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Environmental Assessment
Determinations and Compliance Findings for HUD-assisted Projects
24 CFR Part 58

Project Information

Project Name:	Hawthorn Senior Affordable Housing Project
Responsible Entity:	City of San José
Grant Recipient:	Santa Clara County Housing Authority
State/Local Identifier:	
Preparer:	David J. Powers & Associates, Inc. for the City of San José 1871 The Alameda, Suite 300 San José, CA 95126
Certifying Officer Name and Title:	Christopher Burton, Director of Planning, Building and Code Enforcement
Consultant:	David J. Powers & Associates, Inc.
Direct Comments to:	Reema Mahamood Planner III, Environmental Review Department of Planning, Building and Code Enforcement City of San José 200 East Santa Clara Street, T-3 San José, CA 95113-1905 reema.mahamood@sanjoseca.gov

Project Location:

The 1.11-acre project site is located on the north side of East Saint John Street between North 15th and North 16th Streets at 118 and 124 North 15th Street in the City of San José and consists of two parcels (Assessor's Parcel Numbers [APNs] 467-14-054 and 467-14-076). Refer to Figures 1, 2, and 3 for a regional map, vicinity map, and an aerial photograph of the project site and surrounding area, respectively.

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]**:**

The project site is currently developed with a surface parking lot. The proposed Hawthorn Affordable Senior Housing Project (project) would demolish the existing surface parking lot and proposes the removal of 16 ordinance-sized[1], non-native trees and five non-ordinance sized trees, for a total of 21 trees to facilitate construction of a residential building (as described below) with amenities including a computer room, shared laundry areas, common and private open space, vehicle parking, and bicycle parking. A site plan is shown on Figure 4.

Residential Building

The residential building would vary between two and four stories with the following unit mix: 36 studios, 62 one-bedroom units, and five two-bedroom units, with a maximum height of 47 feet to the top of roof. The building would include 101 affordable dwelling units, and two units that would be manager's units, for a total of 103 units. The project would provide 100 percent affordable housing for seniors.

Landscaping and Open Space

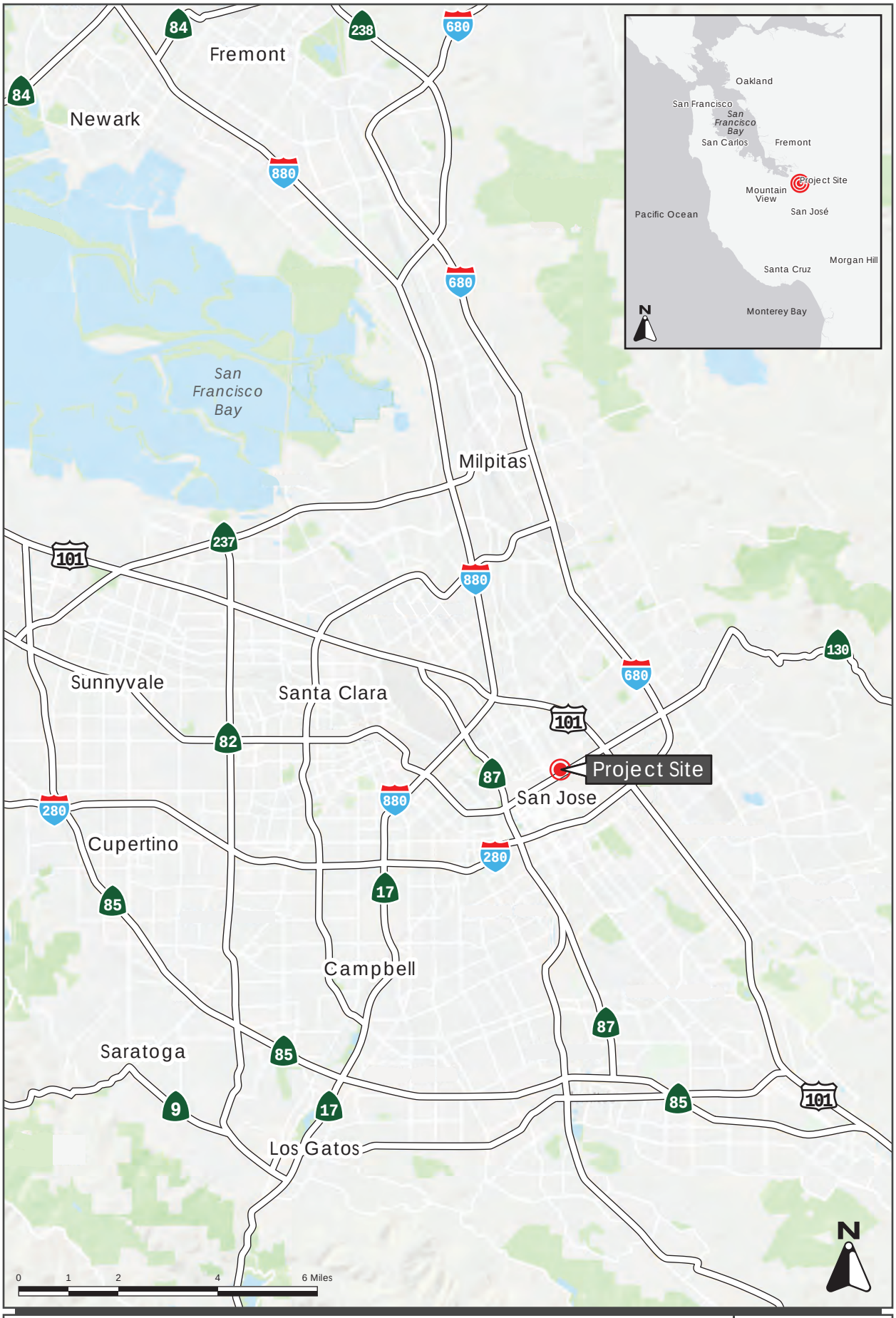
The project proposes 7,726 square feet of common open space in the courtyard and 1,123 square feet of private open space (Level 1 patios) for a total of 8,849 square feet of open space. In addition to proposed private and common open space, the landscaping plan includes planting areas throughout the site, edible garden plots in the common open space area, and flow-through planters. To facilitate construction of the project, 16 ordinance-sized, non-native trees and 5 non-ordinance sized trees, for a total of 21 trees, are proposed for removal. The project proposes to plant 26 trees along the perimeter of the site and 11 trees within the common open space area, for a total of 37 new trees.

Site Access and Parking

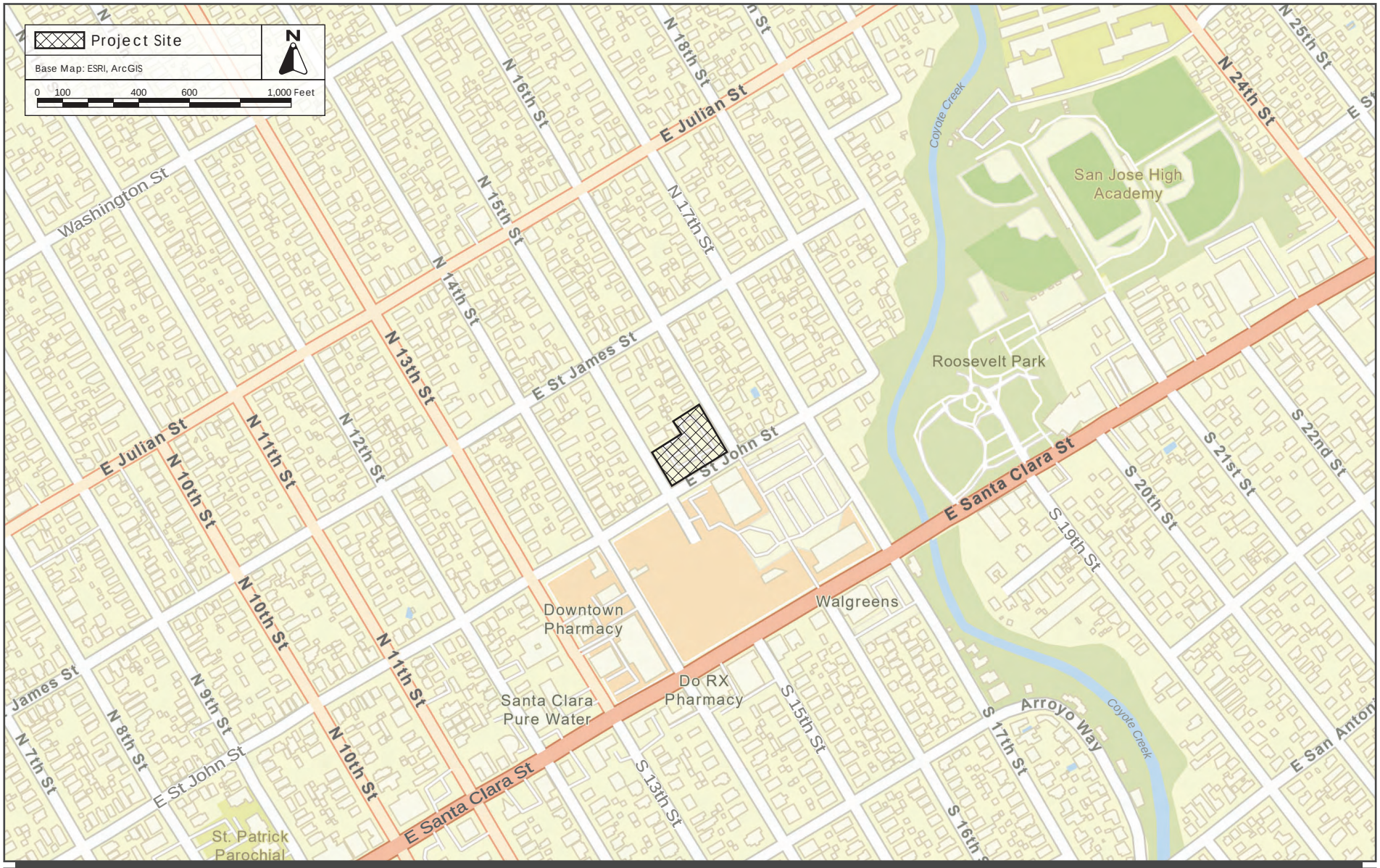
Vehicle access to the project site is currently provided via a driveway on East Saint John Street, which would be converted to a pedestrian entrance as part of the project. The project would construct a new 20-foot driveway on North 15th Street to provide access to the parking garage.

[1] Ordinance-size trees are either single-trunk 38 inches or more in circumference or multi-trunk combined measurements of 38 inches or more in circumference at 4.5 feet above ground.

The project would include an at-grade podium parking garage with parking stackers to allow for higher-density parking. In total, the project would provide 48 vehicle parking spaces, including 10 electric vehicle (EV) charging stations and 33 EV-ready stations where charging stations could be added post-construction. The project would also include a total of 36 bicycle parking spaces.

