

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: 3315 Sierra Road Residential Project

PROJECT FILE NUMBER: PDC23-008 and ER23-079

PROJECT DESCRIPTION: Development of the project site to build 25 single-family units. The detached single-family dwelling units would predominantly be two-stories and approximately 26 to 28 feet in height; however, there are four units that would be two and a half stories (approximately 32 feet in height). The size of the units would range between 1,976 square feet and 2,771 square feet. There would be eight different unit plans available, with varying elevations. Up to five of the 25 dwelling units would also include an attached accessory dwelling unit (ADU). The detached ADUs would be up to 444 square feet. The project would have a net density of 9.7 dwelling units per acre. Access to the development would be provided via a private street from two new driveways off Sierra Road. Each residence would include a two-car garage. Six of the units include an additional parking space for the ADUs and/or guests. An additional 13 parking spaces would be provided along the private street for use by guests and/or ADU residents.

PROJECT LOCATION AND ASSESSORS PARCEL NO.: The project site is located at 3315 Sierra Road in the City of San José. The approximately 2.7-acre parcel (Assessor’s Parcel Number 595-10-067) is located on the northeast corner of Piedmont Road and Sierra Road, in the Berryessa neighborhood.

COUNCIL DISTRICT: 4

APPLICANT CONTACT INFORMATION: Robson Homes (Attention: Mary Gourlay); 2185 The Alameda San José, CA 95126; MGourlay@robsonhomes.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.

ENVIRONMENTAL RESOURCE AREAS AND 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. The project shall implement standard permit conditions during all phases of construction to control dust and exhaust emissions.
- D. BIOLOGICAL RESOURCES**

Impact BIO-1: Construction activities associated with the proposed project could result in the loss of fertile eggs, nesting raptors or other migratory birds, or nest abandonment.

MM BIO-1.1: Prior to the issuance of any tree removal, demolition, grading, and/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 1 through August 31 (inclusive).

MM BIO-1.2: If demolition and construction cannot be scheduled between September 1 and January 31 (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests are disturbed during project implementation. This survey shall be completed no more than 14 calendar days prior to the initiation of construction activities during the breeding season (February 1 through August 31, inclusive). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests.

MM BIO-1.3: If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist shall determine the extent of a construction free buffer zone to be established around the nest to ensure that bird nests shall not be disturbed during project construction.

MM BIO-1.4: Prior to any issuance of tree removal, demotion, or grading and/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 City’s 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. The project shall implement standard permit conditions to reduce or avoid impacts to unknown subsurface cultural resources.
- F. ENERGY** – The project would not have a significant impact on this resource, therefore no mitigation is required. The project would be required to comply with the City’s standard permit conditions, which include proof of enrollment in San Jose Clean Energy.
- G. GEOLOGY AND SOILS** – The project would not have a significant impact on this resource, therefore no mitigation is required. A Geotechnical Report shall be submitted to ensure the proposed development is designed to address seismic hazards. Standard Permit Conditions shall be

implemented to ensure that construction of the proposed project does not result in substantial erosion or soil loss. The project shall implement standard permit condition to reduce and avoid impacts to unidentified paleontological resources.

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: Development of the proposed project could result in an impact to construction workers from exposure to arsenic in the shallow soil and chloroform and benzene in soil gas in excess of risk-based screening levels.

MM HAZ-1.1: Prior to issuance of a demolition or grading permit (whichever occurs first) the applicant shall hire a qualified environmental professional to develop a Risk Management Plan (RMP) to address any potential issues with arsenic in the shallow soil and chloroform and benzene in soil gas during construction or redevelopment. The Risk Management Plan shall include appropriate procedures to mitigate potential risks during construction or redevelopment activities that could result in disturbing impacted media or encountering unknown environmental conditions. Disturbed soil shall be appropriately tested and handled during construction.

