOGICAL RESOURCES.**

**Impact BIO-4:** Demolition, grading, and construction activities and tree removal during the nesting season could impact nearby migratory birds and raptors.

**MM BIO-4.1:** 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 1<sup>st</sup> through August 15<sup>th</sup> (inclusive), as amended.

**MM BIO-4.2:** Nesting bird surveys. If it is not possible to schedule demolition and construction between August 16<sup>th</sup> and January 31<sup>st</sup> (inclusive), 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 1<sup>st</sup> through April 30<sup>th</sup> inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1<sup>st</sup> through August 15<sup>th</sup> inclusive). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests.

**MM BIO-4.3:** Buffer zones. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, 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 to active bird nests that may be present.

**MM BIO-4.4:** Reporting. Prior to any tree removal, or approval of any grading permits (whichever occurs first), the project applicant shall submit the ornithologist's report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement, or the Director's designee, 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** – The project would not have a significant impact on this resource, therefore no mitigation is required.



- 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:** Unshielded mechanical equipment proposed to be located on the building's roof could generate noise levels that exceed the City's limit of 55 dBA DNL at the adjacent residential property line to the north.

**MM NOI-1.1:** Prior to the issuance of building permits, mechanical equipment shall be selected and designed to reduce impacts on surrounding uses to meet the City's requirements. A qualified acoustical consultant shall be retained by the project applicant to review mechanical noise as the equipment systems are selected in order to determine specific noise reduction measures necessary to reduce noise to comply with the City's 55 dBA DNL residential noise limit. Noise reduction measures could include, but are not limited to, a selection of equipment that emits low noise levels and/or installation of noise barriers such as enclosures and parapet walls to block the line of sight between the noise source and the nearest receptors.

**Impact NOI-2:** Project construction would be located within 500 feet of residences and within 200 feet of commercial uses for a duration of more than 12 months, which could result in excessive noise levels at the adjacent residential and commercial properties.

**MM NOI-2.1:** Construction Best Management Practices - Noise minimization measures include, but are not limited to, the following:

- Limit construction hours to between 7:00 a.m. and 7:00 p.m., Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence.
- Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Prohibit unnecessary idling of internal combustion engines.
- Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.

- Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of “noisy” construction activities to the adjacent land uses and nearby residences.
- If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket barrier along surrounding building facades that face the construction sites.
- 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.
- Limit construction to the hours of 7:00 AM to 7:00 PM Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific “construction noise mitigation plan” and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.

- 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** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- Q. TRIBAL CULTURAL RESOURCES** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- R. UTILITIES AND SERVICE SYSTEMS** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- S. WILDFIRE** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- T. 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 26, 2019** 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

10/23/19

Date

Deputy

Environmental Project Manager: Reema Mahamood

Circulation period: **October 28 to November 26, 2019**