



**PUBLIC NOTICE
INTENT TO ADOPT A NEGATIVE DECLARATION
CITY OF SAN JOSÉ, CALIFORNIA**

File No. and Project Name/Description:

File No. PD11-033. Planned Development Permit to allow the demolition of an existing 65,238 square-foot movie theater building and replacement with a crushed rock (pervious) surface for interim parking uses on a 33.17 gross acre site located at the southeast side of Hillcap Avenue, approximately 80 feet east of Snell Avenue. (Syufy Enterprises, Owner)

Council District: 7

California State Law requires the City of San José to conduct environmental review for all pending projects. Environmental review examines the nature and extent of any potentially significant adverse effects on the environment that could occur if a project is approved and implemented. Based on an initial study, the Director of Planning, Building & Code Enforcement has concluded that the project described above will not have a significant effect on the environment. Pursuant to the conclusions of the Initial Study, the Director of Planning, Building & Code Enforcement has prepared a draft Negative Declaration for this project.

The purpose of this notice is to inform the public of the opportunity for public review and comments on the draft Negative Declaration. The public review period for this draft Negative Declaration begins on **April 19, 2012** and ends on **May 9, 2011**. A public hearing to adopt the Negative Declaration has not been scheduled as of the date of this notice. Adoption of a Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above will be made separately as required by City Ordinance.

The draft Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 200 East Santa Clara Street, San José CA 95113-1905. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 150 E. San Fernando St, San José, CA 95112, and online at <http://www.sanjoseca.gov/planning/eir/MND.asp>

For additional information, please contact Lori Moniz at (408) 535-7841 or by e-mail at lori.moniz@sanjoseca.gov.

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Circulated on: _____

4/19/2012

John Davidson

Deputy

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: 3630 Hillcap Avenue Theater Building Demolition

PROJECT FILE NUMBER: PD11-033

PROJECT DESCRIPTION: **Planned Development Permit** to allow the demolition of an existing 65,238 square-foot movie theater building and replacement with a crushed rock (pervious) surface for interim parking uses. Existing parking lot lighting will be maintained by installing a replacement electrical service panel on the site. The new pervious parking surface area will be fenced to prevent unauthorized vehicle access. No changes to the existing approved land uses on the site are proposed.

PROJECT LOCATION & ASSESSORS PARCEL NO.: The southeast side of Hillcap Avenue, approximately 80 feet east of Snell Avenue (3630 Hillcap Avenue). APN 462-18-007

COUNCIL DISTRICT: 7

APPLICANT CONTACT INFORMATION: Syufy Enterprises, 150 Pelican Way, San Rafael, CA 94901

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 no potentially significant effects on the environment.

- I. **AESTHETICS.** The project will not have a significant impact on this resource, therefore no mitigation is required.
- II. **AGRICULTURE AND FORESTRY 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.** The project will not have a significant impact on this resource, therefore no mitigation is required.
- 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. The project could have temporary construction-related impacts with respect to air quality contamination, construction runoff, and noise; however, as described in the Initial Study, the conditions of approval for the

development permit include best management practices to ensure that construction-related impacts will be kept to less than significant levels.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **May 9, 2012**, any person may:

1. Review the Draft Negative Declaration (ND) as an informational document only; or
2. Submit written comments regarding the information, analysis, and mitigation measures in the Draft ND. Before the ND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft ND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final ND.

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Circulation period from April 19, 2012 to May 9, 2012.



Deputy

Revised 5-6-11 jam