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: 1975 Cambrianna Drive Residential Development

PROJECT FILE NUMBER: PDC21-011, PD21-012, PT21-034 and ER21-135

PROJECT DESCRIPTION: The project would rezone the site to Planned Development (PD) and redevelop the site with 21 single-family homes, which would include four affordable units. Fourteen out of the 21 homes would also include an accessory dwelling unit (ADU). The single-family homes would be two-stories, approximately 26-28 feet in height, and would be between 1,600 square feet (sf) and 3,500 sf in size. All but four of the single-family homes would be detached. The remaining four would be attached in pairs. Four of the 14 ADUs would be attached to the single-family homes, and nine would be located above detached garages in the rear yards. The project would have a net density of 8.64 dwelling units per acre. A State Density Bonus is proposed to secure the additional units, which would allow a 33.5% density increase, or a total of eight additional dwelling units if the project builds four low-income units on-site. The project requests two Density Bonus incentives. The first incentive pertains to San José Municipal Code Section 19.36.020, which requires the continuation of street that can be continued, whereas Browning Street is proposed to be a cul-de-sac. The second incentive pertains to Municipal Code Section 19.36.180, which requires minimum 5,000 sf lot sizes, whereas the project would have lot sizes less than 5,000 sf.

PROJECT LOCATION: The 2.85-acre project site is located at 1975 Cambrianna Drive in the City of San José. The project site is located within the eastern portion of a larger, approximately 10-acre parcel that is partially developed with an elementary school facility.

ASSESSORS PARCEL NO.: 414-21-062 **COUNCIL DISTRICT:** 9

APPLICANT CONTACT INFORMATION: Robson Homes (Attn: Mary Gourlay), 2815 The Alameda, Suite 150, San José, CA 95126, (408) 423-7133.

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: Construction activities involving diesel particulate matter (DPM) exhaust emissions at the project site would result in significant cancer risk (significant cancer risk threshold is greater than 10.0 chances per million) at the maximally affected sensitive receptor in adjacent residences to the southeast (31.54 chances per million) and the most effected nearby school (25.82 chances per million).

MM AQ-1: Prior to the issuance of any demolition, grading, or building permits (whichever occurs first), a qualified air quality specialist shall prepare a construction operations plan demonstrating use of construction equipment with low diesel particulate matter (DPM) exhaust or meets a fleetwide average 70-percent reduction in DPM exhaust emissions. The plan shall be accompanied by a letter signed by a qualified air quality specialist, verifying that the equipment included in the plan meets the standards set forth below.

- All diesel 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 Tier 4 emission standards (i.e., Tier 4 Interim or Final engine standard) for PM (PM_{10} and $PM_{2.5}$), if feasible, otherwise;
    - If use of Tier 4 equipment is not available, alternatively use equipment that meets 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 in comparison to uncontrolled equipment; alternatively (or in combination). The use of Tier 3 equipment shall not exceed 5 percent of all equipment usage (described in terms of total horsepower hours during a phase).
    - Use of alternatively fueled equipment with lower PM emissions that meet the PM reduction requirements above.
- Provide line power to the site during the early phases of construction to minimize the use of diesel-powered stationary equipment, such as generators, welders, and air compressors.

The project applicant shall submit a construction operations plan prepared by the construction contractor that outlines how the construction contractor will achieve the measures outlined in this mitigation measure. 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 emission 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.

The plan shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee prior to the issuance of any demolition, grading and/or building permits (whichever occurs earliest) for review and approval. Implementation of this mitigation will reduce the project's construction cancer risk impact from 31.54 chances per million to 2.18 chances per million, consistent with BAAQMD standards.

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 any tree removal, or approval of any grading or demolition permits (whichever occurs 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 to occur 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 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 the breeding season (May 1st through August 31st, inclusive). During this survey, the qualified 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 qualified ornithologist/biologist 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 qualified ornithologist/biologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of the 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** – 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**.

Impact NOI-1: Construction of the proposed project would result in noise generating activities above the City's residential noise threshold by exceeding 12 months and occurring within 500 feet of residential uses.

MM NOI-1.1: Construction Noise Logistics Plan. Prior to the issuance of any demolition or grading permits, a qualified acoustical consultant shall develop a construction noise logistics plan. The construction noise logistics plan shall include noise reduction measures to prevent substantial noise disturbance of affected sensitive receptors. A typical construction noise logistics plan shall include, but not be limited to, the following measures to reduce construction noise levels as low as feasible:

- Construct a temporary solid plywood fence along the project boundary with the adjacent school facility and residences if the project's solid sound wall and good neighbor fence, respectively, are not constructed first. Temporary noise barrier fences having a minimum surface density of 2 lbs/ft^2 (e.g., such as ¾" plywood) provide a 5 dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receptor and if the barrier is constructed in a manner that eliminates any cracks or gaps.
- If stationary noise-generating equipment such as power generators or pumps must be located near sensitive receptors, adequate muffling (with enclosures where feasible and appropriate) shall be used. Any enclosure openings or venting shall face away from sensitive receptors.

- During final grading, substitute graders for bulldozers, where feasible. Wheeled heavy equipment is quieter than track equipment and shall be used where feasible.
- Substitute nail guns for manual hammering, where feasible.
- Substitute electrically powered tools for noisier pneumatic tools, where feasible.
- Designate a person responsible for registering and investigating claims of excessive noise. The contact information of such person shall be clearly posted on the construction site.
- The surrounding neighborhood shall be notified at least one week prior to start of construction and prior to each "noisy" phase of construction including demolition, site grading, roadway paving, and framing.

Prior to the issuance of any demolition or grading permits, the project applicant shall submit a copy of the construction noise logistics plan to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval.

Implementation of this mitigation will noticeably reduce the noise (a minimum of 5 dBa noise reduction). The temporary noise impact would be reduced to a less-than-significant level considering that the best available noise suppression devices and techniques would be implemented during construction to reduce noise impacts on neighboring residents and other uses and that the duration of substantial noise generating activities would be less than 12 months, which is consistent with General Plan Policy EC-1.7.

Impact NOI-2: Construction-related vibration levels could exceed 0.2 in/sec PPV at the nearest buildings of conventional construction.

MM NOI-2.1: Prior to the issuance of any demolition, grading, or building permits (whichever occurs first), the project applicant shall provide a vibration construction plan to reduce construction impacts at buildings where vibration level would exceed 0.2 in/sec peak particle velocity (PPV). The plan shall include, but is not limited to, the following:

- Prohibit the use of heavy vibration-generating construction equipment within 30 feet of adjacent residential buildings and the school.
- Use a smaller vibratory roller, such as the Caterpillar model CP433E vibratory compactor, when compacting materials within 30 feet of adjacent buildings. Only use the static compaction mode when compacting materials within 15 feet of adjacent 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 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 demolition, grading, and/or building permits (whichever occurs first), the project applicant shall submit a copy of the vibration construction

plan to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval.

Implementation of this mitigation measure would reduce the vibration impact below the 0.2 in/sec threshold.

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 **Wednesday, June 15, 2022** 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. Written comments and questions should be referred to Cort Hitchens in the Department of Planning, Building and Code Enforcement via e-mail: Cort.Hitchens@sanjoseca.gov, or by regular mail to the City of San José Department of

Planning, Building and Code Enforcement, located at City Hall, 200 East Santa Clara Street, 3rd Floor Tower (send to the attention of Cort Hitchens).

CHRISTOPHER BURTON, Director
Planning, Building and Code Enforcement

5/26/22
Date

Deputy

Cort Hitchens
Environmental Project Manager

Circulation period: Friday, May 27, 2022 to Wednesday, June 15, 2022