MITIGATED NEGATIVE DECLARATION

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

PROJECT NAME: 1271 & 1279 East Julian Street Multi-Family Residential Project

PROJECT FILE NUMBER: H22-034, T22-033, ER22-208

PROJECT DESCRIPTION: The project consists of a site development Site Development Permit (File No. H22-034) to allow the demolition of two the existing single-family residences and an accessory structure and construction of a seven-story building featuring 140 apartment units in a mix of one, two, and three bedroom configurations. The proposed project would include enclosed parking on the first and second floor levels. The proposed project also includes office space, common space courtyards, a community gathering facility, and rentable storage space. The proposed project includes a Tentative Map (File No. T22-033) approval to merge the two existing lots into a single lot.

PROJECT LOCATION: The project is located on two parcels with a gross acreage of 0.97-acres located at 1271 and 1279 East Julian Street.

ASSESSORS PARCEL NO.: 249-66-009 and 249-66-010 **COUNCIL DISTRICT: 3**

APPLICANT CONTACT INFORMATION: Hestia Real Estate, LLC (Attn: Melanie Griswold), 97 Boston Avenue, San José, CA 95126; (415) 265-1086

FINDING

The Director of Planning, Building and Code Enforcement finds the project described above would not have a significant effect on the environment if certain mitigation measures are incorporated into the project. The attached Initial Study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this Mitigated Negative Declaration (MND), has made or agrees to make project revisions that will clearly mitigate the potentially significant effects to a less than significant level.

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

A. **AESTHETICS** – The project would not have a significant impact on this resource, therefore no mitigation is required.

B. **AGRICULTURE AND FORESTRY RESOURCES** – The project would not have a significant impact on this resource, therefore no mitigation is required.

C. AIR QUALITY

Impact AQ-1: Project construction would result in an infant cancer risk of 11.98 in one million at the maximally exposed individual (MEI), which exceeds the BAAQMD's single-source cancer risk significance threshold of 10 in one million.

MM AQ-1: Prior to the issuance of any demolition, grading, or building permits (whichever occurs first), the project applicant shall prepare a construction operations plan with equipment verified by a qualified air quality specialist that demonstrates off-road equipment used on-site to construct the project would achieve a fleet-wide average of a 20 percent reduction or more in diesel particulate matter (DPM) exhaust emissions to reduce the infant cancer risk from 11.98 in one million to 3.33 in one million. Specifically, this plan shall include, but is not limited to, the measures identified below:

1. Install electric power lines during early construction phases in order to use electric equipment such as cranes, welders, air compressors, and aerial/man lifts.
2. Alternatively, the applicant may develop an alternative construction operations plan demonstrating that the construction equipment used on-site would achieve a reduction in construction DPM exhaust emissions by 20 percent or greater. Elements of the plan could include a combination of some of the following measures:
    - Use of electrically-powered equipment,
    - Forklifts and aerial lifts used for exterior and interior building construction shall be electric or propane/natural gas powered,
    - Use of electrically-powered equipment,
    - Change in construction build-out plans to lengthen phases, and
    - Implementation of different building techniques that result in less diesel equipment usage.

The construction operations plan shall be reviewed by an air quality expert, who will prepare a letter confirming implementation of the mitigation measure will result in a 20 percent reduction in DPM compared to the use of standard construction equipment. This letter and the construction operations plan shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee prior to the issuance of any demolition, grading and/or building permits (whichever occurs earliest) for review and approval.

D. BIOLOGICAL RESOURCES

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

MM BIO-1: The project applicant shall schedule demolition and construction activities to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st (inclusive).

If demolition and construction cannot be scheduled to occur between September 1st and January 31st (inclusive and as amended), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist or biologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th, inclusive) and no more than 30 days prior to the initiation of these activities during the late part of

the breeding season (May 1st through August 31st, inclusive). During this survey, the qualified ornithologist/biologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests.

If an active nest is found sufficiently close to work areas to be disturbed by construction, the qualified ornithologist/biologist, in consultation with the California Department of Fish and Wildlife, shall determine the extent of a construction free buffer zone to be established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests shall not be disturbed during project construction.