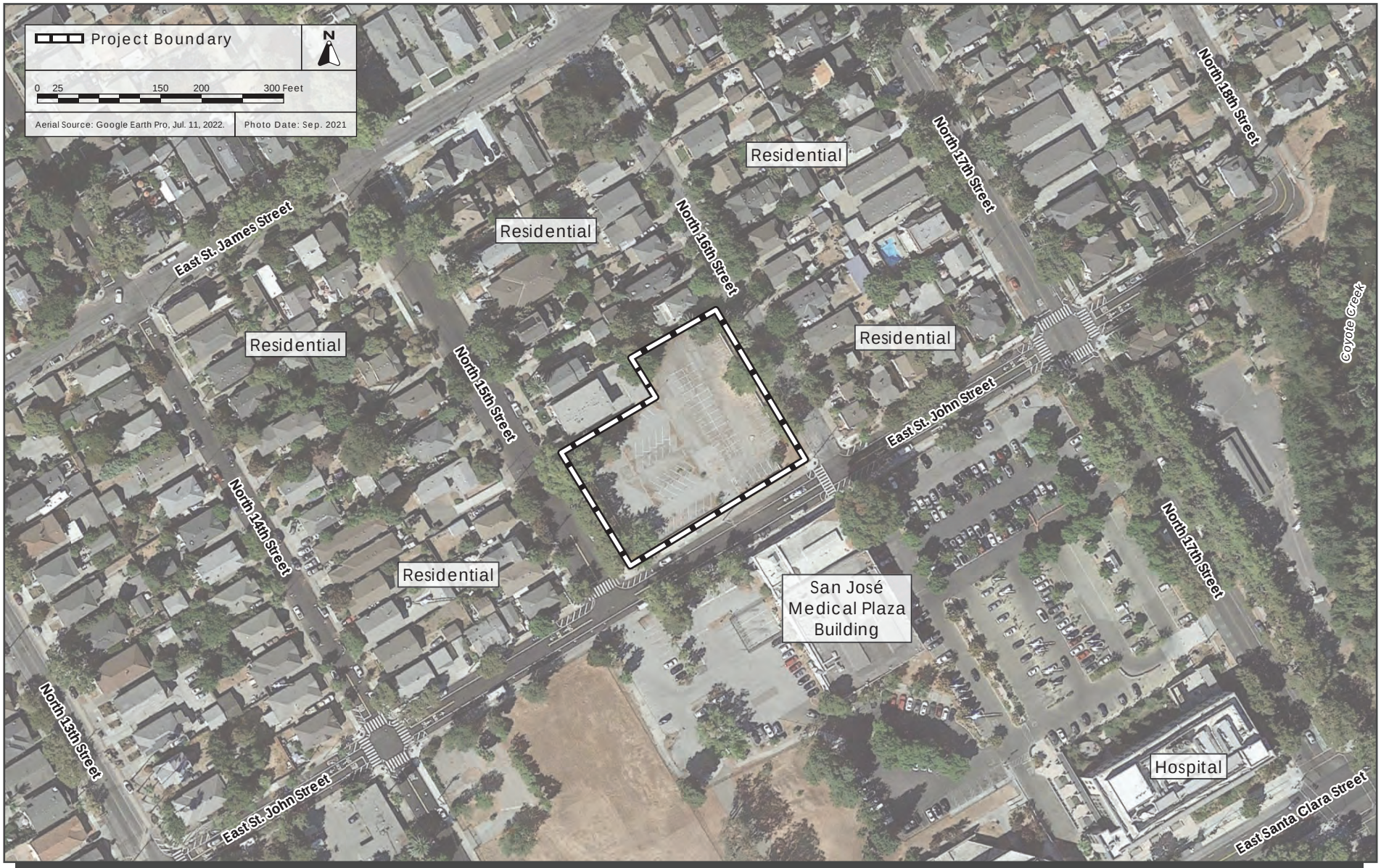


REGIONAL MAP | FIGURE 1

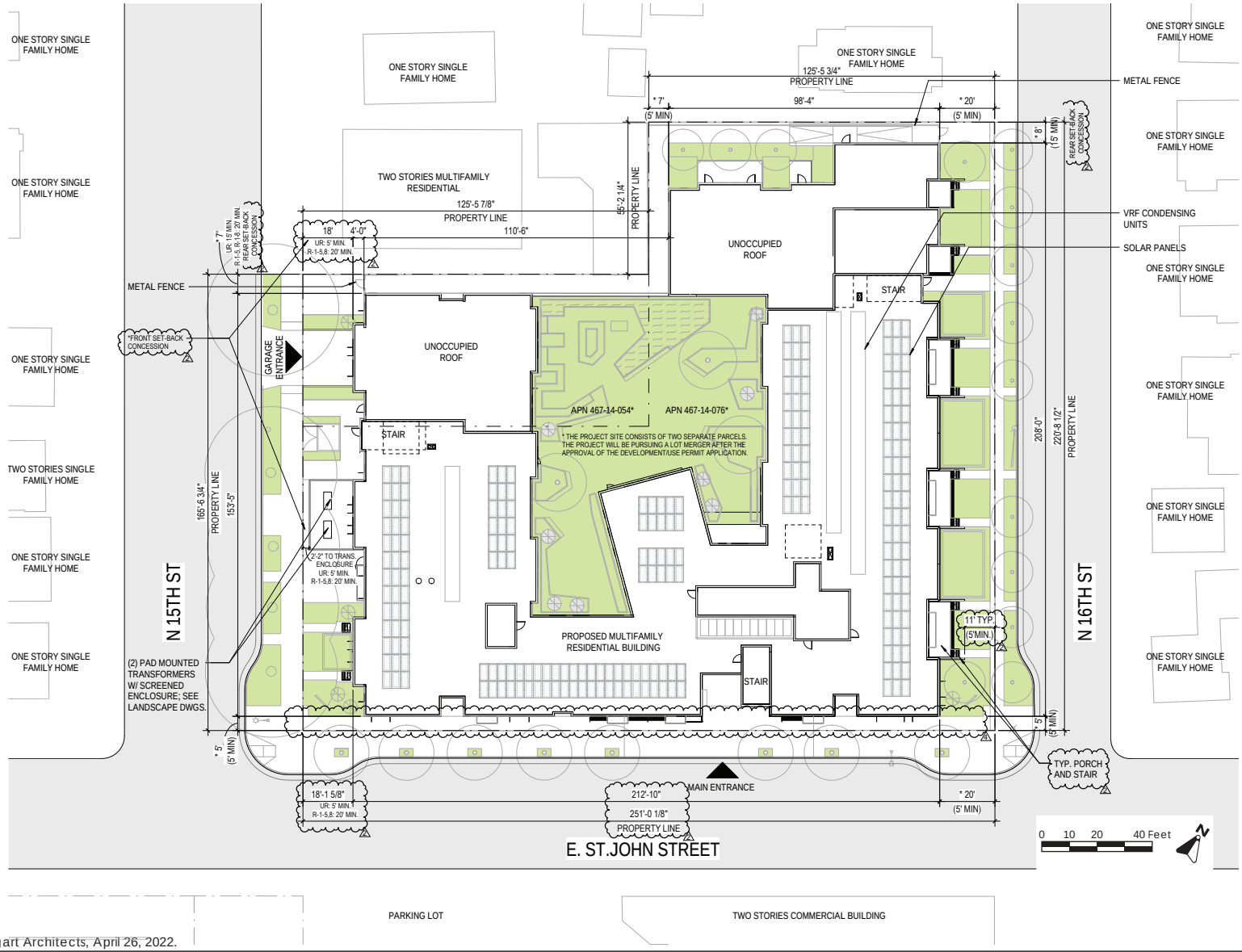


VICINITY MAP

FIGURE 2



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES | FIGURE 3



Source: Paulett Taggart Architects, April 26, 2022.

SITE PLAN

FIGURE 4

Green Building Measures

The project would include the following green building measures:

- High-efficiency heating, ventilation, and air conditioning units
- Energy Star appliances
- Bicycle storage for residents
- EV charging stations

Statement of Purpose and Need for the Proposal [40 CFR 1508.9(b)]:

The purpose of the project is to address housing needs in the City of San José. The proposed action would include 103 dwelling units, including two manager's units and 101 deed-restricted affordable housing units.

The 1988 Mayor's Task Force on Housing developed the initial policies that governed the City's affordable housing program. Since that time, the City has adopted a series of five-year plans to govern the allocation of affordable housing funding. Policies included in the Consolidated Plan, the Ten-Year Plan to End Chronic Homelessness, and the Housing Element are incorporated in the City's Affordable Housing Investment Plan (HIP). The most recent HIP was adopted by the City Council in October 2020 for Fiscal Year 2020/21 to 2022/23.

These policies contribute to the creation of a comprehensive Citywide housing vision and ensure that affordable housing resources are distributed equitably and serve those most in need. Faced with competing priorities and limited resources, the City must develop policies that balance these concerns while continuing to provide the greatest good to the largest number of residents.

The proposed action would help meet the City of San José's goals for housing that are listed in the General Plan, including: (1) providing housing in a range of housing densities, especially higher densities, and product types, including rental and for-sale housing, to address the needs of an economically, demographically, and culturally diverse population; (2) creating and maintaining safe and high quality housing that contributes to the creation of great neighborhoods and great places; and (3) providing housing that minimizes the consumption of natural resources and advances the City's fiscal, climate change, and environmental goals.

Existing Conditions and Trends [24 CFR 58.40(a)]:

<u>Regional Outlook</u>

The Bay Area continues to be one of the most expensive real estate markets in the country. Most Bay Area residences are unaffordable for individuals and families with average household incomes. As detailed in the City's Housing Element, despite the prevalence of highly skilled, high-wage workers in Silicon Valley, data from the California Employment Development Department (EDD) shows a divergent trend in the region: while about one third of Santa Clara County's workforce command high salaries in the range of approximately $86,000 to $144,000 per year, nearly half of all jobs pay low-income wages between $19,000 and $52,000 annually. Further, projections from EDD predict

more than half of new jobs created in the County over the next few years would pay minimum wage. These working-class wages are not enough to pay for housing costs without creating a housing burden, defined as housing costs that exceed 30 percent of income. Low levels of housing production, relative to demand, contribute to this region's high housing costs. Further, the market has not produced housing that is considered affordable to low-income households, and public resources for affordable housing have been significantly diminished in recent years. As such, both the existing and future need for affordable housing in San José is considerable and exceeds available supply.

Local Perspective

According to the Santa Clara County Housing Needs Allocation, 2023 to 2031 (see Table 1 below) prepared by the Association of Bay Area Governments (ABAG), the City of San José should add 62,200 new units by 2031 (of which 15,088 would be very low, 8,687 would be low, and 10,711 would be moderate) in order to meet the needs for affordable housing. As shown in Table 1, the "Very Low" and "Low" housing needs allocation for San José is significantly higher than other jurisdictions in the County.

Table 1: Santa Clara County Housing Needs Allocation, 2023-2031

Jurisdiction	Very Low <50 Percent	Low < 80 Percent	Moderate <120 Percent	Above Moderate	Total
Campbell	752	434	499	1,292	2,977
Cupertino	1,193	687	755	1,953	4,588
Gilroy	669	385	200	519	1,773
Los Altos	501	288	326	843	1,958
Los Altos Hills	125	72	82	210	489
Los Gatos	537	310	320	826	1,993
Milpitas	1,685	970	1,131	2,927	6,713
Monte Sereno	53	30	31	79	193
Morgan Hill	262	151	174	450	1,037
Mountain View	2,773	1,597	1,885	4,880	11,135
Palo Alto	1,556	896	1,013	2,621	6,086
San José	*15,088*	*8,687*	*10,711*	*27,714*	*62,200*
Santa Clara	2,872	1,653	1,981	5,126	11,632
Saratoga	454	261	278	719	1,712
Sunnyvale	2,968	1,709	2,032	5,257	11,966
Unincorporated	828	477	508	1,312	3,125
Santa Clara Total	**32,316**	**18,607**	**21,926**	**56,728**	**129,577**

Source: (1)

Physical Setting / Existing Conditions

The City of San José is centrally located in Santa Clara County. The County is located at the southern end of San Francisco Bay. The City covers an area of approximately 180 square miles and is bounded by the Cities of Santa Clara, Cupertino, Milpitas, Saratoga, Campbell, and Los Gatos. The City of San José has a population of approximately 1,013,240 people, making it the largest City in the County, the third largest City in California, and the 10th largest City in the United States.

The 1.11-acre project site is located at 118 and 124 North 15th Street in San José. The project site is currently developed with a surface parking lot. There are residential uses to the north, west and east of the project site. There is a large vacant lot to the southwest, as well as a vacant building (former medical building) to the south and a surface parking lot to the southeast. The parcels that comprise the project site have General Plan land use designations of Urban Residential (118 N. 15th Street, APN: 467-14-076) and Residential Neighborhood (124 N. 15th Street, APN: 467-14-054) and are both zoned A(PD) Planned Development Zoning District (File No. PDC85-039). In addition, the parcel located at 118 N. 15th Street (which accounts for the majority of the total site area) is within the East Santa Clara Street Urban Village.

Coyote Creek is located approximately 600 feet east of the project site. The project site is located approximately 750 feet north of VTA Bus Line 22 and 23. Line 22 runs from Palo Alto Transit Center in the City of Palo Alto to Eastridge Transit Center in the City of San José. Line 23 runs from De Anza College in the City of Cupertino to Alum Rock Station in San José.

Funding Information

U.S. Department of Housing and Urban Development (HUD) Program	**Funding Amount**
Moving to Work through Section 8 and 9 of the Housing Act of 1937	$17,790,000
Project-Based Vouchers through Section 8 of the Housing Act of 1937 – 47 units	$31,177,920 ($1,558,896 annually for 20 years)

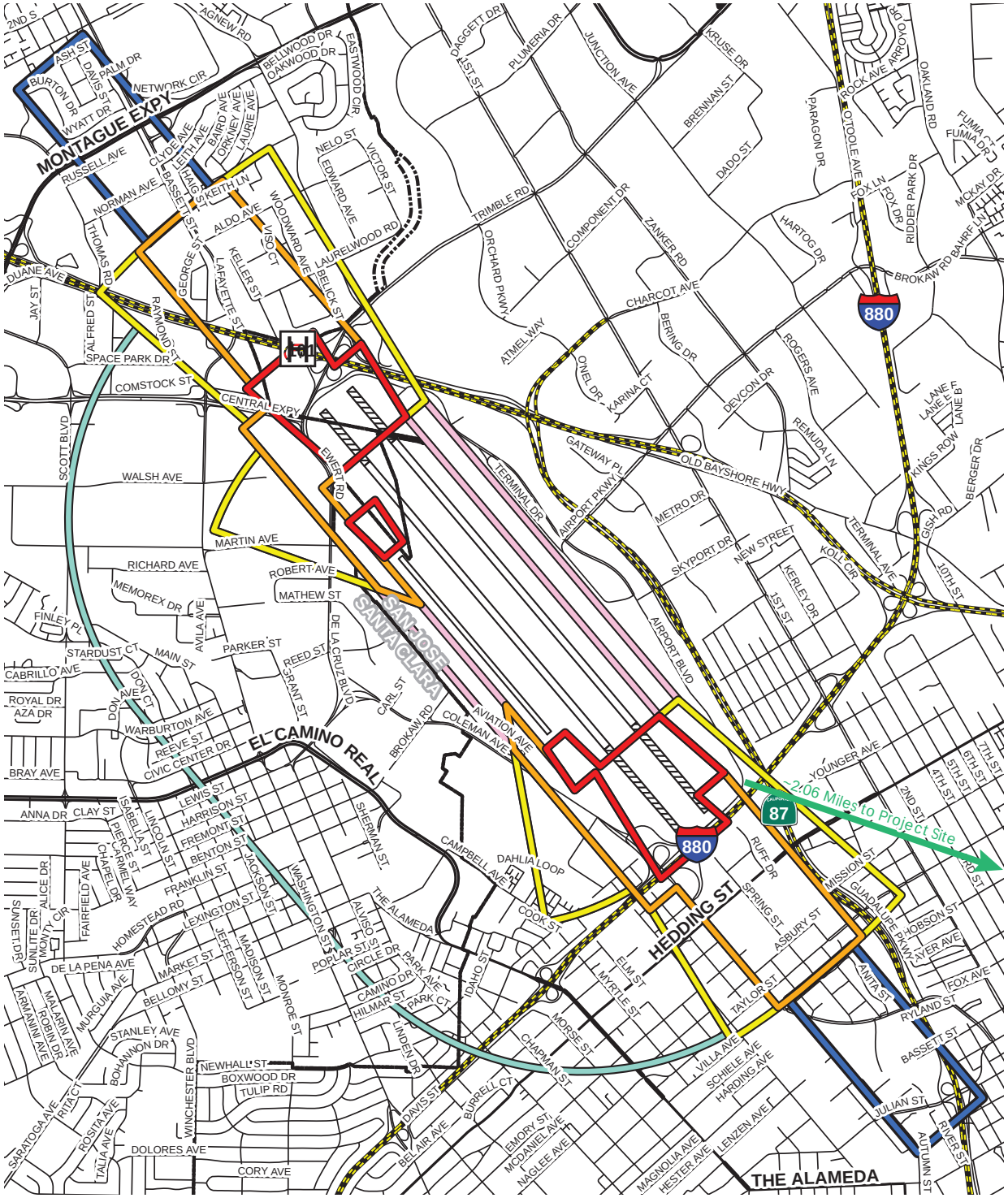
Estimated Total HUD Funded Amount: $48,967,920