The Risk Management Plan shall be provided to the Director of Planning, Building and Code Enforcement or the Director's designee, and Environmental Services Department (ESD) Municipal Environmental Compliance Officer prior to issuance of a grading permit.

Impact HAZ-2: Grading and construction activities on the project site could result in the generation of asbestos-containing dust resulting in exposure to construction workers and nearby community.

MM HAZ-2.1: Prior to issuance of a grading permit, an Asbestos Dust Mitigation Plan (ADMP) shall be prepared and submitted to the Bay Area Air Quality Management District (BAAQMD) for approval. The ADMP must describe dust control measures during grading as well as long term dust control measures. The ADMP shall comply with the California Air Resources Board (CARB) Asbestos Airborne Toxic Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, which could include measures such as the following:

- Track-out prevention and control measures;
- Active stockpiles shall be adequately wetted or covered with tarps;
- Control for disturbed surface areas and storage piles that remain inactive for more than seven days;
- Control for traffic on unpaved roads, parking lots, and staging areas;
- Control for earthmoving activities; and,
- Control for off-site transport.

Additionally, the project would be required to implement standard permit conditions to reduce impacts due to the presence of ACMs and/or lead-based paint.

J. HYDROLOGY AND WATER QUALITY – The project would not have a significant impact on this resource, therefore no mitigation is required. Standard Permit Conditions have been included in the project to reduce potential construction-related water quality impacts.

- 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 noise construction threshold by exceeding 12 months and occurring within 500 feet of residential uses.

MM NOI-1.1: 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 disturbances 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:

- A temporary eight-foot noise barrier shall be constructed along the north and east property line of the project site to shield adjacent residential land uses from ground-level construction equipment and activities. The noise barrier shall be solid over the face and at the base of the barrier in order to provide a five dBA noise reduction. The noise barrier is required for the construction period prior to the Building Interior/Architectural Coating phase to meet the construction noise standards. This temporary noise barrier shall be constructed if the project’s solid sound wall and good neighbor fence (minimum five feet), respectively are not constructed first. Temporary noise barrier fences having a minimum surface density of two lbs/ft² (e.g. such as ¾” plywood) provide a five dB noise reduction if the noise barrier interrupts the line-of-sight between the noise source and the 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 (within 50 feet), 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 are quieter than track equipment and should be used where feasible.
- Substitute nail guns for manual hammering and electrically powered tools for noisier pneumatic tools, where feasible.
- Assign a designated “noise disturbance coordinator” who would respond to any local complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem within 24 to 48 hours. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule 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.

In addition to MM NOI-1.1, the project would be required to comply with the City’s standard permit conditions, which include measures to avoid or reduce short-term noise impacts associated with construction of the project.

Impact NOI-2: The project would exceed the City’s vibration limit of 0.2 in/sec PPV for buildings of conventional construction at 3581 Ivalynn Place and 3319 Sierra Road.

MM NOI-2.1: Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs first), the project applicant shall contract with a licensed Professional Structural Engineer in the State of California to prepare a construction vibration monitoring plan that includes measures to reduce vibration impacts to achieve vibration limit of 0.2 in/sec PPV. During construction, the project applicant shall implement the following vibration reduction measures:

- 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 30 feet of adjacent residential 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.

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 TRN-1: The project would exceed the City’s residential threshold of 11.39 VMT per capita resulting in a significant impact. Prior to the issuance of the Certificate of Occupancy, the project applicant shall implement the following mitigation measures MM TRN-1.1 through MM TRN-1.5:

MM TRN-1.1: Bike Access Improvements. The project shall construct a 150-foot-long II buffered bike lane along northbound Piedmont Road between Sierra Road and the existing driveway serving the gas station.

MM TRN-1.2: Pedestrian Network Improvements and Traffic Calming Measures. The project shall remove the pork-chop island on the northeast corner of the Piedmont Road/Sierra Road intersection and reconstruct/extend the curb line (i.e., square off the corner and remove the westbound right-turn pocket on Sierra Road). The corner would be reconstructed to include new ADA compliant curb ramps with truncated domes. Some restriping would also be necessary.