Prior to any tree removal, or approval of any grading or demolition permits (whichever occurs first), the qualified ornithologist/biologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of the Planning, Building, and Code Enforcement or the Director's designee.

E. CULTURAL RESOURCES

Impact CR-1: The project may impact archaeological deposits during excavation and construction activities.

MM CR-1.1: Cultural Sensitivity Training. Prior to issuance of any grading permit, the project applicant shall be required to conduct a Cultural Awareness Training for construction personnel. The training shall be facilitated by a qualified project archaeologist in collaboration with a Native American 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. Documentation verifying that Cultural Awareness Training has been conducted shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee.

MM CR-1.2: Monitoring Plan. Prior to issuance of any demolition, grading, or building permits (whichever occurs first), a qualified archeologist, in consultation with a Native American 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 prepare a monitoring plan for all earthmoving activities. The Plan shall be submitted to the Director of the Planning, Building, and Code Enforcement or the Director's designee for review. The plan shall include, but is not limited to, the following:

1. Monitoring schedules
2. Contact information
3. Recommendation for monitoring methods
4. Timing of reporting finds

MM CR-1.3: Sub-Surface Monitoring. A qualified archeologist in collaboration with a Native American monitor, 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 also be present during applicable earthmoving activities in accordance with the Monitoring Plan in MM CR-1.2. These could include but not are not limited to, trenching, initial or full grading, lifting of foundation, boring on site, or major landscaping.

MM CR-1.4: Evaluation. The project applicant shall notify the Director of the City of San José

Department of Planning, Building, and Code Enforcement or Director's designee of any finds during the grading or other construction activities. Any historic or prehistoric material identified in the project area during the during excavation activities shall be evaluated for eligibility for listing in the California Register of Historic Resources as determined by the California Office of Historic Preservation. Data recovery methods may include, but are not limited to, backhoe trenching, shovel test units, hand augering, and hand-excavation. The techniques used for data recovery shall follow the protocols identified in the approved treatment plan. Data recovery shall include excavation and exposure of features, field documentation, and recordation. All documentation and recordation shall be submitted to the Northwest Information Center and Native American Heritage Commission (NAHC) Sacred Land Files, and/or equivalent prior to the issuance of an occupancy permit. A copy of the evaluation shall be submitted to the City of San José Department of Planning, Building, and Code Enforcement or the Director's designee.

F. ENERGY – The project would not have a significant impact on this resource, therefore no mitigation is required.

G. GEOLOGY AND SOILS – The project would not have a significant impact on this resource, therefore no mitigation is required.

H. GREENHOUSE GAS EMISSIONS – The project would not have a significant impact on this resource, therefore no mitigation is required.

I. HAZARDS AND HAZARDOUS MATERIALS

Impact HAZ-1: Due to reported hazardous materials incident associated with the unauthorized dumping of oil within the ground surface and the evidence of storage/use of hazardous materials, there is a potential to encounter unknown hazardous materials which could expose construction workers to harmful levels of pollutants during grading, earthwork, and trenching.

MM HAZ-1: Prior to issuance of grading permits, a self-directed Site Management Plan (SMP) that includes a Health and Safety Plan (HASP) shall be prepared by a qualified environmental professional to guide activities during demolition, excavation, and construction due to the reported incident associated with dumping of oil in the ground and the evidence of storage/use of hazardous materials on-site. The SMP is intended to provide guidelines and protocols in the event of encountering soil contamination during redevelopment to ensure construction worker safety. Components of the SMP shall include, but shall not be limited to:

1. A detailed discussion of the site background;
2. Preparation of a Health and Safety Plan (HASP);
3. Notification procedures if previously undiscovered significantly impacted soil or free fuel product is encountered during construction;
4. On-site soil reuse guidelines based on the California Regional Water Quality Control Board (RWQCB), San Francisco Bay Region's reuse policy;
5. Sampling and laboratory analyses of excessive soil requiring disposal at an appropriate off-site waste disposal facility;
6. Soil stockpiling protocols; and
7. Protocols to manage groundwater that may be encountered during trenching and/or subsurface excavation activities.

The SMP shall be provided to the Director of Planning, Building and Code Enforcement or the

Director's designee, and Environmental Services Department (ESD) Municipal Compliance Officer prior to issuance of a grading permit.

