

## 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.

**NAME OF PROJECT:** Coleman Soccer Fields

**PROJECT FILE NUMBER:** PP10-155

**PROJECT DESCRIPTION:** The City of San Jose Public Works Department is proposing to construct municipal soccer fields near the planned San Jose Earthquakes Soccer Stadium. The proposed project consists of four soccer fields and associated facilities, as follows:

- Four lighted artificial turf fields, measuring 75 yards X 110 yards each
- A 2,500 square-foot building containing concessions, restrooms, changing room, office, and storage
- A 3,500 square-foot covered picnic area
- Site furniture (e.g., bleachers)
- An eight-foot high chain link fence around the soccer fields
- Parking facilities
- Landscaping

The soccer fields will be used by local and regional soccer teams and leagues for soccer practice, games, and tournaments. Each field will have a maximum capacity of 60, for an overall capacity of 240 for entire facility. The fields will generally operate on weekday evenings from 3 PM to 10 PM and weekends from 8 AM to 10 PM.

**PROJECT LOCATION & ASSESSORS PARCEL NO.:** The project site is located on approximately 9.5 acres west of Coleman Avenue and Aviation Drive, north of Newhall Drive (APNs 230-46-060, -062, and -063) primarily within the City of San Jose. The northernmost portion of the project site is located within the jurisdiction of the City of Santa Clara, although the entire property is owned by the City of San Jose.

**COUNCIL DISTRICT:** 3

**APPLICANT CONTACT INFORMATION:** City of San Jose Public Works Department, 200 E. Santa Clara Street, San Jose, CA 95113 Contact: Loren Rundle (408) 535-8418

## **FINDING**

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

### **MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL**

- I. AESTHETICS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- II. AGRICULTURE AND FOREST RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- III. AIR QUALITY** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- IV. BIOLOGICAL RESOURCES** –Although no owls were identified during a protocol-level survey in 2002, it is possible, though unlikely, that burrowing owls could locate on the project site prior to construction, which would result in a significant impact if the owls were present during construction. Mitigation is identified below to reduce this impact to a less-than-significant level.

**Mitigation:** Preconstruction surveys shall be conducted for burrowing owls in accordance with the California Department of Fish and Game (CDFG) guidelines, no more than 30 days prior to the start of site grading. If no burrowing owls are found, then no further mitigation is warranted. If owls are located on or immediately adjacent to the site, a qualified burrowing owl biologist in consultation with CDFG would establish a construction-free buffer zone around the active burrow. No activities, including grading or other construction work, shall proceed until the buffer zone is established, or a CDFG approved relocation of the birds has been performed [such relocations can occur only during the non-reproductive season (September through January)]. Regardless of the time of year when burrowing owls are observed on the site, implementation of one of the following two mitigation measures is required, to the satisfaction of the Director of PBCE:

-If preconstruction surveys confirm that burrowing owls occupy the site, then avoidance of impacts to the habitat utilized by these owls would be considered the preferred mitigation method. In order to effectively avoid habitat utilized by burrowing owls, a buffer distance of 75 meters (approximately 246 feet) shall be required during the nesting season (February 1 through August 31). During the nonnesting season, this distance could be reduced to 50 meters (approximately 164 feet). Avoidance would allow the use of areas currently occupied by burrowing owls to continue uninterrupted.

-If preconstruction surveys determine that burrowing owls occupy the site, and the Director of PBCE finds that avoiding development of occupied areas is not feasible, then the owls may be evicted outside of the breeding season, with the authorization of the CDFG. The CDFG typically only allows eviction of owls outside of the breeding season [only during the non-breeding season (September 1-January 31)] by a qualified ornithologist, and generally requires habitat compensation on off-site mitigation lands. CDFG guidelines recommend that off-site mitigation lands shall be set-aside at a ratio of 6.5 acres/pair or individual owl (if only an individual is observed). A single, large contiguous mitigation site is preferable to several smaller, separated sites. The mitigation site would preferably support owl nesting and be contiguous with or at least proximal to other lands supporting burrowing owls. Sites in the same region with a long history of burrowing owl use, or that have at least been in a suitable condition for occupancy are preferred. Grazing is compatible with burrowing owl occupancy.

- V. CULTURAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- VI. GEOLOGY AND SOILS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- VII. GREENHOUSE GAS EMISSIONS**– The project will not have a significant impact on this resource, therefore no mitigation is required.
- VIII. HAZARDS AND HAZARDOUS MATERIALS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- IX. HYDROLOGY AND WATER QUALITY** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- X. LAND USE AND PLANNING** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XI. MINERAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XII. NOISE** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XIII. POPULATION AND HOUSING** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XIV. PUBLIC SERVICES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XV. RECREATION** – The project will not have a significant impact on this resource, therefore no mitigation is required.

**XVI. TRANSPORTATION / TRAFFIC** – The project will not have a significant impact on this resource, therefore no mitigation is required.

**XVII. UTILITIES AND SERVICE SYSTEMS** – The project will not have a significant impact on this resource, therefore no mitigation is required.

**XVIII. MANDATORY FINDINGS OF SIGNIFICANCE** – The project will not substantially reduce the habitat of a fish or wildlife species, be cumulatively considerable, or have a substantial adverse effect on human beings, therefore no mitigation is required.

#### **PUBLIC REVIEW PERIOD**

Before 5:00 p.m. on **December 17, 2010**, any person may:

1. Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or
2. Submit written comments regarding the information, analysis, and mitigation measures 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.

Joseph Horwedel, Director  
Planning, Building and Code Enforcement

Circulation period, from November 17, 2010 to December 17, 2010

  
Deputy