

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: 1660 Old Bayshore Highway Industrial Project

PROJECT FILE NUMBER: H20-041

PROJECT DESCRIPTION: Site Development permit to re-purpose the existing 24,486 square foot warehouse building as a "last mile" e-commerce distribution center, construct a new adjoining 3,000 square foot office addition and a new 17,700 square foot canopy-covered loading area on the south side of the building. The project would resurface the site to provide a total of 228 surface parking spaces including 69 automobile spaces, 128 van spaces, 12 loading spaces, 12 queuing spaces, 3 induct truck spaces, and 4 handicap spaces. Access to the project site would be provided via four driveways along Old Bayshore Highway. While the site has no existing landscaping or trees to be removed, the project would plant 47 new trees onsite. The proposed distribution center, or delivery station, would be operated by a single tenant to support expedited local deliveries to customers.

PROJECT LOCATION: The 6.07-acre project site is located at 1660, 1720, and 1736 Old Bayshore Highway, north of the intersection of Terminal Avenue and Old Bayshore Highway, in the City of San José.

ASSESSORS PARCEL NO.: 237-12-098, 237-12-101, 237-12-118, and 237-12-117
COUNCIL DISTRICT: 3

APPLICANT CONTACT INFORMATION: Kier & Wright, Civil Engineers and Surveyors (Atten: Nektarios Matheou); 3350 Scott Boulevard, BLD 22, Santa Clara, CA 95054; (408) 727-6665; nmatheou@kierwright.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** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- D. BIOLOGICAL RESOURCES** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- 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 is located approximately 850 feet west of the Lorentz Barrel & Drum Co. Superfund site, which has a history of contamination associated with the Project site. Project construction 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 obtain regulatory oversight from the Santa Clara County Department of Environmental Health (SCCDEH) under their Site Cleanup Program or other appropriate agency (Regional Water Quality Control Board, Department of Toxic Substance Control) and provide the completed Phase I with limited soil sampling completed by Langan from January 2020 for their review. 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 SCCDEH or other appropriate agency has reviewed the proposed project and has determined that the SMP will ensure the project is safe for the public, construction workers, and the environment. Proof must consist of a letter or email from the regulatory agency case worker and be submitted to the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement, and the Environmental Compliance Officer in the City of San José's Environmental Services Department prior to issuance of any 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** – 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

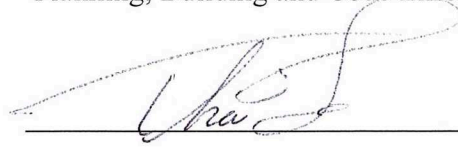
Before 5:00 p.m. on **Monday, September 20, 2021** any person may:

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.

CHRISTOPHER BURTON, Director
Planning, Building and Code Enforcement

8/26/2021

Date



Deputy

Bethelhem Telahun
Environmental Project Manager

Circulation period: August 30, 2021 to September 20, 2021