J. HYDROLOGY AND WATER QUALITY – The project would not have a significant impact on this resource, therefore no mitigation is required.

K. LAND USE AND PLANNING – The project would not have a significant impact on this resource, therefore no mitigation is required.

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

M. NOISE

Impact NSE-1: The proposed project would exceed the exterior threshold of 80 dBA Leq at nearby residential land uses and would take place over a period of greater than one year, representing a significant noise impact.

MM NSE-1: Construction Noise Logistics Plan. Prior to the issuance of any grading or building permits, the project applicant shall submit and implement a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses. The noise logistic plan shall be submitted to the Director of Planning, Building and Code Enforcement or Director's designee prior to the issuance of any grading or demolition permits. Project construction operations shall use best available noise suppression devices and techniques including, but not limited to the following:

1. Limit construction hours to between 7:00 a.m. and 7:00 p.m., Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence. 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 PBCE that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
2. Construct solid plywood fences around ground level construction site adjacent to operational businesses, residences, or other noise-sensitive land uses. A temporary 8-foot noise barrier would provide 5 dBA attenuation for adjacent residential land uses when construction activities occur at the ground level.
3. Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
4. Prohibit unnecessary idling of internal combustion engines.
5. 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.
6. Utilize "quiet" air compressors and other stationary noise sources where technology exists.
7. Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.

8. 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.
9. 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.

Impact NSE-2: The project could result in operational noise from increased traffic and rooftop ventilation equipment that exceeds the threshold of 55 dBA Leq at existing and future residential receptors adjoining the site.

MM NSE-2: Detailed Acoustical Study. Prior to the issuance of any building permits and during final building design, the project applicant shall retain a qualified acoustical professional to prepare a detailed acoustical study to evaluate the potential noise generated by building mechanical equipment and demonstrate the necessary noise control to meet the City's 55 dBA DNL goal. Noise control features such as sound attenuators, baffles, and barriers shall be identified and evaluated to demonstrate that mechanical equipment noise would not exceed 55 dBA DNL at noise-sensitive locations around the project site. The noise control features identified by the study shall be incorporated into the project prior to issuance of a building permit. A copy of the acoustical study shall be submitted to the Director of Planning, Building and Code Enforcement or Director's designee for review and approval prior to the issuance of any building permits.

Impact NSE-3: Construction of the project would potentially generate vibration levels exceeding the General Plan threshold of 0.2 in/sec PPV at conventional buildings adjoining the project site, which represents a potentially significant impact.

MM NSE-3: The project applicant shall implement a Construction Vibration Monitoring Plan to reduce vibration levels due to construction activities to at or below 0.2 in/sec PPV. All plan tasks shall be in accordance with industry-accepted standard methods. The construction vibration monitoring plan shall include, but not be limited to, the following measures:

1. A list of all heavy construction equipment to be used for this project known to produce high vibration levels (e.g., tracked vehicles, vibratory compaction, jackhammers, hoe rams, clam shovel drop, and vibratory roller, etc.) shall be submitted to the City by the contractor. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort for reducing vibration levels below the thresholds.
2. Place operating equipment on the construction site at least 10 feet from the project site boundaries shared with existing buildings to the east, to the west, and to the north.
3. Smaller equipment to minimize vibration levels to below 0.2 in/sec PPV shall be used at the property lines adjoining adjacent buildings. For example, a smaller vibratory roller, such as the Caterpillar model CP433E vibratory compactor, could be used when compacting materials within 30 feet of the adjacent conventional building.
4. Avoid using vibratory rollers and clam shovel drops within 30 feet of the adjacent conventional buildings.
5. Select demolition methods not involving impact tools.
6. Avoid dropping heavy equipment and use alternative methods for breaking up existing

pavement, such as a pavement grinder, instead of dropping heavy objects, within 30 feet of the adjacent conventional buildings.

7. Designate a Disturbance Coordinator responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.

N. POPULATION AND HOUSING – The project would not have a significant impact on this resource, therefore no mitigation is required.

O. PUBLIC SERVICES – The project would not have a significant impact on this resource, therefore no mitigation is required.

P. RECREATION – The project would not have a significant impact on this resource, therefore no mitigation is required.

Q. TRANSPORTATION – The project would not have a significant impact on this resource, therefore no mitigation is required.