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]**:** $94,500,000

Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities

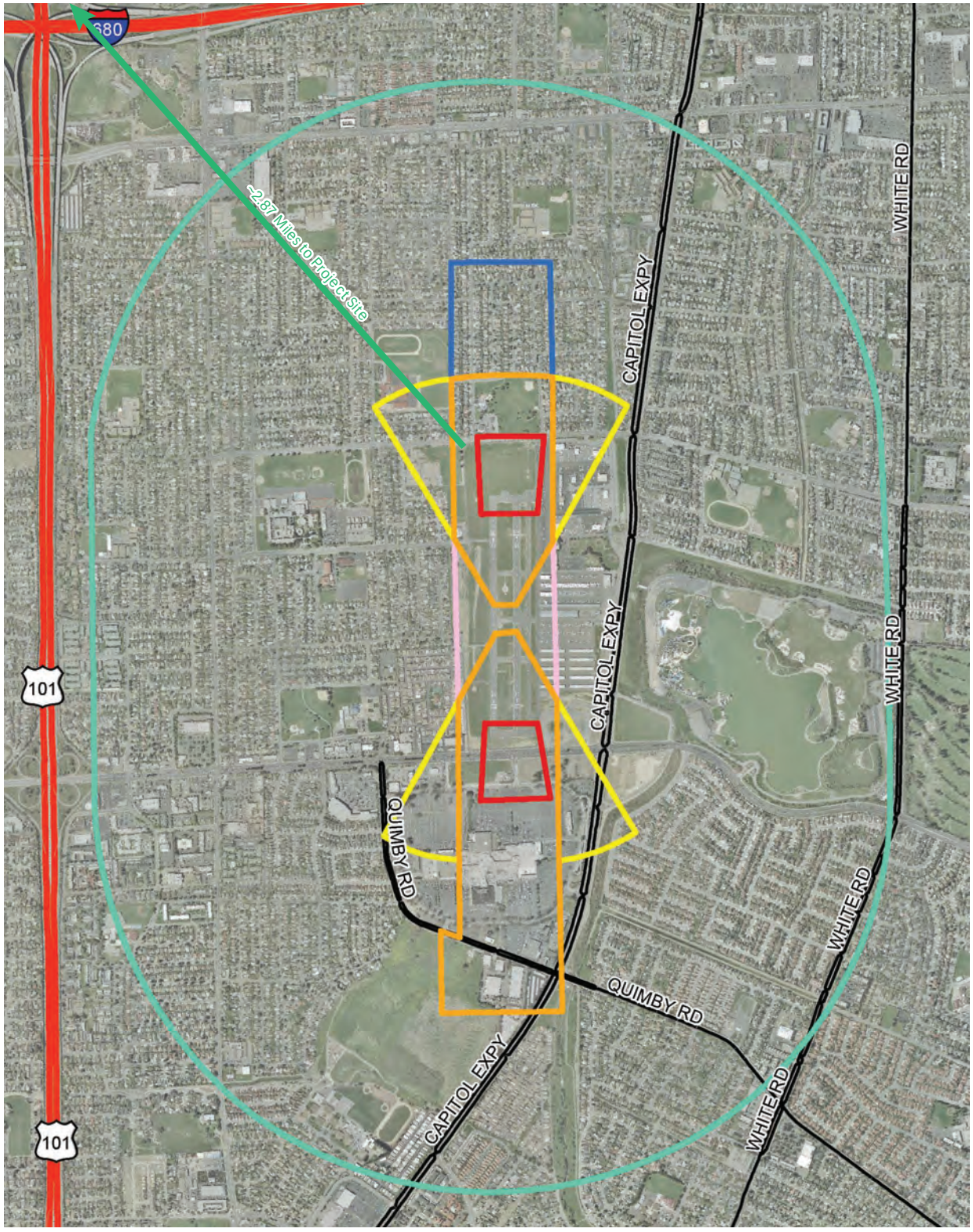
Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 and 58.6		
Airport Hazards 24 CFR Part 51 Subpart D	Yes ☐ No ☒	The project site is located two miles southeast of the Norman Y. Mineta San José International Airport (SJC) and five miles northwest of the Reid-Hillview County Airport. The project is not located within any airport influence area or airport safety zones. The project site is not within a Federal Aviation Administration (FAA) designated civilian airport Runway Protection or Accident Potential Zone. The project site has been reviewed for consistency with the SJC and Reid-Hillview Airport Comprehensive Land Use Plans and found to be outside both the Airport Safety Zones and Airport Influence Area for each airport. Figures 5 and 6 show the project site's location and distance from of the SJC Airport and Reid-Hillview Airport safety zones, respectively. The site is outside of the Federal Aviation Regulations (FAR) Part 77 Surfaces associated with either airport. In addition, the site is not located in an airport-related building height referral area. Therefore, the proposed project would not result in adverse effects related to airport hazards. [Source: (2), (30)]



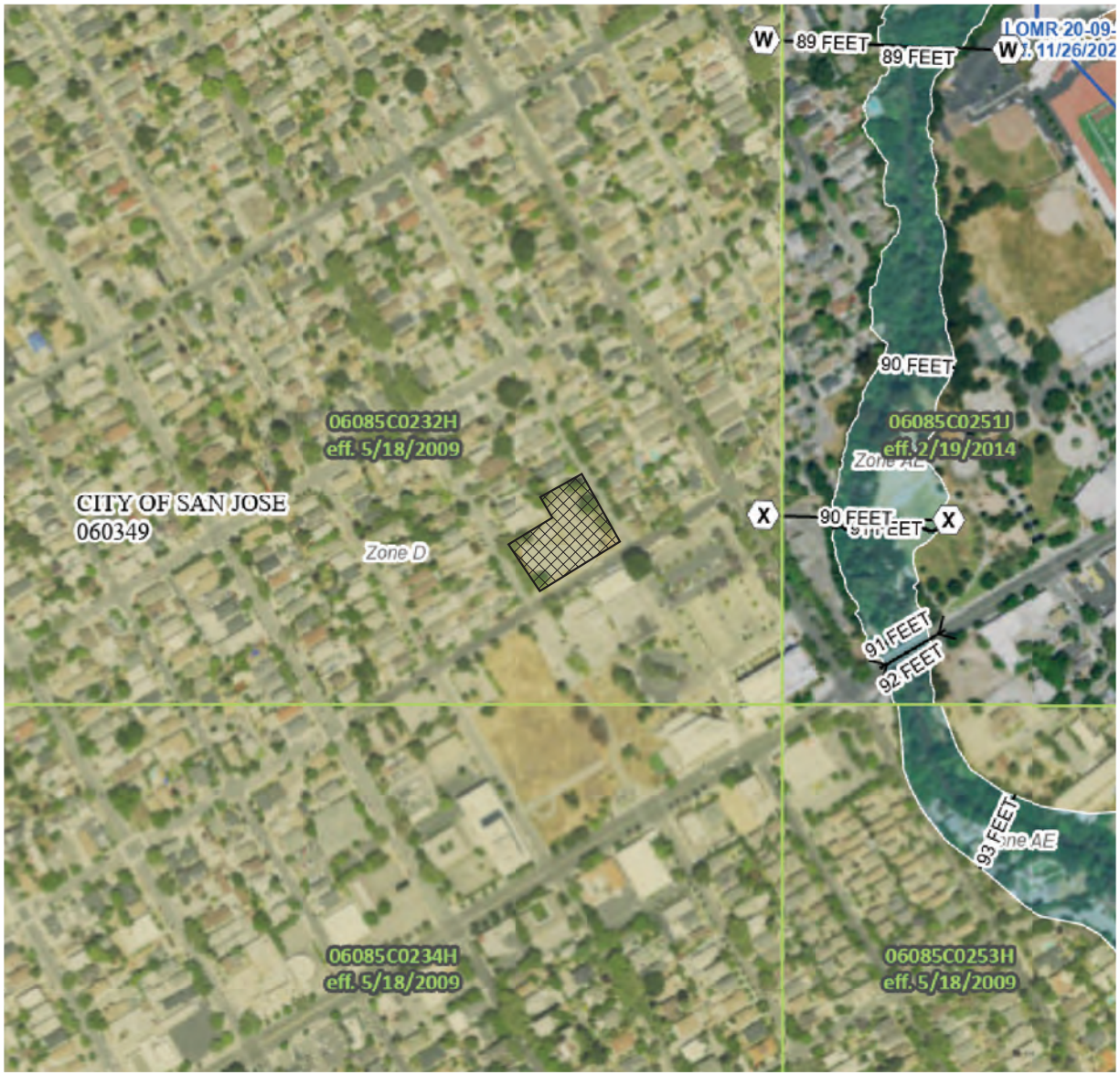
Source: Santa Clara County Planning Office.

NORMAN Y. MINETA AIRPORT SAFETY ZONES | FIGURE 5



REID-HILLVIEW AIRPORT SAFETY ZONES | FIGURE 6

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes ☐ No ☒	Pursuant to the Statutes, Executive Orders, and Regulations listed in 24 CFR Section 58.5, there are no Coastal Barrier Resources Act buffer zones in California. The project site is an infill parcel within an urbanized area of San José, California. Therefore, the project would not affect or be affected by any coastal barrier resources. [Source: (3)]
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes ☐ No ☒	According to Federal Emergency Management Agency (FEMA) flood map number 06085C0232H, dated May 18, 2009, the proposed project site is located in Flood Zone D and is not within a 100-year floodplain, as shown on Figure 7. The project site is designated as Flood Zone D, which indicates an undetermined flood hazard for the site. Flood Zone D is not a Special Flood Hazard Area, and no requirements are placed on projects by the City of San José, County of Santa Clara as it relates to flood insurance. Therefore, the proposed project would not have an adverse effect in relation to flood insurance. [Source: (4)]



Legend

SPECIAL FLOOD HAZARD AREAS
- Without Base Flood Elevation (BFE) *Zone A, V, A99*
- With BFE or Depth *Zone AE, AO, AH, VE, AR*
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD
- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*
- Future Conditions 1% Annual Chance Flood Hazard *Zone X*
- Area with Reduced Flood Risk due to Levee. See Notes. *Zone X*
- Area with Flood Risk due to Levee *Zone D*

OTHER AREAS
- NO SCREEN — Area of Minimal Flood Hazard *Zone X*
- Effective LOMRs
- Area of Undetermined Flood Hazard *Zone D*

GENERAL STRUCTURES
- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES
- 20.2 / 17.5 — Cross Sections with 1% Annual Chance / Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS
- Digital Data Available
- No Digital Data Available
- Unmapped

Project Site

0 50 200 300 500 Feet

N

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 2/16/2023 at 5:08 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

FEMA FLOOD HAZARD MAP

FIGURE 7

STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.5		
Clean Air Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Yes ☒ No ☐	The San Francisco Bay Area air basin is designated as a non-attainment area for the federal 8-hour ozone standard and the 24-hour fine particulate matter ($PM_{2.5}$) national ambient air quality standards (NAAQS) under the federal Clean Air Act. As part of an effort to attain and maintain ambient air quality standards for ozone and $PM_{2.5}$, NEPA established de minimis level thresholds for ozone precursors (Volatile Organic Compounds [VOCs] /Reactive Organic Gases [ROG] and nitrogen oxides [NOx]) and coarse particulate matter (PM_{10}), which are all 100 tons per year for marginal and moderate non-attainment areas. An air quality analysis was performed by Illingworth & Rodkin, Inc. on October 7, 2022, and is included as Appendix A. *Construction Emissions* Construction activities, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of PM_{10} and $PM_{2.5}$. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soils. Unless properly controlled, vehicles leaving the site would deposit mud on local streets, which could become an additional source of airborne dust after it dries. Unmitigated construction period emissions for the project were analyzed in the technical air quality analysis. The resulting criteria pollutant emission from the construction phase would be up to 1.12 tons per year of ROG, 2.44 tons per year of NOx, and 0.11 tons per year of $PM_{2.5}$ exhaust (refer to Table

		4 in Appendix A for modeled emissions). Therefore, emissions would be well below the HUD de minimis thresholds of 100 tons per year for ROG, NOx, and $PM_{2.5}$. In addition, with implementation of City Standard Permit Conditions to reduce fugitive dust and exhaust emissions during construction, the project's construction emissions would be further reduced. *Community Health Risk* A health risk assessment of the project construction activities was conducted that evaluated potential health effects to nearby sensitive receptors from construction emissions of DPM and $PM_{2.5}$ (Appendix A, Table 7). The closest sensitive receptors to the project sire are the adjacent single- and multi-family residences located north of the site. Additional sensitive receptors are located at further distances to the east and west of the site, as well as a hospital to the southeast. Construction equipment and associated heavy-duty truck traffic generates diesel exhaust, specifically diesel particulate matter (DPM), which is a known toxic air contaminant (TAC). The primary community risk impact issues associated with construction emissions are cancer risk and exposure to $PM_{2.5}$. DPM poses both a potential health and nuisance impact to nearby receptors. Community risk impacts were addressed by predicting increased cancer risk, the increase in annual $PM_{2.5}$ concentrations and computing the Hazard Index (HI) for non-cancer health risks. Unmitigated, project construction would result in a cancer risk impact of 57.93 chances per million, annual $PM_{2.5}$ emissions of 0.76 microgram per meter cubed ($\mu g/m^3$), and a HI of 0.07.

