

## 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:** NISL Coyote Creek Bank Repair Project

**PROJECT FILE NUMBER:** PD19-007

**PROJECT DESCRIPTION:** Planned Development Permit request to repair and reconstruct an approximately 140-foot-long section of the eroded bank of the Coyote Creek, in conformance with local, state and federal regulatory agency permits, at an existing landfill and materials recovery facility on a 0.33 gross acre site

**PROJECT LOCATION:** Northwest corner of Dixon Landing Road and N. McCarthy Boulevard.

**ASSESSORS PARCEL NO.:** 015-47-001, 15-40-005

**COUNCIL DISTRICT:** 4

**APPLICANT CONTACT INFORMATION:** Rachelle Huber, Environmental Manager, International Disposal Corporation of California, 1601 Dixon Landing Road Milpitas, CA 9503547-0017  
Email: RHuber2@republicservices.com Tel: (408) 586-2263

### 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:** The project could have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service.

**MM-BIO-1: Obtainment of and compliance with regulatory approval from resource agencies as required:** The project proponent shall obtain permits and approvals from US Army Corp of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and/or California Department of Fish and Wildlife (CDFW) and/or any other agency, as applicable.

If necessary, in order to ensure that the Project results in no net loss of habitat functions and values, Project Proponent shall compensate for the loss of resources or habitat through on-site restoration/creation, off-site protection and enhancement of habitat, and/or purchase of mitigation credits consistent with the terms and conditions of permits and approvals from the resource agencies (such as, USACE, RWQCB, and CDFW, and as applicable). On-site or-off-site habitat restoration/creation and/or purchase of mitigation credits consistent with the terms and conditions of the resource agency permits shall be determined in consultation with the resource agencies, as applicable.

Prior to the issuance of any Grading Permit, or any site disturbance, the Project proponent shall prepare and submit to the City's Environmental Supervising Planner, a letter report identifying the compliance process with all agency permits; including copies of all permits obtained from these resource agencies. Within three months of the completion of the Project construction, the Project proponent shall prepare and submit to the Supervising Environmental Planner of the City of San José Department of Planning, Building and Code Enforcement another letter report identifying the compliance process with all agency permits; including any compliance or closure documents obtained from the resource agencies. These plans and reports shall be prepared to the satisfaction of the Supervising Environmental Planner of the City of San José Department of Planning, Building and Code Enforcement.

- 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.** The project would not have a significant impact on this resource, therefore no mitigation is required.
- 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** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- 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 / TRAFFIC** – 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 **Tuesday June 1, 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.

Chu Chang, Acting Director  
Planning, Building and Code Enforcement

04/28/2021

Date



Deputy

Sanhita Ghosal  
Environmental Project Manager

Circulation period: **April 30, 2021 to June 1, 2021**