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

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

T. WILDFIRE – The project would not have a significant impact on this resource, therefore no mitigation is required.

U. MANDATORY FINDINGS OF SIGNIFICANCE.

Cumulative impacts would be less than significant. The proposed project would implement the identified mitigation measures and would either have no impacts or less than significant impacts on riparian habitat or other sensitive natural communities, migration of species, or applicable biological resources protection ordinances. Therefore, the proposed project would not contribute to any cumulative impact for these resources. The project would not cause changes in the environment that have any potential to cause substantial adverse direct or indirect effects on human beings.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **Tuesday, December 12, 2023** any person may:

1. Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or

2. Submit written comments regarding the information and analysis in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND.

CHRISTOPHER BURTON, Director
Planning, Building and Code Enforcement

11/20/23

Date

Deputy

Nhu Nguyen
Environmental Project Manager

Circulation period: November 22, 2023 to December 12, 2023

INITIAL STUDY/
MITIGATED NEGATIVE DECLARATION

for

1271 & 1279 EAST JULIAN STREET
MULTI-FAMILY RESIDENTIAL PROJECT

File No. H22-034, T22-033, ER22-208

CITY OF SAN JOSÉ
CALIFORNIA

November 2023

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Chapter 1. Background Information

INTRODUCTION

This Initial Study has been prepared to conform to the requirements of the California Environmental Quality Act (CEQA), the CEQA Guidelines (Title 14, California Code of Regulations §15000 et seq.), and the regulations and policies of the City of San José. The purpose of this Initial Study is to provide objective information regarding the environmental consequences of the proposed project to the decision makers considering the project.

The City of San José is the lead agency under CEQA for the proposed project. The City has prepared this Initial Study to evaluate the environmental impacts that might reasonably be anticipated to result from the construction of this project, as described below.

Publication of this Initial Study marks the beginning of a 20-day public review and comment period. During this period, the Initial Study will be available to local, state, and federal agencies and to interested organizations and individuals for review. Written comments concerning the environmental review contained in this Initial Study during the 20-day public review period should be sent to:

City of San José Department of Planning, Building, and Code Enforcement
200 East Santa Clara Street
Tower, Third Floor
San José, California 95113
Attn: Nhu Nguyen
Nhu.Nguyen@sanjoseca.gov

This Initial Study and all documents referenced in it are available for public review in the Department of Planning, Building and Code Enforcement at the above address, on the City's environmental page at www.sanjoseca.gov/negativedeclarations and a copy of this Initial Study will be available on the State Clearinghouse CEQAnet Webportal at https://ceqanet.opr.ca.gov/Search/.

Following the conclusion of the public review period, the City of San José will consider the adoption of the Initial Study/Mitigated Negative Declaration (MND) for the project at a regularly scheduled public hearing. The City shall consider the Initial Study/MND together with any comments received during the public review process. Upon adoption of the MND, the City may proceed with project approval actions.

If the project is approved, the City of San José will file a Notice of Determination (NOD), which will be available for public inspection and posted within 24 hours of receipt at the County Clerk's Office for 30 days. The filing of the NOD starts a 30-day statute of limitations on court challenges to the approval under CEQA (CEQA Guidelines Section 15075(g)).

PROJECT DATA

1. **Project Title**: 1271 & 1279 East Julian Street Multi-Family Residential Project

2. **Lead Agency Contact:** City of San José Department of Planning, Building and Code Enforcement, 200 E. Santa Clara Street, San José, CA 95113
   Environmental Planner: Nhu Nguyen

3. **Project Owner:** Yi's First Seed, LLC (C/O Chun Yi), 97 Boston Avenue, San José, CA 95128

4. **Project Proponent:** Hestia Real Estate, Attn: Melanie Griswold, 97 Boston Avenue, San José, CA 95128 (415) 265-1086

5. **Project Location:** The project is located on two parcels with a gross acreage of 0.97-acres located at 1271 and 1279 East Julian Street. Each parcel contains an existing single-family residence and an accessory structure.

   Assessor's Parcel Numbers (APNs): 249-66-009 and 249-66-010.