		With implementation of mitigation measure MM AIR-1, the project's construction cancer risk levels (assuming infant exposure) would be reduced by 89 percent to 6.40 chances per million and the $PM_{2.5}$ concentration would be reduced by 70 percent to 0.23 µg/m^3. *Operational Emissions* Operational period emissions for the project were analyzed in the technical air quality analysis (Appendix A). The resulting annual project operational emissions for 2024 would be 1.06 tons per year of ROG, 0.36 tons per year of NOx, and 0.16 tons per year of $PM_{2.5}$ exhaust (refer to Table 5 in Appendix A for modeled emissions). Therefore, operational emissions of criteria pollutants associated with the project would be well below the NEPA de minimis thresholds of 100 tons per year adopted by HUD. In summary, the project would not cause a violation of the NAAQS or NEPA de minimis thresholds. The project would, therefore, comply with the federal Clean Air Act. *Mitigation Required:* Mitigation Measure MM AIR-1 [Source: Appendix A, (5)]
Coastal Zone Management Coastal Zone Management Act, sections 307(c) & (d)	Yes ☐ No ☒	The project site is not located in a coastal zone, as defined by the California Coastal Act (Public Resources Code, Division 20, Section 3000 et seq.). The nearest coastal zone is located to the northwest in San Mateo County. Therefore, the project would comply with the Coastal Zone Management Act. [Source: (6)]
Contamination and Toxic Substances	Yes ☒ No ☐	A Phase I Environmental Site Assessment (ESA) was prepared for the project site on

24 CFR Part 50.3(i) & 58.5(i)(2)		March 20, 2017, and is attached as Appendix B. This report also studied eight additional parcels (located on APNs 467-14-084, 467-14-086, 467-15-003, 467-15-010, 467-15-016, 467-15-017, 467-16-091, and 467-16-092) that are not discussed as part of this EA. A Phase II ESA was prepared for the project site on May 10, 2022, and is attached as Appendix C. The findings of both the Phase I and Phase II ESAs are discussed below. *Site History and Phase I ESA* Historically, the project site was undeveloped, with Coyote Creek and wetlands running through the site and adjacent sites. By 1915, the site was developed with five residences. By 1950, the site contained five residences with detached garages. By 1968, the residences were demolished, and the site was vacant. By 1974, the project site was being used as a paved parking lot and remains unchanged today. The Phase I ESA found that the project site is not listed on any environmental databases, and did not identify any recognized, controlled, or historical environmental conditions associated with the site. *Phase II ESA* Given the historical commercial uses of adjacent and nearby sites, a Phase II ESA was developed to identify potentially impacted soil, soil vapor, and groundwater on the project site. Soil tests were compared to residential and construction worker environmental screening levels (ESLs), soil vapor tests were compared to residential ESLs, and groundwater tests were compared to vapor intrusion ESLs. Soil samples showed levels of arsenic above residential and construction worker ESLs,

		levels of lead above residential ESLs, and levels of nickel above construction worker ESLs. Soil vapor and groundwater samples did not detect VOCs above residential screening levels; thus, there would be no unacceptable health risk resulting from VOCs in soil vapor or groundwater. Groundwater samples did show concentrations of diesel organics ranging from 0.26 milligram per liter (mg/L) to 2.7 mg/L. There are no established ESLs for vapor intrusion from groundwater. However, because the groundwater beneath the site is not intended for use as drinking water and dewatering is not planned during construction, and the maximum depth of excavation is anticipated to be six feet below ground surface, while the depth to groundwater on-site is nine to 14 feet, groundwater is not likely to pose an exposure risk to construction workers and future site occupants. The project would implement mitigation measure MM HAZ-1 to reduce potential adverse impacts from lead and arsenic exceedances. *Mitigation required:* Mitigation Measure MM HAZ-1 [Source: Appendix B, Appendix C]
Endangered Species Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	Yes ☐ No ☒	The U.S. Fish and Wildlife Service (USFWS) was contacted for a list of threatened and endangered species that may occur within the boundaries of the project. The species of concern regionally are: • California Clapper Rail (endangered) • California Least Tern (endangered) • California Red-Legged Frog (threatened) • California Tiger Salamander (threatened) • Delta Smelt (threatened) • Monarch Butterfly (Candidate)

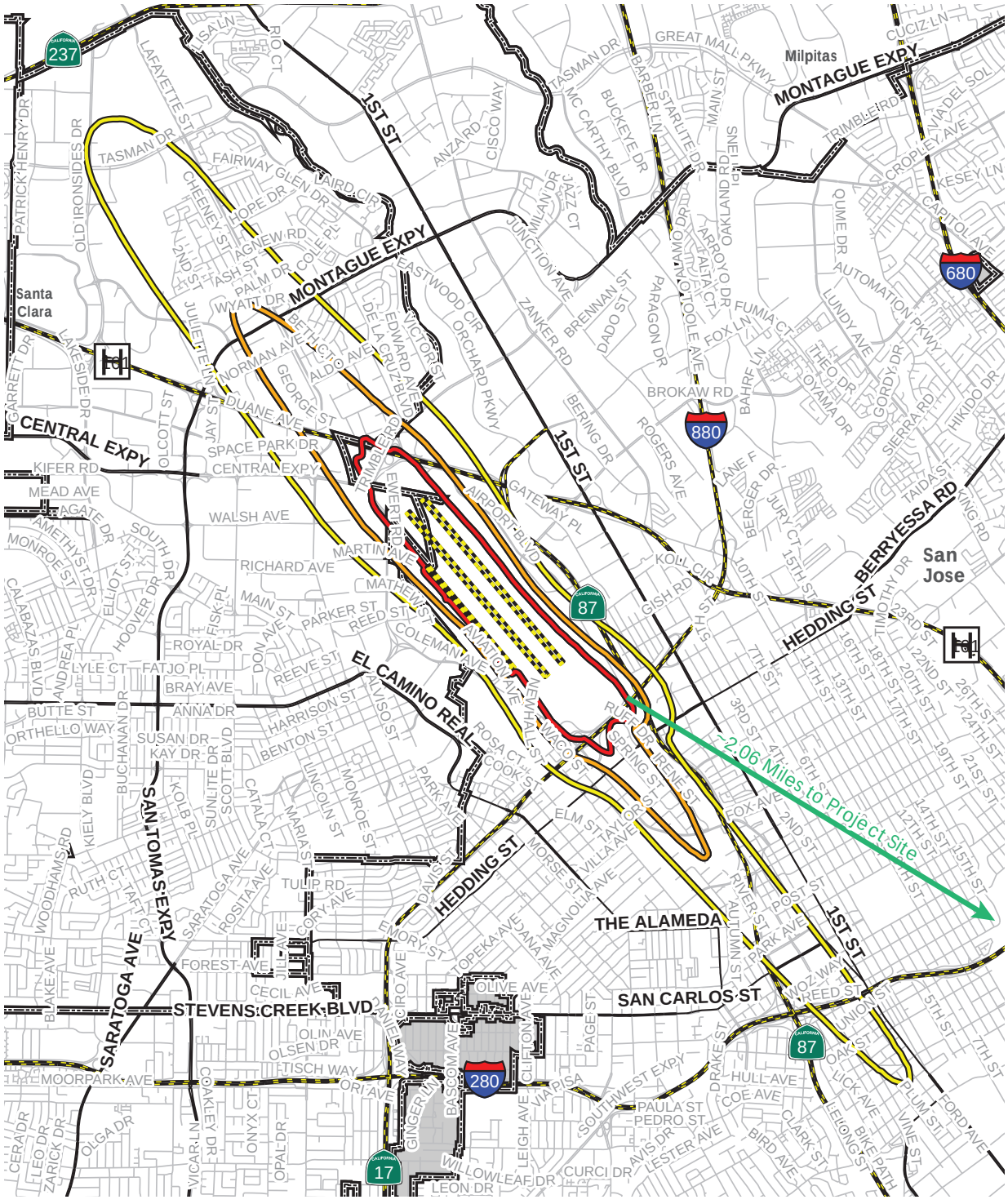
		• Robust Spineflower (Endangered) The project site is within an urban area and is surrounded by existing development. There are no critical habitats within the project area. Vegetation in the area consists of landscaped trees and plants. The project site is not located within any mapped critical habitat. Therefore, none of the species of concern identified above have the potential to be present on the site. The project site is located within the study area of the Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (Habitat Plan). According to the Santa Clara Valley Habitat Agency Geobrowser, the project site is designated as Urban-Suburban land and is not located in a Land Cover Fee Zone or a Plant or Wildlife Survey Area. The proposed project would not impact any potential endangered species or vegetation because no habitat is present on the developed site that would support endangered species. Therefore, the project would comply with the Endangered Species Act. *Mitigation required:* Mitigation Measure BIO-1 [Source: (7), Appendix D]
Explosive and Flammable Hazards 24 CFR Part 51 Subpart C	Yes ☐ No ☒	An Explosives and Flammable Hazards Review was performed on July 21, 2022 for the proposed project and is included as Appendix E. The review and survey were conducted in accordance with 24 CFR Part 51 Subpart C. There are no explosive or flammable operations on the project site. The survey identified 28 businesses within 2,000 feet of the site that reported storage of materials, such as diesel, that warranted calculation of Acceptable Separation Distance

		(ASD). Based on the calculated ASDs for each site, all identified businesses with hazardous substances satisfy the required ASD for the quantities of the chemicals present. Therefore, the proposed project would comply with 24 CFR Part 51 Subpart C. [Source: Appendix E]
Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	Yes ☐ No ☒	The project site is within an urban area and is designated as "urban and built-up land" on the 2018 Santa Clara County Important Farmland Map and is currently developed with a surface parking lot. The project site is not actively farmed, subject to a Williamson Act Contract, or designated as Prime Farmland. Therefore, the proposed project would not impact any protected farmlands and would comply with the Farmland Protection Policy Act. [Source: (8)]
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes ☐ No ☒	Compliance with Executive Order 11988, Floodplain Management, is required if a project involves property acquisition, land management, construction, improvement within a 100-year floodplain; or a "critical facility" such as a hospital or fire department within a 500-year floodplain. According to FEMA flood map number 06085C0232H, dated May 18, 2009, the project site is not located in a 100-year floodplain. The project site is designated as Flood Zone D, which includes areas with possible but undetermined flood hazards. The project site is not located within the 100- or 500-year floodplain or in a special flood hazard area. Therefore, the proposed project would comply with Executive Order 11988. [Source: (4)]

Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	Yes ☒ No ☐	A Cultural Resources Assessment Report was prepared for the project by PaleoWest in October 21, 2022. This report is confidential and on file with the City of San José. *Historic Resources* The project's direct Area of Potential Effect (APE) for historic impacts is the project site, and the indirect APE is 200 feet surrounding the site, as shown on Figure 8. The property is developed with a surface parking lot and contains no buildings over 45-years-old. Therefore, no eligibility assessment is needed. Since no historic resources are present on-site, a finding of no historic properties affected as defined at 36 CFR 800.11(d) was prepared, and a request for review and historic resources determination was submitted to the State Historic Preservation Officer (SHPO) by the City of San José on March 3, 2023 for concurrence of finding of no historic properties affected. No objection was received within the review timeframe; therefore, it is assumed that SHPO concurs with the finding of no historic properties on-site. *Archaeological Resources* The project's APE for archaeological resources is limited to the project site. The PaleoWest report did not identify any Pre-Contact or historical archaeological resources on site. However, the report also states that project area is sensitive for subsurface features associated with residential development of the nineteenth and twentieth century. Grading has likely disturbed any artifact scatters and surface remains; however, privies, refuse pits, basements, and cellars, buried utilities, and other intrusive Historic Period features may be present preserved beneath the asphalt of the existing surface parking lot, and the geoarchaeological sensitivity assessment found that buried

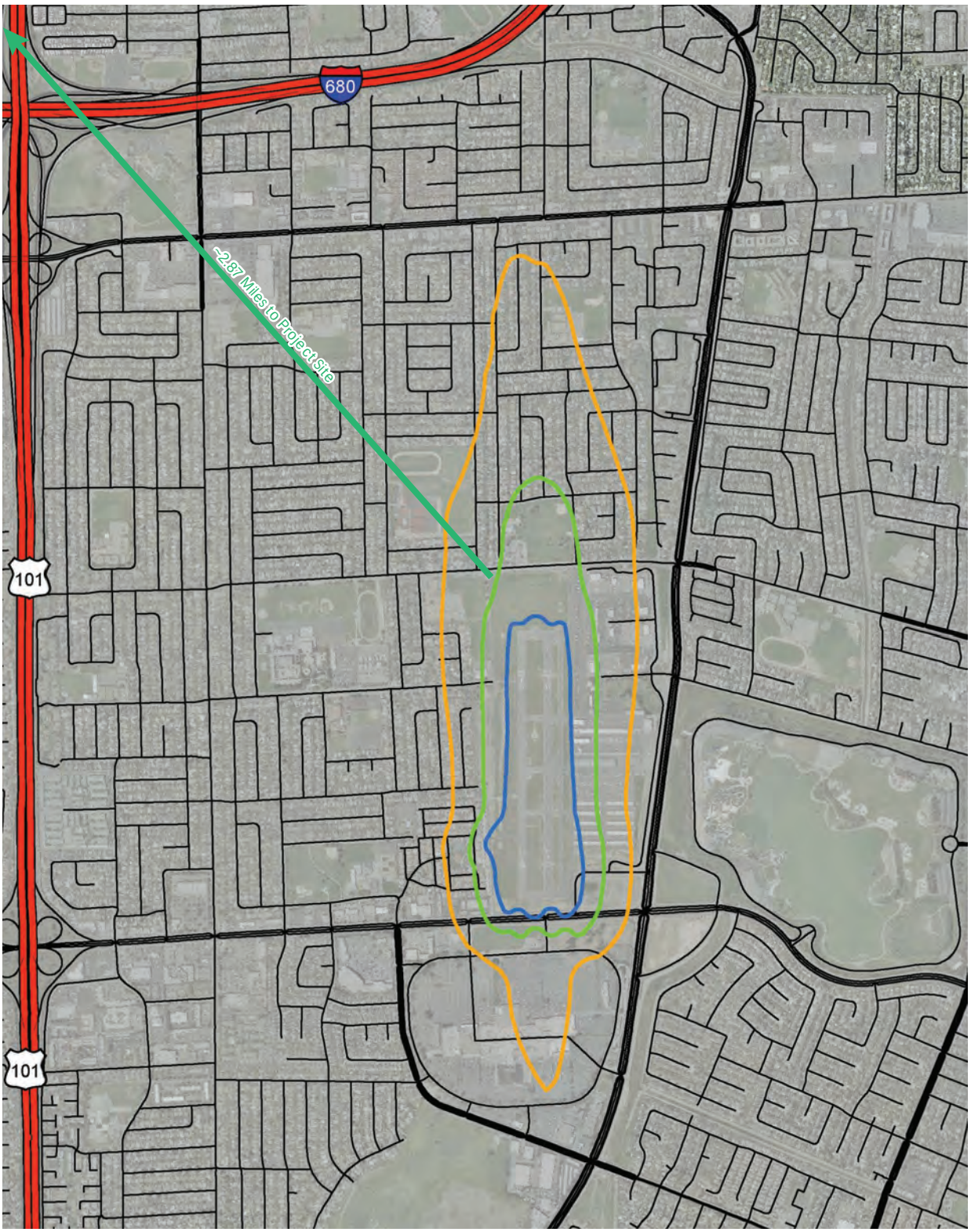
AREA OF POTENTIAL EFFECTS MAP | FIGURE 8

		sediments within the project area have a moderate to high potential for buried Pre-Contact archaeological resources to occur at a depth of 35 feet to the base of fill. The maximum depth of excavation is anticipated to be no more than six feet. In accordance with Assembly Bill (AB) 168, notification letters were sent to all Local Native American Tribes listed for the geographic area based on the latest list from the Native American Heritage Commission (NAHC) on March 8, 2021. In response, the Indian Canyon Mutsun Band of Costanoan Tribe requested consultation, and the parties (tribal representatives, City Staff and the applicant) met along with the project applicant on April 23, 2021 and July 30, 2021. The parties agreed that no known tribal cultural resources would be impacted by the development. As part of these consultation discussions, the applicant agreed to add the Indian Canyon Mutsun Band of Costanoan Tribe as a notified party in the event of unanticipated discovery of human remains at the site. The project would comply with City Standard Permit Conditions for accidental disturbance of subsurface cultural resources and discovery of human remains and implement mitigation measures CUL-1 through CUL-3 to reduce potential impacts related to archaeological and tribal cultural resources. *Mitigation required:* Mitigation Measures CUL-1, CUL-2, and CUL-3 [Source: (9), (10), (11)]



Source: Santa Clara County Planning Office.

