

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: 2256 Junction Avenue Project

PROJECT FILE NUMBER: H20-039

PROJECT DESCRIPTION: Site Development permit to demolish a portion of the existing 141,267 square foot warehouse building for the construction of a covered loading area on the north side of the building. The warehouse building will contain approximately 94,147 square feet of warehouse space, 13,572 square feet of office space, and 33,791 square feet of covered loading area. The proposed use is a "last mile" e-commerce distribution center, or delivery station, that would be operated by a single tenant to support expedited local deliveries to customers. The proposed covered loading area will include 30 van loading stalls and 30 van queuing stalls. The project would also include 7 loading dock doors for trucks, 377 van parking stalls and 175 automobile parking stalls. Additionally, 18 motorcycle parking spaces and 14 bicycle parking spaces would be provided near the office space. Access to the project site would be provided via our driveways, two off Junction Avenue and two off Dado Street. The project would remove 42 trees and provide a 158 replacement trees.

PROJECT LOCATION: The 13.68-acre project site is located at 2256 Junction Avenue, on the southern corner of the intersection of Junction Avenue and Dado Street, in the City of San José.

ASSESSORS PARCEL NO.: 237-18-075

COUNCIL DISTRICT: 4

APPLICANT CONTACT INFORMATION: Duke Realty (Atten: Drew Hess); 200 Spectrum Drive, Suite 1600, Irvine, CA 92618; (949) 797-7060; Drew.Hess@dukerealty.com

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 AQ-1: Project construction would temporarily exceed BAAQMD threshold limits for nitrogen oxide (NOx).

MM AQ-1: Prior to issuance of any demolition, grading permits, and/or building permits (whichever occurs earliest), the project applicant shall prepare and submit a construction operations plan that includes specifications of the equipment to be used during construction to the Director of Planning, Building and Code Enforcement or the Director's Designee. The plan shall be accompanied by a letter signed by an air quality specialist, verifying that the equipment included in the plan meets the standards set forth below.

- For all construction equipment larger than 25 horsepower operating on the site for more than two days continuously or 20 total hours, shall, at a minimum meet U.S. EPA Tier 4 emission standards.
- If Tier 4 equipment is not available, all construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA emission standards for Tier 3 engines and include particulate matter emissions control equivalent to CARB Level 3 verifiable diesel emission control devices that altogether achieve an 85 percent reduction in particulate matter exhaust and 40 percent reduction in NOX in comparison to uncontrolled equipment.

The project applicant shall submit a construction operations plan prepared by the construction contractor that outlines how the contractor will achieve the measures outlined in this mitigation measure. The plan shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval prior to the issuance of any demolition, grading and/or building permits (whichever occurs earliest). The plan shall include, but not be limited to the following:

- List of activities and estimated timing.
- Equipment that would be used for each activity.
- Manufacturer's specifications for each equipment that provides the emissions level; or the manufacturer's specifications for devices that would be added to each piece of equipment to ensure the emissions level meet the thresholds in the mitigation measure.
- How the construction contractor will ensure that the measures listed are monitored.
- How the construction contractor will remedy any exceedance of the thresholds.
- How often and the method the construction contractor will use to report compliance with this mitigation measure.

D. BIOLOGICAL RESOURCES.

Impact BIO-1: Construction activities on the project site could impede the movement of nesting raptors or other migratory birds.

MM BIO-1: Avoidance: Prior to the issuance of demolition, grading, tree removal or building permits (whichever occurs first), 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).

Nesting Bird Surveys: If it is not possible to schedule demolition and construction between September 1st and January 31st (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 1st through April 30th inclusive) and no more than 30 days prior to the initiation of these activities during the late part of breeding season (May 1st through August 31st inclusive). During this survey the ornithologist shall inspect all trees and other possible nesting habitats within 250 feet of the construction areas for nests.

Buffer Zones: If an active nest is found within 250 feet of the 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 for raptors and 100 feet for other birds), to ensure that raptor or migratory bird nests shall not be disturbed during project construction. The no-disturbance 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 then resumes again during the nesting season, an additional survey shall be necessary to avoid impacts to active bird nests that may be present.

Reporting: Prior to any tree removal and construction activities or issuance of any demolition, grading or building permits (whichever occurs first), the ornithologist 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 the 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: The Project site is on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and has an “Open – Verification Monitoring” Leaking Underground Storage Tank case. Project implementation may encounter residual concentrations of contaminants in soil and groundwater due to the site's past uses that exceed environmental screening levels and could expose construction workers, neighboring uses, and the environment to hazardous materials.

MM HAZ-1: Prior to the issuance of any grading permits, the project applicant shall prepare and implement a RAP for the project under regulatory oversight and approval of the appropriate California State Water Resources Control Board (Water Board). The project applicant shall be required to adhere to and comply with all actions and recommendations included in the RAP. Any further investigation and remedial actions must be performed under regulatory oversight to mitigate the contamination and make the site suitable for the proposed development. The project applicant shall provide the City with proof that the Water Board has reviewed the proposed project and has determined that the RAP will ensure the project is safe for the public, construction workers, and the environment. Proof must consist of a letter or email from the Water Board case worker and be

submitted to the Supervising Environmental Planner of the City of San José Planning, Building, and Code Enforcement, and the Environmental Compliance Officer in the City of San José's Environmental Services Department prior to issuance of grading permits.

- 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.**

Impact TRANS-1: The Project would result in an increase of regional vehicle miles traveled (VMT) above the City's adopted threshold levels.

MM TRANS - 1: The project applicant shall develop and submit a Transportation Demand Management (TDM) Program for review and approval by the Directors of Public Works and Planning, Building, and Code Enforcement or the Directors' designees prior to issuance of the Planning Permit. The TDM program shall require the project to:

- Provide end of trip bicycle facilities beyond the provided 14 bicycle spaces
- Provide Commute Trip Reduction Marketing and Education eligible to 16% of employees
- Provide Ride-sharing eligible to 16% of employees

The applicant shall submit an annual monitoring document (prepared by a qualified traffic engineer).

- 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 **Thursday, June 10, 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

05/17/2021

Date

Deputy

Bethlehem Telahun
Environmental Project Manager

Circulation period: May 21, 2021 to June 10, 2021