   City Council District: 3

   Project Description Summary: The project consists of a Site Development Permit (File No. H22-034) to allow the demolition of two existing single-family residences and an accessory structure and construction of a seven-story building featuring 140 apartment units in a mix of one, two, and three bedroom configurations. The proposed project would include enclosed parking on the first and second floor levels. The proposed project also includes office space, common space courtyards, a community gathering facility, and rentable storage space. The proposed project includes a Tentative Map (File No. T22-033) to merge the two existing lots into a single lot.

6. **Envision 2040 San José General Plan Designation**: *Urban Residential*

7. **Existing Zoning District**: UR Urban Residential

8. **Habitat Conservation Plan Designations**:
   Area 4: Urban Development Equal to or Greater than 2 Acres Covered
   Land Cover: Urban-Suburban
   Land Cover Fee Zone: Urban Areas (No Land Cover Fee)

9. **Surrounding Land Uses**:
   - North: residential, Tripp Avenue
   - South: East Julian Street, commercial
   - East: residential
   - West: residential, North 26th Street

Chapter 2. Project Description

PROJECT LOCATION

The project site is located at 1271 and 1279 East Julian Street, within the City limits of San José, in Santa Clara County (refer to Figure 1). The project site consists of two parcels totaling approximately 0.97 gross acres. The project is located on Assessor's Parcel Numbers (APNs) 249-66-009 and 249-66-010 (see Figure 2). The existing lots are each developed with a single-family residence and accessory structure. An aerial photograph of the project site and surrounding area is presented in Figure 3.

PROJECT DESCRIPTION

The project consists of a Vesting Tentative Map and a Site Development Permit to merge two adjoining lots into a single lot to facilitate the demolition of two existing single-family residences and an accessory structure and the construction of a seven-story building featuring 140 apartment units. A total of 14 of the provided units would be reserved as affordable housing at the "Very Low Income" category (10% of total units). The proposed project would include enclosed parking on the first and second floor levels. The proposed project also includes additional private spaces for residents, including office space, common space courtyards, a community gathering facility, and rentable storage space.

The site is designated as *Urban Residential* in the City's 2040 General Plan Land Use/Transportation Diagram. The *Urban Residential* designation allows for medium density residential development and a fairly broad range of commercial uses, including retail, offices, hospitals, and private community gathering facilities, within identified Urban Villages, in other areas within the City that have existing residential development built at this density, within Specific Plan areas, or in areas in close proximity to an Urban Village or transit facility where intensification will support those facilities. The *Urban Residential* designation allows a density of up to 95 dwelling units per acre (du/ac) and a floor area ratio (FAR) up to 4.0 at heights of 3 to 12 stories. The proposed development includes a density of 140 du/ac and an FAR of 4.6, which would exceed the allowable density and maximum FAR of the *Urban Residential* designation. However, the proposed project is eligible for a density bonus under California Government Code Section 65915, due to the inclusion of 14 affordable housing units at the "very low income" category. The proposed project does not propose a change to the existing general plan designation for the site.

The project is located in the UR Urban Residential Zoning District. The UR Urban Residential Zoning District is intended to implement the Urban Residential General Plan land use designation.

The proposed site plan for the project is presented in Figure 4. Floor plans are provided in Figures 5A through 5I. Elevations for the proposed development are shown in Figures 6A through 6B. Additional project details are described below.

Residential Development. As described above, the proposed project comprises the construction of a seven-story multi-family building with 140 apartment units and enclosed parking. The proposed project includes a mix of one-bedroom, two-bedroom, and three-bedroom units. Parking would be enclosed and provided on the first and second floors (Figures 5A and 5B), while residential units would be located on the third through seventh floors (Figures 5C through 5G). The roof of the proposed

building would include solar panels (Figure 5H). The maximum height of the proposed building would be about 87 feet. The upper floors of the development would be accessed via two staircases and two elevators.

The proposed project includes a total of 8,012 square feet of common residential space, which includes outdoor areas in the form of a 1,821 square foot patio and two 1,598 square foot courtyards on the third floor (Figure 5C), with an additional 954 square foot courtyard on the fourth floor (Figure 5D). In addition, the southwest-facing three-bedroom units on the third floor would each have a small private deck. The proposed project also includes a 2,041 square foot private community space on the third floor and two office spaces (569 square feet and 707 square feet, for a total of 1,276 square feet) on the third floor (Figure 5C). The office spaces are intended to support the residential development. Additional project details are described below.