NORMAN Y. MINETA AIRPORT NOISE CONTOURS | FIGURE 9



REID-HILLVIEW AIRPORT NOISE CONTOURS | FIGURE 10

Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	Yes ☒ No ☐	HUD environmental noise regulations are set forth in 24 CFR Part 51B (Code of Federal Regulations). The following noise standards for day-night average sound level (DNL) for new housing construction would be applicable to this project: Interior: Acceptable – 45 DNL or less Exterior: Acceptable – 65 DNL or less. Normally unacceptable – exceeding 65 DNL but not exceeding 75 DNL. Unacceptable– Exceeding 75 DNL. Vehicular traffic along East Saint John Street, North 15th Street, and North 16th Street are the main noise sources in the area, with distant traffic from major arterials and aircrafts flying to and from SJC also contributing to the noise environment at the project site. The project site has been reviewed for consistency with the SJC and Reid-Hillview Airport Comprehensive Land Use Plans and found to be outside of the noise contours for each airport. Figures 9 and 10 show the project site's location and distance from the SJC Airport and Reid-Hillview Airport noise contours, respectively. The nearest railroad is located over 0.75 mile away. An Acoustical Analysis was completed for the project by Illingworth & Rodkin, Inc. on October 10, 2022, and is available as Appendix F. *Short-Term Noise Generation* Construction of the project would result in short-term increases in noise on-site from construction activities. These construction activities would utilize heavy machinery to perform demolition, site excavation, grading, hauling of materials, and construction of the

		proposed structure. The project would comply with City Standard Permit Conditions for construction-related noise including limiting construction hours to between 7:00 am and 7:00 pm, Monday through Friday, prohibiting the unnecessary idling of engines, and designating a disturbance coordinator to respond to any complaints regarding excessive noise. *Exterior Noise Environment* Under existing conditions, the worst-case noise exposure would be at the southeast façade of the proposed building nearest East Saint John Street, where the DNL is calculated to be 61 on the A-weighted decibel scale (dBA). The noise levels calculated for other areas of the project site range from 56 dBA DNL to 57 dBA DNL. Under future cumulative conditions, the local traffic along East Saint John Street, North 15th Street, and North 16th Street would continue to be the dominant noise source at the project site. As traffic volumes increase each year, the future noise environment at the project site is expected to increase by up to one dBA DNL or less at certain areas on-site. According to the HUD DNL Calculator, the future worse-case noise exposure would increase from 57 to 58 dBA DNL at the southwest façade of the building along North 15th Street. As described previously, the project would include approximately 7,700 square feet of open space in the central courtyard area. The predicted noise level at the proposed outdoor use area would increase from 56 to 57 dBA DNL. The future worst-case noise exposure would continue to be 61 dBA DNL at the southeast

		façade of the building nearest East Saint John Street, which is no different from existing conditions prior to project construction. Further, the noise assessment performed by Illingworth & Rodkin concluded that noise levels throughout the site would be one to three dBA lower than the HUD model estimated, due to numerous intervening buildings within the vicinity that partially obstruct traffic noise levels from nearby roads. Accordingly, the worse-case noise exposure at the southeast façade would be reduced to 58 to 60 dBA DNL. Therefore, all areas of the site would continue to meet HUD compatibility criteria (at or below 65 dBA DNL) and City of San José General Plan noise criteria (at or below 60 dBA DNL). *Interior Noise Environment* Future cumulative noise levels on-site are estimated to reach up to approximately 61 dBA DNL. The predicted exterior noise level would be within HUD's acceptable exterior range of below 65 dBA DNL. Based on a exterior noise level of 61 dBA DNL, the building would need to provide 16 decibels of attenuation to achieve acceptable interior noise levels of 45 dBA DNL or lower in compliance with State Building Codes and City noise standards. Standard construction with the windows closed provides approximately 20 to 25 dBA of noise reduction in interior spaces, which would result in acceptable interior noise levels. In addition, the project would comply with City Standard Permit Conditions for interior noise standards for residential development by incorporating building design and acoustical treatments into the final design plans to ensure interior noise levels are reduced to 45 dBA DNL or lower within the residential units in compliance with California Building Code (CBC). With adherence to the City's Standard Permit Conditions, the project

		would be in compliance with City of San José regulations and with HUD Noise Abatement and Control regulations of 24 CRF 51 B. [Source: Appendix F]
Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424I; 40 CFR Part 149	Yes ☐ No ☒	There are no sole source aquifers in Santa Clara County. The project is not supported by a sole source aquifer. The nearest EPA-designated sole source aquifer is the Santa Margarita Aquifer in Scotts Valley, located approximately 19 miles southwest of the project site. The project site is not in an area designated by EPA as being supported by a sole source aquifer. Therefore, the proposed project would comply with the Safe Drinking Water Act. [Source: (12)]
Wetlands Protection Executive Order 11990, particularly sections 2 and 5	Yes ☐ No ☒	The project site is an infill parcel located in an urban area and is surrounded by existing development. The project site does not contain any wetlands or riparian habitat. The nearest wetland to the project site is Coyote Creek, located approximately 600 feet east of the project site. Coyote Creek is designated as Freshwater Forested/Shrub Wetland according to the USFWS National Wetlands Inventory. The project would not have direct adverse impacts on Coyote Creek because project construction would not extend beyond the project site. The project would include runoff controls (i.e., bio-retention areas) that would treat stormwater and reduce peak runoff rates, resulting in improved quality of urban runoff compared to existing conditions. Therefore, no wetlands would be impacted by the proposed action. [Source: (13)]
Wild and Scenic Rivers	Yes ☐ No ☒	There are no designated wild and scenic rivers or river segments in San José.

Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)		Therefore, the proposed project would comply with the Wild and Scenic Rivers Act. [Source: (14)]
ENVIRONMENTAL JUSTICE		
Environmental Justice Executive Order 12898	Yes ☐ No ☒	The project site is located within Blockgroup 060855012002 of the EPA's Environmental Justice Region 9. According to the EPA's Environmental Justice Screening and Mapping Tool (EJSCREEN), the project site is in an area that has a disproportionate concentration of low-income populations. The project site is an area that is 66 percent minority and 46 percent low-income, and is in the 76th and 75th national percentile, respectively. The area has a higher percentage of minority and low-income residents than the national average (40 percent and 30 percent, respectively). The area also has a higher percentage of minority and low-income residents than the state average (63 percent and 29 percent, respectively). The query conducted using the EJSCREEN tool showed that residents in this Blockgroup are exposed to levels of pollutants that are in line with or below state and national averages for all Blockgroups. As discussed in the Community Health Risk discussion under Clean Air Act, the project has the potential to increase cancer risk to nearby sensitive receptors as a result of increased DPM and $PM_{2.5}$ during construction. With implementation of mitigation measure MM AIR-1, the project's construction cancer risk levels (assuming infant exposure) would be reduced by 89 percent to 6.40 chances per million and the $PM_{2.5}$ concentration would be reduced by 70 percent to 0.23 µg/m3. The project would construct a new 100-percent-affordable, multifamily residential building with 101 units dedicated to seniors,

		including 36 studios, 60 one-bedroom units, and 5 two-bedroom units. The project would include two one-bedroom manager's units. The project site is currently developed with a surface parking lot. No housing would be removed, nor would the project displace minority or low-income communities to accommodate construction. Therefore, the project would comply with Executive Order 12898. [Source: (15), (31)]

Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 &1508.27] Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features and resources of the project area. Each factor has been evaluated and documented, as appropriate and in proportion to its relevance to the proposed action. Verifiable source documentation has been provided and described in support of each determination, as appropriate. Credible, traceable and supportive source documentation for each authority has been provided. Where applicable, the necessary reviews or consultations have been completed and applicable permits of approvals have been obtained or noted. Citations, dates/names/titles of contacts, and page references are clear. Additional documentation is attached, as appropriate. **All conditions, attenuation or mitigation measures have been clearly identified.**

Impact Codes: Use an impact code from the following list to make the determination of impact for each factor.

(1) Minor beneficial impact
(2) No impact anticipated
(3) Minor Adverse Impact – May require mitigation
(4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement

Environmental Assessment Factor	Impact Code	Impact Evaluation
LAND DEVELOPMENT		
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	2	The parcels that comprise the project site have General Plan land use designations of Urban Residential (118 N. 15th Street, APN: 467-14-076) and Residential Neighborhood (124 N. 15th Street, APN: 467-14-054) and are both zoned A(PD) Planned Development Zoning District (File No. PDC85-039). In

Environmental Assessment Factor	Impact Code	Impact Evaluation
LAND DEVELOPMENT		
		addition, a majority of the site is located within the East Santa Clara Urban Village Plan (ESCUV Plan). *Conformance with General Plan* The Urban Residential designation supports medium-density residential development, mixed-use development, and a broad range of commercial uses. This designation allows for 30 to 90 dwelling units per acre (du/ac), and maximum floor area ratio (FAR) of 4.0 (i.e., 12 stories). The Residential Neighborhood designation allows for eight du/ac and a maximum FAR of 0.7 (i.e., one to 2.5 stories). The project's density of 93.6 du/ac exceeds the density permitted under both land use designations. However, because the development is providing 100 percent affordable units, the project is entitled to unlimited density under the State Density Bonus law, pursuant to California Government Code 65915(a)(1)(G). Under the State Density Bonus law, the project would provide three additional dwelling units than allowed under the current General Plan designations. *Compatibility with Zoning* The A(PD) Planned Development Zoning District allows for hospital and support facilities, which is inconsistent with the General Plan land use designation. However, pursuant to California Government Code 65589.5, a local government is prohibited from requiring a rezoning if the housing development is consistent with the objective General Plan standards and criteria but the zoning is inconsistent with the General Plan, which applies for the proposed project. Thus, the site is reviewed against the closest conforming zoning district, which is R-M Multiple Residence. The R-M zone allows for high-density residential and mixed-use developments. The maximum height pursuant to the ESCUV Plan is 45 feet. The proposed project has a maximum building height of 47 feet, thereby exceeding the maximum. However, the Density Bonus Law provides an automatic height

Environmental Assessment Factor	Impact Code	Impact Evaluation
LAND DEVELOPMENT		
		waiver for 100-percent affordable projects within 0.5-mile of a transit stop. *Scale and Urban Design* There are one- to two-story single-family residences to the north, west and east of the project site. There is a large vacant lot to the southwest, as well as a vacant building to the south and a surface parking lot to the southeast. The proposed project would introduce a two to four-story apartment building to the neighborhood. As discussed previously, the additional du/ac and FAR over the maximum would be allowed under the State Density Bonus Law. In addition, through the State Density Bonus Law, the project is eligible for concessions for setback and open space requirements. The ESCUV Plan requires a minimum rear setback of 15 feet but is allowed an exception for a setback of seven feet because compliance with the ESCUV Plan setbacks would result in a reduced unit count. The minimum open space required for a 103-unit project is 10,300 square feet of common open space and 6,180 square feet of private open space, for a total of 16,480 square feet of open space. The project is eligible for a reduction of 8,096 square feet of open space because the cost savings would provide for construction of the project. Implementation of the proposed project would not affect land use compatibility because it is entitled to increased density under the State Density Bonus Law. [Source: (16)]
Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff	1	*Soil Suitability/Slope* The project site is located in a relatively flat area of San José and is not on or near a slope. The project site is primarily underlain by Still and Elpaloalto complex soils. Still soils are primarily made up of sandy loam and silt loam, and Elpaloalto soils are primarily made up of silty clay loam.

