

**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:** Fire Training and Emergency Operations Center Relocation Project

**PROJECT FILE NUMBER:** ER20-180

**PROJECT DESCRIPTION:** Public project to relocate the City's existing fire training and emergency operations facilities to the Project site. The project would result in the removal of existing structures such as solar panels, freestanding metal canopy structure, electric panels, infrastructure, and equipment, the renovation of approximately 16,000 square feet of existing building space, and construction of an approximate total of 56,393 square feet of new building area on the 26-acre project site located at 1591 and 1661 Senter Road.

**PROJECT LOCATION:** The project is located on approximately 26 acres at 1591 and 1661 Senter Road.

**ASSESSORS PARCEL NO.:** 477-38-007 & 477-38-016

**COUNCIL DISTRICT:** 7

**APPLICANT CONTACT INFORMATION:** City of San José, Department of Public Works (ATTN: Domenic Onorato, Tala Fatolahzadeh); 200 East Santa Clara St, 6th floor, San José, CA 95113; [Domenic.Onorato@sanjoseca.gov](mailto:Domenic.Onorato@sanjoseca.gov), [Tala.Fatolahzadeh@sanjoseca.gov](mailto:Tala.Fatolahzadeh@sanjoseca.gov); (408)535-8407, (408)535-8345

**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-1 and BIO-2:** Demolition, grading, and construction activities and tree removal during the nesting season could impact migratory birds.

**MM-BIO-1: Avoidance and Inhibit Nesting.** To avoid disturbance of nesting and special-status birds, the Project Proponent shall schedule activities related to the Project, including, but not limited to, vegetation removal, ground disturbance, construction, and demolition to occur outside of the bird nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1 through August 31 (inclusive).

**MM-BIO-2: Preconstruction Surveys.** If demolition and construction activities cannot be scheduled to occur between September 1 and January 31 (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified biologist or ornithologist to ensure that no nests shall be disturbed during project implementation. The nesting bird pre-construction survey shall be conducted within the Project boundary, including within 250 feet of the project area. The survey shall be conducted by a biologist familiar with the identification of avian species known to occur in the area. The pre-construction 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 through April 30, inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1 through August 31, inclusive).

If active nests are found, the qualified biologist or ornithologist, in consultation with the 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, for raptors and 100 feet for other birds to ensure that raptor or migratory bird nests will not be disturbed during project construction (which depends upon the species, the proposed work activity, and existing disturbances associated with land uses outside the site). The buffer zone shall be demarcated by the qualified biologist or ornithologist with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary. All construction personnel shall be notified as to the existence of the buffer zone and shall be instructed to avoid entering the buffer zone during the nesting season. No ground-disturbing activities shall occur within this buffer until the qualified biologist or ornithologist has confirmed that breeding/nesting is completed, and the young have fledged the nest. Encroachment into the buffer shall occur only at the discretion of the qualified biologist.

The Project Proponent shall submit a report to the City's Director of Planning, Building and Code Enforcement and Director of Public Works or Directors' designee indicating the results of the survey and any designated buffer zones, and is to be completed to the satisfaction of the Director of Planning, Building and Code Enforcement and the Director of Public Works or Directors' designee prior to the issuance of any demolition or grading permits.

- E. CULTURAL RESOURCES** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- F. ENERGY** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- G. GEOLOGY AND SOILS.**

**Impact GEO-1:** The Project site is in a designated Liquefaction Hazard Zone and the potential for on-site liquefaction to occur is high. As such, the Project may be subject to impacts related to seismically induced liquefaction.

**MM-GEO-1: Geohazard Clearance-Liquefaction.** Prior to the issuance of any building permits, the Project Proponent shall submit a request for geohazard clearance, with a copy of the geotechnical report prepared for the site (Appendix C of the Initial Study/Mitigated Negative Declaration), to the City Engineering Geologist. The Project shall conform to the recommendations of the project-specific geotechnical report, including soil improvements and foundation and design considerations for the

proposed foundations, unless otherwise determined by the City Engineering Geologist.

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

**I. HAZARDS AND HAZARDOUS MATERIALS.**

**Impact HAZ-1:** Construction of the proposed Project has the potential to disturb soil and groundwater contaminants that are known to occur on the site. Such contaminants are associated with past uses on the site and could result in the release of hazardous materials/substances into the environment.

**MM-HAZ-1: Site Management/Removal Action Plan.** Prior to the issuance of any demolition or grading permits, the Project Proponent shall obtain regulatory oversight from the Santa Clara County Department of Environmental Health (or Department of Toxic Substances Control). A Soil Management Plan (SMP), Removal Action Plan (RAP), or equivalent document shall be prepared by a qualified hazardous materials consultant to address contaminants known to occur on the Project site. The Plan must establish remedial measures and/or soil and groundwater management practices to ensure construction worker safety and the health of future workers and visitors. The Plan and evidence of regulatory oversight shall be provided to the Director of Planning, Building, and Code Enforcement (PBCE), Director of Public Works, or Directors' designee and the Environmental Compliance Officer in the City of San José's Environmental Services Department.

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

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

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

**M. NOISE.**

**Impact NOI-1:** Sensitive receptors in the Project area would be intermittently exposed to high noise levels during Project construction.

**MM NOI-1: Construction Phasing.** Prior to the issuance of any grading or demolition permits, the Project Proponent shall submit and implement a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting and notification of construction schedules, equipment to be used, and designation of a noise disturbance coordinator. The noise disturbance coordinator shall respond to neighborhood complaints and shall be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.

- As a part of the noise logistic plan, construction activities for the proposed Project shall include, but are not limited to, the following best management practices:
  - a) 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.
  - b) Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.

- c) Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- d) Prohibit unnecessary idling of internal combustion engines.
- e) 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.
- f) Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- g) Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- h) 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.
- i) 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.
- j) 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.
- k) Limit construction to the hours of 7:00 a.m. to 7:00 p.m. 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 and approval from the Director of Public Works or Directors' designee that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.

The Project Proponent shall submit the construction noise logistics plan to the Director of Planning, Building, and Code Enforcement and Director of Public Works or Directors' designee prior to the issuance of any grading or building permits.

- N. POPULATION AND HOUSING** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- O. PUBLIC SERVICES** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- P. RECREATION** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- Q. TRANSPORTATION** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- R. TRIBAL CULTURAL RESOURCES** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- S. UTILITIES AND SERVICE SYSTEMS** – The project would not have a significant impact on this resource, therefore no mitigation is required.

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

**U. MANDATORY FINDINGS OF SIGNIFICANCE.**


Cumulative impacts would be less than significant. The proposed Project would implement the identified mitigation measures and would have either have no impacts or less-than-significant impacts on riparian habitat or other sensitive natural communities, migration of species, or applicable biological resources protection ordinances. Therefore, the proposed Project would not contribute to any cumulative impact for these resources. The Project would not cause changes in the environment that have any potential to cause substantial adverse direct or indirect effects on human beings.

**PUBLIC REVIEW PERIOD**

Before 5:00 p.m. on **Monday November 9, 2020** 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



10/14/2020

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Date

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Deputy

Bethlehem Telahun  
Environmental Project Manager

**Circulation period: Tuesday October 20, 2020 and ends on Monday November 9, 2020**