Access and Parking. The proposed project includes enclosed parking on the first and second floors of the proposed structure. A total of 133 spaces are provided, including 6 Americans with Disabilities Act (ADA) compliant spaces and 13 electric vehicle (EV) equipped spaces. An additional 7 parking spaces for motorcycles are proposed. No surface parking is proposed. Vehicle access to and from the project site would be provided via one new 26' wide driveway on East Julian Street. The existing driveways to the existing single-family residences would be removed as part of the project. Pedestrian access would be provided via a first-floor lobby located near the project's frontage along East Julian Street. The project also includes 16 short-term bicycle parking spaces and 90 long-term bicycle parking spaces.

Lighting. Outdoor lighting (attached to the proposed building) would be provided for site access and security purposes. All outdoor exterior lighting will conform to the City Council's Outdoor Lighting Policy (4-3), Interim Lighting Policy Broad Spectrum Lighting (LED) for Private Development, and Citywide Design Standards and Guidelines.

Utilities. The project includes the provision of services and utilities to serve the project, including water, storm drainage, wastewater, and solid waste. A transformer room and an electrical room are shown on the ground level, and a mechanical equipment room is shown on the second level. In addition, the proposed project would include HVAC units along the eastern edge of the rooftop. The project would construct a minimum 15" reinforced concrete pipe (RCP) storm drain main extension along East Julian Street from the project frontage to the storm manhole at the intersection of North 26th Street. The project would connect to the main extension with a new 12" storm drain lateral. The project would construct a new 6" vitrified clay pipe (VCP) sanitary sewer lateral to connect to the existing 6" VCP sanitary sewer main along East Julian Street. Water and electrical service would be provided via connections to existing infrastructure serving the project area. A stormwater control plan is provided in Figure 7.

In addition, the proposed project would include installation of solar panels on the roof and the replacement of one street light located at the eastern site boundary. Additional streetlighting requirements will be evaluated at the public improvement stage.

Grading. Development of the project would involve the excavation of approximately 2,700 cubic yards (CY) of material, with a maximum depth of excavation of three feet, while the total CY of soil import is currently unknown (excavated materials are expected to be used as backfill to the extent feasible). The grading and drainage plan is provided in Figure 8.

Public Improvements. The project includes replacement of the existing sidewalk along the project frontage with a new 10-foot-wide sidewalk. In addition, the proposed project would remove the existing driveways and construct a new 26' driveway along East Julian Street to provide access to the enclosed parking area. The proposed vehicle driveway and private street for the proposed development will be constructed to meet the City's driveway standards.

Landscaping and Tree Removal. A total of 50 trees are currently located on the project site, including 18 ordinance-sized trees. Landscape plans have been prepared for the project, which are presented in Figure 9. The project proposes to remove the 50 existing trees and would replace them with approximately 64 new 24-inch box trees on-site in accordance with the City's requirements (see *D. Biological Resources* for further discussion).

PROJECT CONSTRUCTION

The construction schedule for the project assumes that the earliest possible start date would be January 2025. The development would be built out over a period of approximately 26 months, with construction concluding in March 2027 at the earliest. The earliest year of full operation for the entire project is assumed to be 2027. Construction equipment is anticipated to include electric cranes, air compressors, welders, and aerial/man lifts.

PROJECT APPROVALS

The City of San José is the Lead Agency with responsibility for approving the proposed project. The project may require the following permits and approvals from the Lead Agency:

- Vesting Tentative Map
- Site Development Permit
- Demolition Permit
- Building Permit
- Grading Permit
- Other Public Works Clearances, as applicable