Environmental Assessment Factor	Impact Code	Impact Evaluation
LAND DEVELOPMENT		
		The project site is not located in a California Geological Survey (CGS) Fault Rupture Zone. Based on the CGS regulatory map and City of San José Public GIS Viewer, the site is in a liquefaction zone. There is no known history of or liquefaction-induced damage at the site. The proposed project would be required to implement City Standard Permit Conditions for seismic hazards and adhere with requirements of the California Building Code (CBC) to avoid and minimize potential damage from seismic ground shaking and associated geologic events. In addition, a site-specific geotechnical investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. *Erosion/Drainage/Stormwater Runoff* The project site is not located in an area of high erosion potential; however, the construction process could expose the soil on-site to wind and water, which would potentially increase the amount of erosion and storm water runoff. During the construction process, the project would meet all requirements regarding grading, excavation, and erosion control included in Chapter 17.04 of the Municipal Code in addition to all applicable City regulatory programs pertaining to construction-related erosion. Pursuant to Section 17.04.430 of the Municipal Code, the project will prepare an erosion control plan for construction taking place during the rainy season of October 1st through April 30th. The proposed project would be required to implement City Standard Permit Conditions for construction-related water quality to reduce construction-related erosion impacts. This would include conditions such as watering or covering exposed stockpiles of soil, suspending dust-producing activities during periods of high winds, and replanting vegetation in disturbed areas as soon as possible. Because the project would create or replace more than 10,000 square feet of impervious surfaces, the City of San José requires that post-construction measures are undertaken that comply with the requirements of the National Pollutant

Environmental Assessment Factor	Impact Code	Impact Evaluation
LAND DEVELOPMENT		
		Discharge Elimination System (NPDES) Municipal Regional Stormwater permit. Consistent with City Council Policy No. 6-29, the project would implement post-construction Best Management Practices (BMPs) and Treatment Control Measures (TCMs) to limit the amount of post-construction stormwater discharged from the site. Although the project would result in a slight increase in impervious surfaces on-site, the project would be designed to direct stormwater to pervious areas, including new bio-retention areas, that would surround the building, which would result in an overall beneficial impact as a result of stormwater treatment/filtration and reduced peak runoff rates. With implementation of City Standard Permit Conditions and compliance with existing regulations, there would be no significant, adverse effects to soil stability, drainage, and stormwater runoff resulting from the project because the project would comply with all regional and local policies and regulations regarding erosion and stormwater control. [Source: (17), (18), (19), (34), Appendix G]
Hazards and Nuisances including Site Safety and Noise	1	The proposed project would not create a risk of explosion, release of hazardous substances, or other dangers to public health. The project would provide a safe place for residents to be housed. *Seismicity* The project site is located in the San Francisco Bay Area, which is considered one of the most seismically active regions in the United States. The site is located in an area of moderate earthquake liquefaction susceptibility. The site could experience strong seismic ground shaking and related effects in the event of an earthquake on one of the identified active or potentially active faults in the region. The proposed project would comply with the latest CBC requirements for new construction, which would reduce the associated risk of property loss and hazards to occupants to a less than significant level. The project would also be

Environmental Assessment Factor	Impact Code	Impact Evaluation
LAND DEVELOPMENT		
		constructed in conformance with the CBC for Seismic Zone 4 to avoid and minimize potential damage from seismic ground shaking. In addition, the project would be required to implement City Standard Permit Conditions for seismic hazards. Therefore, no adverse effects are anticipated as a result of the proposed project. *Site Generated Noise* As discussed in the Noise Abatement and Control section, the project would result in short-term increases in noise on-site from construction activities that may impact surrounding residential uses. The project would comply with all City Standard Permit Conditions for construction-related noise which include, but are not limited to, limiting construction activities to the permitted hours, prohibiting the unnecessary idling of engines, and designating a disturbance coordinator to respond to any complaints regarding excessive noise. In addition, the project would comply with the City's Municipal Code which requires any mechanical equipment installed on-site to maintain noise levels at or below 55 dBA at the property line of adjacent residential properties or 60 dBA DNL at commercial properties. Based on this discussion, the project would not result in any adverse noise effects at surrounding properties. [Source: (18), (19), Appendix F]
Energy Consumption	1	The proposed project would comply with applicable building energy efficiency standards pursuant to Title 24, Part 6 of the California Code of Regulations. At the building permit stage, the City will confirm that the project would comply with the California Green Building Standards Code (CalGreen) that establishes mandatory green buildings standards for all buildings in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and indoor environmental quality. In addition, because the project would include more than ten residential units, is subject to the City's Green Building

Environmental Assessment Factor	Impact Code	Impact Evaluation
LAND DEVELOPMENT		
		Ordinance for Private Sector New Construction as set for in Municipal Code Section 17.84, and compliance with the City's Standard Permit Condition for green building requirements. The project proposes to include high-efficiency heating, ventilation, and air conditioning units; Energy Star appliances; bicycle storage for residents; and EV charging stations. The project would be designed in an energy efficient manner, and its proximity to shopping and employment centers and accessibility to transit services would reduce the energy use of residents. Therefore, the project would not constitute a wasteful use of energy. [Source: (20)]

Environmental Assessment Factor	Impact Code	Impact Evaluation
SOCIOECONOMIC		
Employment and Income Patterns	1	According to the 2019 Census, approximately 15.2 percent of San José households are extremely low income (earning 30 percent or less of the area median income [AMI]), 6.7 percent are very low income (earning between 31 and 50 percent of the AMI), 22.1 percent are low income (between 51 and 80 percent of the AMI), and 56 percent are moderate income (above 80 percent of the AMI, including all households earning above the AMI). The 2019 San José Homeless Census and Survey Report identified 6,097 people experiencing homelessness in 2019, making up less than one percent of San José's 2019 population. The proposed project would not displace employment, as it is currently developed with an unutilized surface parking lot and would increase employment opportunities in the area. The project would create 1,000 temporary employment opportunities during construction and would create four permanent jobs. [Source: (21), (22)]

Environmental Assessment Factor	Impact Code	Impact Evaluation
SOCIOECONOMIC		
Demographic Character Changes, Displacement	1	According to the EJSCREEN query conducted for the project site, the site is in an area that has a disproportionate concentration of low-income populations. The project site is an area that is 66 percent minority and 46 percent low-income, and is in the 76th and 75th national percentile, respectively. The area has a higher percentage of minority and low-income residents than the national average (40 percent and 30 percent, respectively). The area also has a higher percentage of minority and low-income residents than the state average (63 percent and 29 percent, respectively). The site is currently developed with an unutilized surface parking lot surrounded by fencing and would not create a new physical barrier or impede access in a way that would isolate a particular neighborhood or population group or prevent access to local services, facilities. Implementation of the project would not directly displace individuals or families, nor would it destroy or relocate existing jobs, community facilities, or business establishments. The project would increase the availability of housing for people who fall into the low-income and/or minority categories, as it is a 100-percent affordable housing development dedicated to seniors. The proposed project would comply with the HUD site and neighborhood standards listed in CFR Title 24 Section 891.125. The project would not result in demographic character changes or displacement as it is intended to serve an existing underserved population. [Source: (21), (22)]

Environmental Assessment Factor	Impact Code	Impact Evaluation
COMMUNITY FACILITIES AND SERVICES		
Educational and Cultural Facilities	2	The project site is located within the San José Unified School District (SJUSD) which consists of 27 elementary schools, eight middle schools, and eight high schools. The project would construct a new 100-percent affordable, multi-family residential building with 101 units dedicated to seniors. The project would not generate new students within the SJUSD; thus, the project would not have an impact on educational facilities. In addition, the project would not displace existing cultural facilities, nor would it affect cultural facilities by its operation. [Source: (23)]
Commercial Facilities	2	The proposed project would not displace existing commercial facilities. The project site is developed with an unutilized surface parking lot surrounded by fencing. The project site is located within 1,000 feet of retail services including a grocery store, drug store, and restaurants. The project site is located approximately 750 feet north of VTA Bus Line 22 and 23 (described under Physical Setting / Existing Conditions) that can carry commuters to retail services within half an hour. Future residents of the project would have adequate access to services that meet local needs. [Source: (20)]
Health Care and Social Services	2	The project site is located within easy reach of three major hospitals: Santa Clara Valley Medical Center located approximately 600 feet south of the site, Regional Medical Center located approximately 2.5 miles east of the site, and Kaiser Medical Center located approximately four miles west of the site. There are numerous smaller clinics, medical facilities, and convalescent hospitals located nearby. The project would be located within reasonable proximity to these services; thus, both emergency and non-emergency healthcare services would be accessible to residents of the project.

Environmental Assessment Factor	Impact Code	Impact Evaluation
COMMUNITY FACILITIES AND SERVICES		
		The project is intended to provide 100 percent affordable housing for seniors. It is anticipated the project would generate approximately 100 residents. As discussed previously, the project is providing three additional dwelling units than allowed under the current General Plan designations, in accordance with the State Density Bonus Law. However, the addition of three units would not result in a substantial increase in demand of medical services. The proposed project would not have an adverse impact on health care and social services, as it is intended to serve an existing low-income and/or minority senior population. [Source: (20)]
Solid Waste Disposal / Recycling	2	The project would comply with the City's Construction and Demolition Diversion Program (CDD) requiring projects to divert at least 75 percent of total waste during construction of the project. Thus, project construction would not contribute to adverse solid waste effects. An increase in solid waste generation associated from build out of the project site was accounted for in the City's General Plan because the site is designated Urban Residential and Residential Neighborhood. As discussed previously, the project is providing three additional dwelling units than allowed under the current General Plan designations, in accordance with the State Density Bonus Law. However, the addition of three units would not result a substantial increase in solid waste generation. The California Emissions Estimator Model (CalEEMod) solid waste disposal rates were used to calculate the estimated solid waste generation of the project. Based on the CalEEMod solid waste rates for Low Rise Apartments, the proposed 103-unit project would generate approximately 48 tons of solid waste per year. Furthermore, given the City's annual disposal allocation at Newby Island Landfill (395,000 tons per year), the landfill's remaining capacity (12.7 million tons), and the project's net increase in solid waste generation (48 tons per year), there is sufficient capacity at Newby Island Landfill to serve the project. Therefore, the project would not result in adverse impacts to solid waste disposal/recycling facilities.

Environmental Assessment Factor	Impact Code	Impact Evaluation
COMMUNITY FACILITIES AND SERVICES		
		[Source: (24)]
Waste Water / Sanitary Sewers	2	Based on the assumption that wastewater generation is equivalent to approximately 90 percent of indoor water use (see discussion under Water Supply below), the proposed project would generate approximately 16,545 gallons per day (gpd) of wastewater. The project would connect one new eight-inch sanitary sewer line to an existing manhole in East Saint John Street, and another to an existing manhole in North 15th Street. An increase in wastewater generation associated from build out of the project site was accounted for in the City's General Plan. As discussed previously, the project is providing three additional dwelling units than allowed under the current General Plan designations, in accordance with the State Density Bonus Law. However, the addition of three units would not result in a substantial increase in wastewater generation. The City of San José has approximately 38.8 million gallons per day of excess treatment capacity at the San José/Santa Clara Regional Wastewater Facility. Given the project's estimated generation would be a fraction of the wastewater facility's treatment capacity (less than one percent), there is sufficient capacity to serve the project. Therefore, the project would have a minimal impact to wastewater/sanitary sewer systems. [Source: (25)]
Water Supply	2	The project site is served by the San José Water Company (SJCW). SJCW's 2020 Urban Water Management Plan (UWMP) projected a water supply of 44,201 million gallons in 2025. The water demand of the project site under existing conditions is assumed to be zero. An increase in water demand associated from build out of the project site was accounted for in the City's General Plan. As

Environmental Assessment Factor	Impact Code	Impact Evaluation
COMMUNITY FACILITIES AND SERVICES		
		discussed previously, the project is providing three additional dwelling units than allowed under the current General Plan designations, in accordance with the State Density Bonus Law. However, the addition of three units would not result in a substantial increase in water demand. The CalEEMod water use rates were used to calculate the estimated water demand of the project. Based on the CalEEMod water use rates for the Low Rise Apartments land use, the proposed 103-unit project would use approximately 18,385 gpd for potable water and 11,590 gpd for irrigation, resulting in a total demand of approximately 29,975 gpd. Given the project's estimated demand would be a fraction of SJCW's projected supply (less than one percent), there would be adequate water supply to serve the proposed project. Additionally, the project is not defined as a "water demand project" requiring a separate Water Supply Assessment pursuant to Senate Bill (SB) 610.[2] For these reasons, the project would have a minimal impact to water supply. [Source: (25), (26)]
Public Safety - Police, Fire and Emergency Medical	2	Public services are generally provided to the community as a whole and financed on a community-wide basis. The project site is in an urban area that is currently served by municipal providers. Police protection services are provided by the San José Police Department (SJPD) and fire protection services are provided by the San José Fire Department (SJFD). The nearest police station to the project site is the SJPD headquarters located at 201 West Mission Street, approximately 2.3 miles northwest of the site. The nearest fire station is SJFD Station 8 located at 802 East Santa Clara Street,

[2] SB 610 requires WSAs be prepared for: a residential development with more than 500 units; business employing more than 1,000 people or having more than 500,000 square feet of floor space; commercial office building employing more than 1,000 people or having more than 250,000 square feet of floor space; hotel with more than 500 rooms; an industrial complex with more than 1,000 employees and occupying more than 40 acres of land; or mixed-use project that would require the same or greater amount of water as a 500 dwelling unit project.

Environmental Assessment Factor	Impact Code	Impact Evaluation
COMMUNITY FACILITIES AND SERVICES		
		approximately 0.2 miles south of the project site. The project would be located within reasonable proximity to these services. In addition to police and fire services, the nearest urgent care clinic is Valley Health Center located at 777 East Santa Clara Street, approximately 0.2 miles south of the project site. The nearest emergency medical center is the Regional Medical Center located at 225 North Jackson Avenue, approximately 2.5 miles east of the project site. The project would be located within reasonable proximity to these services. Though the project proposes a new housing development within San José, it is intended to accommodate the needs of existing low-income and/or minority people in the area. The addition of approximately 100 residents to the area is not anticipated to cause significant additional burden on police, fire or health care providers. [Source: (20)]
Parks, Open Space and Recreation	1	The project site is located in proximity to several existing parks and recreation centers. The nearest parks to the site are Roosevelt Park located approximately 800 feet to the east, Beckesto Park located approximately 2,900 feet to the north, William Street Park located approximately 4,000 feet to the south, and Saint James Park located approximately 4,300 feet to the west. In addition, the project includes 8,849 square feet of private and common open space on-site that would reduce demand on nearby park facilities. Therefore, the project would not have adverse impacts on parks, open space, and recreation because there would be adequate facilities to serve the increased demand. [Source: (20)]
Transportation and Accessibility	2	The project site is located within an urbanized area of San José that is well-served by pedestrian, bicycle, and transit facilities and includes 36 bicycle parking spaces. The project is served by transit stops at the corners of East Santa Clara Street/North

