

## 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:** Campbell Union High School District (CUHSD) Property Residential Project

**PROJECT FILE NUMBER:** PDC20-001/ PD20-005

**PROJECT DESCRIPTION:** Rezoning and Planned Development permit to redevelop the corporation yard site of the CUHSD property with a residential subdivision of 40 single family detached homes. This would require the demolition of the two existing maintenance buildings and the removal of 14 trees, 10 of which are ordinance sized, that are currently on the project site. The proposed homes are two-story and average approximately 3,000 square feet in size. Additionally, 17 of the homes will include an accessory dwelling unit (ADU) in the rear yard above the detached garage. The maximum height of the single-family homes will be approximately 28 feet and the maximum height of the ADUs will be approximately 23 feet. The homes would be served by a new private street that runs east-west through the middle of the site and accessed from Union Avenue. The street will include 28 parallel parking spaces, sidewalks, landscaped strips with street trees, and street lighting along both sides.

**PROJECT LOCATION:** The 6-acre project site is located within an approximately 12-acre property at 3235 Union Avenue and 2223 Camden Avenue in the City of San José.

**ASSESSORS PARCEL NO.:** 414-25-001 & 414-25-020

**COUNCIL DISTRICT:** 9

**APPLICANT CONTACT INFORMATION:** Robson Homes, LLC (Attn: Mary Gourlay), 2185 The Alameda, Suite 150, San Jose, CA 95126; (408) 345-1767

## 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.**

**Impact AIR-1:** Construction activities at the project site would result in significant cancer risk (greater than 10.0 chances per million) and annual PM<sub>2.5</sub> concentrations at the maximally affected sensitive receptor.

**MM AIR-1.1:** All diesel -powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously (or 20 hours in total) shall use engines that, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 4 interim engines. Where Tier 4 equipment is not available, exceptions could be made for equipment that includes CARB-certified Level 3 Diesel Particulate Filters or equivalent. Equipment that is electrically powered or uses non-diesel fuels would also meet this requirement.

**MM AIR-1.2:** Alternatively, prior to the issuance of any demolition, grading, and/or building permits, the project applicant shall develop a plan demonstrating that the off-road equipment used onsite to construct the project would achieve a fleet-wide average 81-percent reduction in DPM exhaust emissions or greater.

**D. BIOLOGICAL RESOURCES.**

**Impact BIO-1:** Development of the proposed project would result in impacts to nesting birds, if present on or near the site at the time of construction.

**MM BIO-1.1:** Prior to the issuance of any tree removal, grading, building or demolition permits (whichever comes first), the project applicant shall schedule all 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). Construction activities include any site disturbance such as, but not limited to, tree trimming or removal, demolition, grading, and trenching.

**MM BIO-1.2:** If construction activities cannot be scheduled between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist or biologist to ensure that no active nests shall be disturbed during construction activities. 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 ornithologist/biologist shall inspect all trees and other possible nesting habitats on-site and within 250 feet of the site for nests.

**MM BIO-1.3:** If an active nest is found within 250 feet of the project area to be disturbed by construction, the ornithologist/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 for raptors and 100 feet for other birds), to ensure that raptor

or migratory bird nests shall not be disturbed during project construction.

**MM BIO-1.4:** Prior to any tree removal, or approval of any grading or demolition permits (whichever occurs first), the ornithologist/biologist shall submit a 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 Director's designee

- 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** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- 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:** Proposed construction activities at the project site could expose construction workers and/or the environment to encounter historic hazardous materials spills or releases during redevelopment.

**MM HAZ-1.1:** Prior to issuance of grading permits, the project applicant shall develop a Site Management Plan (SMP). The SMP shall be prepared by a qualified environmental professional prior to issuance of grading permits to reduce or eliminate exposure risk to construction workers and the environment, at a minimum, the SMP shall include the following:

- Stockpile management including dust control, sampling, stormwater pollution prevention and the installation of BMPs
- Proper disposal procedures of contaminated materials
- Monitoring, reporting, and regulatory oversight notifications
- A health and safety plan for each contractor working at the site that addresses the safety and health hazards of each phase of site operations with the requirements and procedures for employee protection
- The health and safety plan will also outline proper soil/ and or groundwater handling procedures and health and safety requirements to minimize worker and public exposure to contaminated soil/and or groundwater during construction.

- 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:** Construction-related vibration levels could exceed 0.2 in/sec PPV at the neared buildings of conventional construction.

**MM NOI-1.1:** The following measures shall be implemented where vibration levels due to construction activities would exceed 0.2 in/sec PPV at nearby buildings to reduce the impact to a less-than-significant level:

- Prohibit the use of heavy vibration-generating construction equipment within 30 feet of adjacent residential buildings.
- Use a smaller vibratory roller, such as the Caterpillar model CP433E vibratory compactor, when compacting materials within 20 feet of adjacent commercial buildings. Only use the static compaction mode when compacting materials within 15 feet of residential buildings.
- Avoid dropping heavy equipment and use alternative methods for breaking up existing pavement, such as a pavement grinder, instead of dropping heavy objects, within 30 feet of adjacent residential buildings.
- Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.

Prior to the issuance of any construction permits and during construction, the project applicant shall prepare a confirmation plan that describes the notification process to neighboring property owners and tenants of scheduled construction activities. A copy of the notification plan shall be submitted to the Director of Planning, Building and Code Enforcement or Director's designee for review and approval.

- 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.**

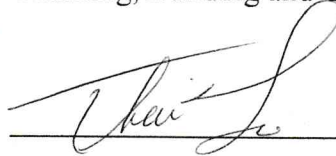
Cumulative impacts would be less than significant. The proposed Project would implement the identified mitigation measures and would have either have no impacts or less-than-significant impacts on riparian habitat or other sensitive natural communities, migration of species, or applicable biological 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 **Friday January 15, 2021** 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



12/21/2020

Date

Deputy

Bethelhem Telahun  
Environmental Project Manager

**Circulation period: December 23, 2020 to January 15, 2021**