MM TRN-1.3: Transit Accessibility. The project shall relocate the Piedmont and Sierra VTA bus stop (Stop ID 65526) along northbound Piedmont Road closer to the intersection of Piedmont

Road/Sierra Road.¹ The project may have to implement additional bus stop improvements (I.e., new bus pad, metal bench) that will need to be coordinated with VTA.

MM TRN-1.4: School Pool Program. The project shall implement a School Pool Program. The purpose of this program would be to match parents of the proposed residential development who transport students to schools without a bussing program, including private schools, charter schools, and neighborhood schools where students cannot walk or bike. The school pool program would be open to all families of the development.

School pool program information will be provided to new homeowners or renters in welcome packets. A Transportation Demand Management (TDM) webpage and/or periodic newsletters with current school pool program information will also be made available for continued reference by homeowners and renters. Residents interested in the program will be able to connect with other interested residents to schedule carpools either directly or through one of the 511.org online services. The developer will be responsible for initially creating a TDM webpage or newsletter for the project and providing a welcome packet to each homeowner or renter upon move-in. The Home Owner's Association (HOA) will be responsible for maintaining the TDM webpage and/or newsletters to ensure the information remains current.

MM TRN-1.5: Voluntary Travel Behavior Change Program. The project shall implement a voluntary travel behavior change program. The project HOA will be responsible for facilitating a voluntary travel behavior change program that targets individual attitudes and behaviors towards travel and helps individuals analyze and alter their travel choices to encourage the use of shared ride modes, transit, walking, and biking. These programs will include an annual resident travel survey and year-round communications. These programs may also feature mass communication campaigns such as community travel surveys, green trip competitions, and web-based tools that promote cost savings, pro-environmental, and pro-healthy impacts of travel choices (the Voluntary Travel Behavior Change Program).

All homeowners and renters of the proposed development shall be provided with the information/tools/access to take full advantage of the Voluntary Travel Behavior Change Program. Accordingly, 100 percent of the residents would qualify as "participants" in this TDM program. A TDM/Transportation Coordinator, likely an employee of the HOA Management Company, shall administer the Voluntary Travel Behavior Change Program.

Mass communication campaigns will keep the homeowners and renters informed of transportation options available to them. Communications may include emails, newsletters, postcards, and/or fliers. Travel surveys are a way to investigate residential travel modes, trip purposes, trip frequency, and perceptions toward alternative travel options, routes, services, and benefits. The results of the residential travel surveys will provide quantitative data (e.g., mode split) and qualitative data (e.g., resident perception of alternative transportation programs). The travel surveys will be conducted annually and will help to determine the effectiveness of the program and whether any changes should be made. Survey data will indicate where to focus ongoing TDM marketing with a goal of maintaining the project's commitment to use alternative transportation.

R. TRIBAL CULTURAL RESOURCES – The project would not have a significant impact on this resource, therefore no mitigation is required.

¹ Removal of the pork-chop island and extension of the curb line on the northeast corner of the intersection would make this transit improvement possible.

- 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 project would comply with existing regulations and City standard conditions of approval. The proposed project would implement the identified mitigation measures and would either have no impacts or less than significant impacts on riparian habitat or other sensitive natural communities, migration of species, applicable biological resources protection ordinances, cultural resources (including tribal cultural resources), and hazards and hazardous materials. 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 March 10, 2025 any person may:

1. Review the Draft Mitigated Negative Declaration (MND) and attached Initial Study as an informational document only; or
2. Submit written comments regarding the information and analysis in the Draft MND/Initial Study. Before the MND is adopted, Planning staff may prepare written responses to any comments, and revise the Draft MND/Initial Study, 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

February 13, 2025



 Date

 Deputy

Charlotte Yuen
 Environmental Project Manager

Circulation period: February 19, 2025 to March 10, 2025