Environmental Assessment Factor	Impact Code	Impact Evaluation
COMMUNITY FACILITIES AND SERVICES		
		17th Street and East Santa Clara Street/North 14th Street (VTA bus lines 22, 23), East Julian Street/North 15th Street and East Julian Street/North 17th Street (VTA bus lines 64A and 64B), and East Julian Street/North 11th Street (VTA bus line 66). All transit stops are located within 0.5-mile of the project. Regional access to the project site is provided by State Route 87 and US Highway 101. In addition, the project includes street improvements required by the City of San José Department of Public Works as project conditions of approval. The public improvements conditioned as part of the permit required execution of a Construction Agreement that guarantees the completion of public improvements to the satisfaction of the Director of Public Works. Street improvements include the addition of sidewalks and street trees, construction of bulb-outs at the corners of North 15th Street and East Saint John Street and at North 16th Street and East Saint John Street, and directional Americans with Disabilities Act (ADA) curb ramps to improve circulation and pedestrian accessibility. To estimate vehicle trips generated by the proposed project, the Institute of Transportation Engineers (ITE) Trip Generation Manual 10th Edition was used. Based on the Senior Adult Housing – Attached land use, the 101 senior units would generate 20 AM peak hour trips and 26 PM peak hour trips. Based on the Market-rate Low-rise Multi-family land use, the two manager units would generate one AM peak hour trip and two PM peak hour trips. In total, the proposed project would generate 21 AM peak hour trips and 28 PM peak hour trips. Based on the Congestion Management Plan criteria, projects that generate fewer than 100 net new peak hour trips would be considered to have a less significant impact on local traffic. Since the proposed project would be well below this threshold and would not result in inadequate circulation or impede alternative transportation modes, the project would not have an adverse effect on traffic operations. [Source: (27)]

Environmental Assessment Factor	Impact Code	Impact Evaluation
NATURAL FEATURES		
Unique Natural Features, Water Resources	1	The project site is an urbanized infill lot that is currently used as a surface parking lot. There are no unique natural features on or near the project site. The Guadalupe River and the associated riparian corridor are approximately 1.3 miles west of the project site. At this distance, the proposed project would not have an impact on the waterway. However, Coyote Creek and the associated riparian corridor are approximately 600 feet east of the project site. Per the Clean Water Act Section 303(d) List, both Coyote Creek and the Guadalupe River are listed as impaired waterways. Guadalupe River's listing is related to metals, pesticides, and trash, while Coyote Creek's listing is related to pesticide, trash, and sediment toxicity. The project would not substantially increase impervious surfaces on the site as the net new impervious area would be 724 square feet. In addition, the project includes grading and drainage and design features to direct stormwater to pervious areas. New bio-retention areas and flow-through planters would improve on-site conditions and result in an overall beneficial impact as a result of stormwater treatment/filtration and reduced peak runoff rates. Furthermore, the project would connect to the existing sanitary sewer system and would not use a septic system. The City of San José is not served by groundwater aquifers; therefore, the site is not and would not be subject to rapid water withdrawal problems. For these reasons, the proposed project would not have an adverse impact unique natural features or water sources. [Source: (20), (35)]
Vegetation, Wildlife	2	*Vegetation* The proposed project would remove a total of 21 trees, 16 of which are ordinance-sized, non-native trees, and five of which are non-ordinance sized trees. In addition, the project would construct 8,849 square feet of open space, including shrubs and grass areas. The project proposes to plant 26 trees along the perimeter of the site and 11 trees within the common open space area for a total of 37 new trees. The project would

Environmental Assessment Factor	Impact Code	Impact Evaluation
NATURAL FEATURES		
		comply with standard permit conditions requiring adherence to the City's tree replacement ratios. As such, the total number and size of replacement trees required to be planted on-site is 69. In the case the applicant is unable to meet the tree planting requirement, the applicant would be responsible for paying the offsite tree replacement in-lieu fee of $775 per tree. Because the project would comply with City regulations regarding tree replacement, no adverse impacts would be expected to occur. *Wildlife* The project site is an urbanized infill lot that is currently used as surface parking. As discussed previously, there are no known endangered species or critical habitats on or adjacent to the project site (refer to Appendix D). As such, the project would not impact any natural habitat containing endangered species or critical habitat. However, trees on the project site may provide suitable nesting habitat for migratory birds and raptors protected under the Migratory Bird Treaty Act (MBTA). The removal of vegetation and/or trees during construction activities could result in direct and/or indirect impacts on nesting birds present on or in the vicinity of the project site. Implementation of mitigation measure MM BIO-1 requires the project to complete a preconstruction nesting bird survey if construction or vegetation removal occurs during the nesting season and to implement buffer zones if needed to ensure protection of nesting birds. For the reasons listed above, the proposed project would not have an adverse effect on vegetation or wildlife. *Mitigation required:* Mitigation Measure MM BIO-1 [Source: (7), Appendix D]
Climate Change	2	*Climate Change Impacts on the Project - Natural Hazards* Climate change has the potential to increase the frequency and severity of natural hazards including wildfires, flooding, and sea level rise. Stronger and more frequent wildfire events are

Environmental Assessment Factor	Impact Code	Impact Evaluation
NATURAL FEATURES		
		not expected to have a direct impact on the project because the project site is not located in a moderate, high, or very high fire hazard severity area in either the State or Local Responsibility Areas. Similarly, stronger and more frequent flood events are not anticipated to have a direct impact on the project because the project site is not in a special flood hazard area. According to the National Oceanic and Atmospheric Administration's (NOAA's) Sea Level Rise Viewer, the project site is identified as an area containing a vulnerable population, but is not in a coastal area that can expect inundation. The project site is in an urbanized area of San José that is not subject to the increased frequency and severity of wildfires, flooding, or sea level rise. Therefore, the project would withstand expected changes in the project area, and climate change would not have significant adverse impacts on the proposed development. *Climate Change Impacts on the Project - Site Suitability* Climate change also has the potential to alter site suitability factors, such as water resources (i.e., groundwater availability, excessive stormwater runoff, and wastewater control systems), urban heat island effects, air quality, and soil suitability. As discussed previously, there are no sole source aquifers in Santa Clara County and the project would not rely on groundwater as a water resource. The project would include runoff controls (i.e., landscaping design and bio-retention areas) that would treat stormwater. This would improve the quality of urban runoff and reduce peak runoff rates. Implementation of the project would reduce direct urban heat island effects by replacing a vacant parking lot with a building containing HVAC units and improved landscaping. During future extreme heat events, the project's high-efficiency air conditioning system would serve to cool residents and would reduce the risk of any heat-related effects. In addition, the City of San José operates community cooling centers to serve its residents. Further, the City's Climate Smart San José program

Environmental Assessment Factor	Impact Code	Impact Evaluation
NATURAL FEATURES		
		sets a pathway for achieving citywide carbon neutrality by 2030. The program includes a goal of improving air quality by requiring all-electric new construction. Increased climate impacts are not expected to change the soil suitability impact analyses discussed previously. The proposed project would implement City Standard Permit Conditions for seismic hazards and adhere to CBC requirements to avoid and minimize potential damage from seismic ground shaking, liquefaction, and landslides. Therefore, the project would withstand expected changes in the project area and climate change would not have significant adverse impacts on the proposed development. *Project Contributions to Climate Change* As discussed previously, the proposed project would comply with applicable building energy efficiency standards pursuant to Title 24, Part 6 of the California Code of Regulations. At the building permit stage, the project would comply with CalGreen which establishes mandatory green building standards for all buildings in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and indoor environmental quality. The project proposes to include solar panels; high-efficiency heating, ventilation, and air conditioning units; Energy Star appliances; bicycle storage for residents; and EV charging stations. The project would be designed in an energy efficient manner in compliance with Title 24 of the CalGreen, and its proximity to shopping and employment centers and accessibility to transit services would reduce the energy use of residents. Additionally, San José Clean Energy (SJCE) is the electricity provider for residents in the City of San José. SJCE customers are automatically enrolled in the GreenSource program, which currently provides 60 percent GHG-emission free electricity.

Environmental Assessment Factor	Impact Code	Impact Evaluation
NATURAL FEATURES		
		For the reasons described above, the project would not constitute a wasteful use of energy; therefore, the project would not result in significant operational-related GHG emissions that could contribute to climate change. [Source: (28), (32), (33)]
Other Factors	1	The proposed project would provide safe living conditions for seniors in need of affordable housing by meeting fire, life safety, and ADA codes. [Source: (29)]

Additional Studies Performed:

Appendix A: Air Quality Analysis

Appendix B: Phase I Environmental Site Assessment

Appendix C: Phase II Environmental Site Assessment

Appendix D: U.S. Fish and Wildlife Species List

Appendix E: HUD Explosive and Fire Hazards Review

Appendix F: Noise Analysis

Appendix G: Geotechnical Report

Field Inspection (Date and completed by)**:**
July 28, 2022
David J. Powers & Associates, Inc.
Maria Kisyova, Associate Project Manager
Shannon George, Principal Project Manager

List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]:

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List of Preparers and Summary of Qualifications:

Shannon George, Principal Project Manager, David J. Powers and Associates, Inc., 25 years professional experience in land use and environmental planning, preparing environmental impact assessments. Bachelor’s Degree – Environmental Studies, San José State University.

Maria Kisyova, Project Manager, David J. Powers and Associates, Inc., 4 years professional experience in preparing environmental impact assessments. Bachelor’s Degree – Environmental Management, California Polytechnic State University.

List of Permits Obtained:

The proposed action would require the following approvals:

- SB 35 Ministerial Permit and Density Bonus Regulatory Agreement
- Public Works Clearances, such as grading permits
- Public Improvement Permit
- Building permits

Public Outreach [24 CFR 50.23 & 58.43]**:**

The Santa Clara County Housing Authority conducted several community outreach meetings for the proposed project. The list of meetings are as follows:

- September 5, 2017 – Masterplanning Community Meeting
- May 10, 2018 – Masterplanning Community Meeting
- September 20, 2018 – Masterplanning Community Meeting
- October 11, 2018 – Masterplanning Community Meeting
- January 9, 2018 – Masterplanning Community Meeting
- March 6, 2019 – Masterplanning Community Meeting
- April 18, 2019 – Masterplanning Open House
- April 8, 2020 – Community Video and Public Survey
- September 30, 2020 and October 6, 2020 – Community Video and Public Survey
- April 20, 2021 – Community Webinar 3
- June 2, 2021 – Community Webinar 4 and Public Survey
- August 25, 2021 – Community Webinar 5
- September 12, 2021 – Ice Cream Social

Cumulative Impact Analysis [24 CFR 58.32]**:**

The potential environmental impacts from the proposed project are primarily short-term impacts associated with the construction of the residential building. There is one approved project located at the southeast corner of East Santa Clara Street and South 26th Street, approximately 0.63 mile from the project site. It is unlikely that the construction timeframes for both projects would overlap and the sites are too far apart for construction impacts to be cumulative as construction impacts typically occur within 1,000 feet of a project site. There are no other known construction projects in the site vicinity that would occur in the same timeframe or overlap with the project's construction activities. The project does not pose environmental impacts that have the potential to combine with other projects occurring in the vicinity. Therefore, the proposed project would not result in cumulatively considerable impacts.

Alternatives [24 CFR 58.40(e); 40 CFR 1508.9]

This alternatives analysis is included to fulfill the requirements for an Environmental Assessment under NEPA. Under NEPA, an Environmental Assessment shall include brief discussions of alternatives. No development alternatives to the proposed project have been identified or considered, because the proposed action would not result in any significant unavoidable impacts and the

applicant has agreed to implement the identified mitigation measures and comply with all conditions of approval. For the proposed project, the Reduced Project Alternative and No Action Alternative were included.

Reduced Project Alternative

The Reduced Project Alternative assumes the proposed 103-unit affordable housing project would not be constructed and the project design would be altered for consistency with the surrounding environment. The residential buildings surrounding the project site are primarily one to two stories in height. Under the Reduced Project Alternative, the project would have a maximum height of two stories, which would result in a total of 48 housing units, including one manager's unit, that would be constructed on-site.

Under this alternative, the potentially beneficial impacts of the proposed project would be reduced, as the number of affordable residential units would decrease from 101 to 47. The project would still support the City's goals and objectives for the project by constructing affordable housing for a range of income levels, but to a lesser extent compared to the proposed project. The reduced amount of development would result in a corresponding decrease in the length of the construction period, which would result in a slight reduction of temporary construction impacts related to noise and air quality. Other impacts such as the increased potential for erosion during construction, increased potential for hazardous effects to occur from impacted soils, and the removal of existing trees on-site would still occur under the Reduced Project Alternative.

Although the Reduced Project Alternative would slightly reduce some of the temporary adverse impacts related to construction activities, the magnitude of these temporary impacts is expected to be less than significant with implementation of City Standard Permit Conditions and mitigation measures listed under Mitigation Measures and Conditions below. Therefore, this alternative would not avoid any significant environmental impacts, because none are expected if the proposed project is constructed.

No Action Alternative [24 CFR 58.40(e)]:

Under the No Action Alternative, the proposed 103-unit affordable housing project would not be constructed and the project site would remain in its current condition, which consists of a surface parking lot which is currently fenced and unused, and in a state of minor disrepair. Based on the existing condition of the parking lot, which includes damage to southern portion of the cement block wall surrounding the lot and cracked concrete throughout with weeds/vegetation growing through. These issues are, however, repairable and the site could continue to function as a parking lot without redevelopment of the site.

Under this alternative, both the potentially beneficial and adverse impacts of the proposed action would be avoided. Adverse impacts which would be avoided could include the exposure of persons to temporary construction noise impacts, the exposure of residents to elevated interior noise levels, construction on expansive soils, air quality impacts resulting from construction activities, potential disturbance of cultural resources during excavation, increases in demand for water, and exposure of persons to hazardous materials. It should be noted, however, that the magnitude of these adverse

impacts associated with the proposed action would be less than significant with implementation of City Standard Permit Conditions City and mitigation measures listed under Mitigation Measures and Conditions below.

Thus, the No Action Alternative would not avoid any significant environmental impacts, because none are expected if the proposed project is constructed. Additionally, the No Action Alternative would not meet the goals and objectives of the proposed project, which are to provide affordable housing to homeless and low-income seniors and develop the site in a manner that is consistent with the goals and plans of the City of San José.

Summary of Findings and Conclusions:

- The proposed project would provide affordable housing options to homeless and senior individuals in the City of San José where affordable housing options are in high demand.
- The proposed project would not affect General Plan and Zoning compatibility because it is entitled to increased density under the State Density Bonus Law.
- The proposed project would comply with all local, state, and federal statutory regulations pertaining to environmental issues.

Mitigation Measures and Conditions [40 CFR 1505.2(c)]

Summarized below are the mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure
Clean Air Measures	**Standard Permit Conditions*:*** **Construction-related Air Quality.** The following measures shall be implemented during all phases of construction to control dust and exhaust at the project site: • Water active construction areas at least twice daily or as often as needed to control dust emissions. • Cover trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard. • Remove visible mud or dirt track-out onto adjacent public roads using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. • Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.). • Pave new or improved roadways, driveways, and sidewalks as soon as possible. • Lay building pads as soon as possible after grading unless seeding or soil binders are used. • All vehicle speeds on unpaved roads shall be limited to 15 mph. • Replant vegetation in disturbed areas as quickly as possible. • Install sandbags or other erosion control measures to prevent silt runoff to public roadways. • Minimize idling times either by shutting off equipment when not in use, or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Provide clear signage for construction workers at all access points. • Maintain and properly tune construction equipment in accordance with manufacturer's specifications. Check all equipment by a certified mechanic and record a determination of running in proper condition prior to operation.

Law, Authority, or Factor	Mitigation Measure
	• Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. **<u>Mitigation Measures:</u>** **MM AIR-1 Diesel Particulate Matter and $PM_{2.5}$ Measures:** The following measures will be implemented to reduce diesel particulate matter (DPM) emissions during construction. • Implement a feasible plan to reduce DPM emissions by 83 percent such that increased cancer risk and annual $PM_{2.5}$ concentrations from construction would be reduced below Toxic Air Contaminants (TAC) significance levels as follows: o All 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 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 83 percent reduction in particulate matter exhaust in comparison to uncontrolled equipment. • Alternatively (or in combination), the applicant may develop another construction operations plan demonstrating that the construction equipment used on-site would achieve a reduction in construction diesel particulate matter emissions by 83 percent or greater. Elements of the plan could include a combination of some of the following measures: o Implementation of the requirement above to use Tier 4 engines or alternatively fueled equipment, o Installation of electric power lines during early construction phases to avoid use of diesel generators and compressors, o Use of electrically-powered equipment, o Forklifts and aerial lifts used for exterior and interior building construction shall be electric or propane/natural gas powered, o Change in construction build out plans to lengthen phases, and o Implementation of different building techniques that result in less diesel equipment usage.

<table>
<tr><th>Law, Authority, or Factor</th><th>Mitigation Measure</th></tr>
<tr><td>Contamination and Toxic Substances Measures</td><td><u>Mitigation Measures:</u>

MM HAZ-1 Soil Remediation and Management Measures: Due to the exceedances in levels of lead and arsenic in site soil above the applicable regulatory screening levels, the project applicant shall enter into an agreement with the Santa Clara County Department of Environmental Health SCCDEH (or Department of Toxic Substances Control, DTSC) under their Site Cleanup Program prior to issuance of any demolition or grading permits. The applicant shall meet with the SCCDEH (or DTSC) to perform additional soil sampling and testing to adequately define the known and suspected contamination at the project site. A Site Management Plan (SMP), Corrective Action Plan, Remedial Action Plan, or other equivalent plan shall be prepared and submitted to the SCCDEH for their approval. The Plan must include a Health & Safety Plan (HASP) and must establish remedial measures and/or soil management practices to ensure construction worker safety and the health of future site occupants. The Plan and evidence of regulatory oversight shall be provided to the Director of the City of San José Planning, Building, and Code Enforcement Department, and the Environmental Compliance Officer in the City of San José’s Environmental Services Department.</td></tr>
<tr><td>Biological Resource Measures</td><td><u>Standard Permit Conditions:</u>

Santa Clara Valley Habitat Plan. The project may be subject to applicable SCVHP conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permits. The project applicant shall submit the Santa Clara Valley Habitat Plan Coverage Screening Form (https://www.scv-habitatagency.org/DocumentCenter/View/151/Coverage-Screening-Form?bidId=) to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee for approval and payment of all applicable fees prior to the issuance of a grading permit. The Habitat Plan and supporting materials can be viewed at https://scv-habitatagency.org/178/Santa-Clara-Valley-Habitat-Plan.

Tree Replacement. Trees removed for the project shall be replaced at ratios required by the City, as stated in Table 1 below, as amended:
<table>
<tr><th colspan="5">Table 1: Tree Replacement Ratios</th></tr>
<tr><th rowspan="2">Circumference of Tree to be Removed</th><th colspan="3">Replacement Ratios Based on Type of Tree to be Removed</th><th rowspan="2">Minimum Size of Each Replacement Tree**</th></tr>
<tr><th>Native</th><th>Non-Native</th><th>Orchard</th></tr>
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</td></tr>
</table>

Law, Authority, or Factor	Mitigation Measure

38 inches or more	5:1*	4:1	3:1	15-gallon
19 up to 38 inches	3:1	2:1	None	15-gallon
Less than 19 inches	1:1	1:1	None	15-gallon

*x:x = tree replacement ratio

Note: Trees greater than or equal to 38-inch circumference measured at 54 inches above natural grade shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees. For Multi-Family residential, Commercial and Industrial properties, a permit is required for removal of trees of any size. A 38-inch tree equals 12.1 inches in diameter.

**A 24-inch box replacement tree = two 15-gallon replacement trees.

Single family and two-dwelling properties may replace trees at a ratio of 1:1.

- 21 trees onsite would be removed. Sixteen trees would be replaced at a 4:1 ratio and five trees would be replaced at a 1:1 ratio. The total number and size of replacement trees required to be planted on-site is 69. The offsite tree replacement in-lieu fee of $775 per tree is required if the applicant is unable to meet the tree planting requirement.
- Prior to the issuance of building permit(s), the permittee shall pay Off-Site Tree Replacement Fee(s) to the City for off-site replacement trees in accordance with the City Council approved Fee Resolution in effect at the time of payment.
- If there is insufficient area on the project site to accommodate the required replacement trees, one or more of the following measures shall be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement or Director's designee. Changes to an approved landscape plan requires the issuance of a Permit Adjustment or Permit Amendment
    - The size of a 15-gallon replacement tree may be increased to 24-inch box and count as two replacement trees to be planted on the project site.
    - Pay Off-Site Tree Replacement Fee(s) to the City, prior to the issuance of building permit(s), in accordance with the City Council approved Fee Resolution in effect at the time of payment. The City will use the off-site tree replacement fee(s) to plant trees at alternative sites.

Mitigation Measures:

MM BIO-1 Preconstruction Nesting Bid Surveys: To the extent practicable, vegetation removal and construction activities shall be performed

Law, Authority, or Factor	Mitigation Measure
	from September 1 through January 31 to avoid the general nesting period for birds. If construction or vegetation removal cannot be performed during this period, preconstruction surveys will be performed no more than two days prior to construction activities to locate any active nests as follows: The applicant shall be responsible for the retention of a qualified biologist to conduct a survey of the project site and surrounding 500 feet for active nests—with particular emphasis on nests of migratory birds—if construction (including site preparation) will begin during the bird nesting season, from February 1 through August 31. If active nests are observed on either the project site or the surrounding area, the applicant, in coordination with the appropriate City staff, shall establish no-disturbance buffer zones around the nests, with the size to be determined in consultation with the California Department of Fish and Wildlife (usually 100 feet for perching birds and 300 feet for raptors). The no-disturbance buffer will remain in place until the biologist determines the nest is no longer active or the nesting season ends. If construction ceases for two days or more and then resumes during the nesting season, an additional survey will be necessary to avoid impacts on active bird nests that may be present. The results of the surveys and any identified designated buffer zones shall be submitted to the Director of PBCE or the Director's designee.
Energy Measures	**Standard Permit Conditions:** **Green Building Requirements.** This development is subject to the City's Green Building Ordinance for Private Sector New Construction as set for in Municipal Code Section 17.84. Prior to the issuance of any shell permits, or complete building permits, for the construction of buildings approved through the scope of this Permit, the Permittee shall pay a Green Building Refundable Deposit. In order to receive a refund of the deposit, the project must achieve the minimum requirements as set forth in Municipal Code Section 17.84. The request for the refund of the Green Building Deposit together with evidence demonstrating the achievement of the green building standards indicated in Municipal Code Section 17.84 shall be submitted within a year after the building permit expires or becomes final, unless a request for an extension is submitted to the Director of Planning, Building, and Code Enforcement in accordance with Section 17.84.305D of the Municipal Code.
Historic Preservation Measures	**Standard Permit Conditions:** **Subsurface Cultural Resources.** If prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a

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	50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the City's Historic Preservation Officer shall be notified, and a qualified archaeologist in consultation with a Native American Tribal representative registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3 shall examine the find. The archaeologist in consultation with the Tribal representative shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted to the Director of PBCE or the Director's designee, the City's Historic Preservation Officer and the Northwest Information Center (if applicable). Project personnel shall not collect or move any cultural materials. **Human Remains.** If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed. If human remains are discovered during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The project applicant shall immediately notify the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the qualified archaeologist, who shall then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American. If the remains are believed to be Native American, the Coroner will contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts. If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance: • The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being given access to the site. • The MLD identified fails to make a recommendation; or

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	• The landowner or his authorized representative rejects the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner. **<u>Mitigation Measures:</u>** **MM CUL-1 Archaeological Ground Disturbance:** The following measures will be implemented to avoid impacts to buried archaeological resources. • Prior to the issuance of any permit or exemption that would allow ground disturbing activities, the project applicant shall include a note on plans that ground disturbance could result in the potential for exposing buried archaeological deposits or historic period cultural materials including pre-contact (i.e., Native American) human remains and should these be encountered the project shall adhere to the City's Standard Permit Conditions of Approval for subsurface cultural resources and human remains. Copies of plan sheets with this note shall be provided to the Director of Planning Building and Code Enforcement or Director's Designee for verification. **MM CUL-2 Archaeological Monitoring and Cultural Resource Sensitivity Training:** The following measures will be implemented to avoid impacts to buried archaeological resources. • Prior to any ground-disturbing and/or construction activities, a qualified archaeologist shall be retained to oversee implementation of an archaeological monitoring program that includes archaeological monitoring and cultural resource sensitivity training for construction personnel (i.e., Worker Environmental Awareness Program [WEAP]). The WEAP training shall be provide to all construction personnel prior to the start of any ground disturbing activities. The WEAP training shall notify them of the possibility of exposing historic or pre-contact period archaeological resources within the project area. The training shall address the type of historic and archaeological objects that could be exposed, the need to stop excavation at the discovery, and the procedures to follow regarding discovery protection, and notification of the proposed project applicant and archaeological team. The WEAP shall be provided to the Director of PBCE or director's designee for review prior to any ground-disturbing and/or construction activities.

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	MM CUL-3 Tribal Notification: The following measures will be implemented to satisfy tribal consultation agreements, in accordance with AB 168: • In the event of unanticipated discovery of human remains at the site during project construction, the project applicant shall notify the Indian Canyon Mutsun Band of Costanoan Tribe.
Noise Abatement and Control Measures	**<u>City Standard Permit Conditions:</u>** **Construction-related Noise.** Noise minimization measures include, but are not limited to, the following: • Pile Driving is prohibited. • Limit construction to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific "construction noise mitigation plan" and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential use. • Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses. • Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment. • Prohibit unnecessary idling of internal combustion engines. • Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses. • Utilize "quiet" air compressors and other stationary noise sources where technology exists. • Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site. • Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences. • If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket

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	barrier along surrounding building facades that face the construction sites. • Designate a "disturbance coordinator" who shall be responsible for responding to any 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. 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. **Interior Noise Standard for Residential Development.** The project applicant shall prepare final design plans that incorporate building design and acoustical treatments to ensure compliance with State Building Codes and City noise standards. A project-specific acoustical analysis shall be prepared to ensure that the design incorporates controls to reduce interior noise levels to 45 dBA DNL or lower within the residential unit. The project applicant shall conform with any special building construction techniques requested by the City's Building Department, which may include sound-rated windows and doors, sound-rated wall constructions, and acoustical caulking.
Soil Suitability /Slope /Erosion /Drainage/Storm Water Runoff	**<u>City Standard Permit Conditions:</u>** **Seismic Hazards.** • A Geotechnical Report shall be submitted, reviewed, and approved by the City Geologist. The Geotechnical Report shall determine the site-specific soil conditions and identify the appropriate design and construction techniques to minimize risks to people and structures, including but not limited to: foundation, earthwork, utility trenching, retaining and drainage recommendations. The investigation should be consistent with State of California guidelines for the preparation of seismic hazard evaluation reports (CGS Special Publication 117A, 2008, and the Southern California Earthquake Center report, SCEC, 1999). A recommended minimum depth of 50 feet should be explored and evaluated in the investigation. The City Geologist will review the Geotechnical Report and issue a Geologic Clearance. • All excavation and grading work shall be scheduled in dry weather months or construction sites shall be weatherized. • Stockpiles and excavated soils shall be covered with secured tarps or plastic sheeting. • Ditches shall be installed to divert runoff around excavations and graded areas if necessary.

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	• The project shall be constructed in accordance with the standard engineering practices in the California Building Code, as adopted by the City of San José. A grading permit from the San José Department of Public Works shall be obtained prior to the issuance of a Public Works clearance. These standard practices would ensure that the future building on the site is designed to properly account for soils-related hazards on the site. **Construction-related water quality.** • Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains. • Earthmoving or other dust-producing activities shall be suspended during periods of high winds. • All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary. • Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered. • All trucks hauling soil, sand, and other loose materials shall be covered and all trucks shall maintain at least two feet of freeboard. • All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers). • Vegetation in disturbed areas shall be replanted as quickly as possible. • All unpaved entrances to the site shall be filled with rock to remove mud from tires prior to entering City streets. A tire wash system shall be installed if requested by the City. The project applicant shall comply with the City of San José Grading Ordinance, including implementing erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction.

Determination:

☒ **Finding of No Significant Impact** [24 CFR 58.40(g)(1); 40 CFR 1508.27]
The project will not result in a significant impact on the quality of the human environment.

☐ **Finding of Significant Impact** [24 CFR 58.40(g)(2); 40 CFR 1508.27]
The project may significantly affect the quality of the human environment.

Preparer Signature: Shannon George Date: June 15, 2023

Name/Title/Organization: Shannon George, Vice President/Principal Project Manager
David J. Powers & Associates, Inc.

Certifying Officer Signature: _____ Date: July 27, 2023

Name/Title: Christopher Burton, Director, Planning, Building and Code Enforcement,
City of San José

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).