Regional Map

1271 & 1279 E. Julian St. Multi-Family Residential
Initial Study

Figure
1

OFFICE OF COUNTY ASSESSOR — SANTA CLARA COUNTY, CALIFORNIA

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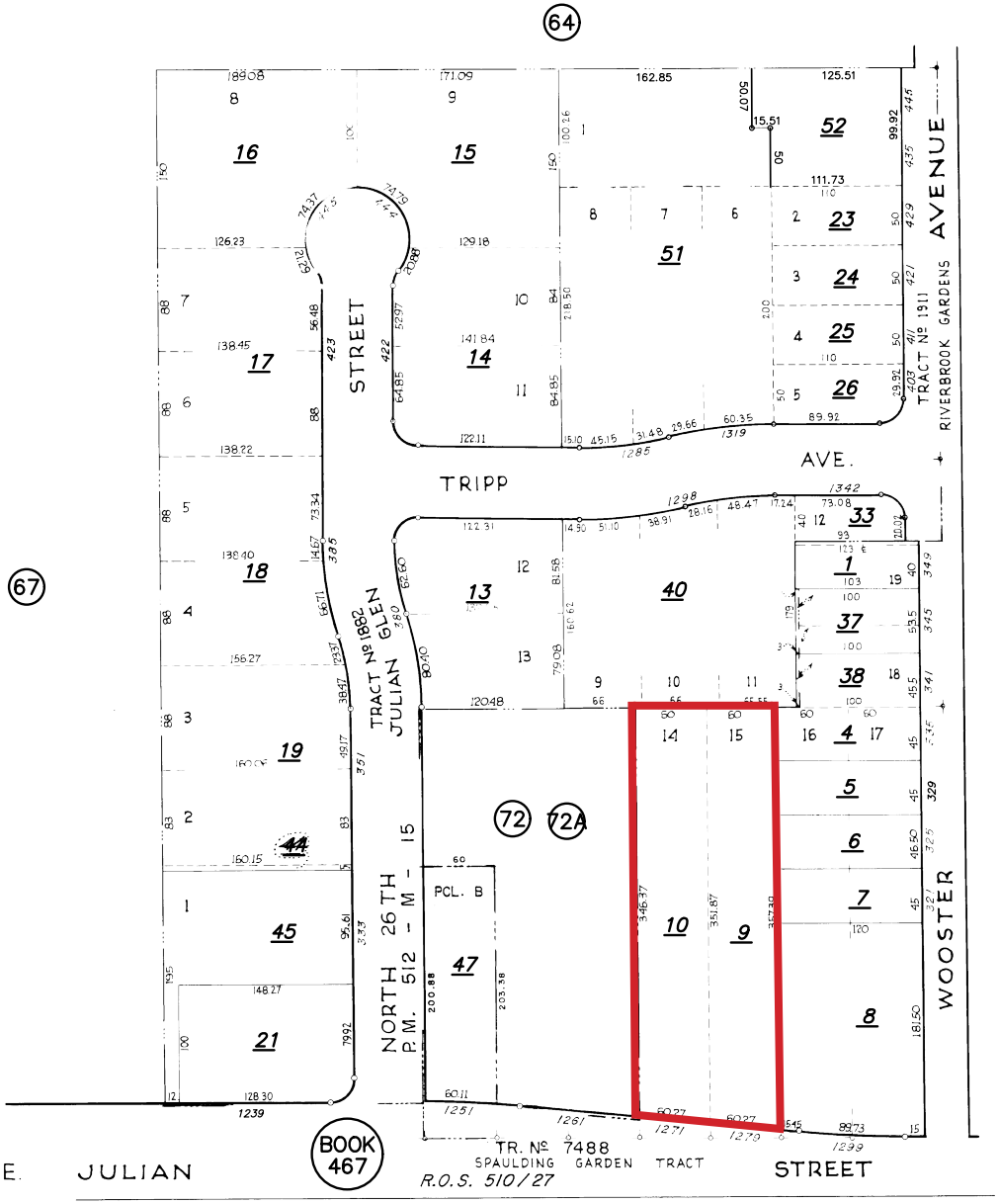
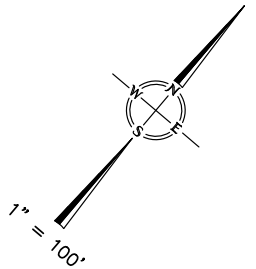
249	66





TRA DET. MAP 114

LAWRENCE E. STONE – ASSESSOR
Cadastral map for assessment purposes only.
Compiled under R. & T. Code, Sec. 327.
Effective Roll Year 2022–2023

Project Site

Source: Santa Clara County Assessor, March 2023

APN Map

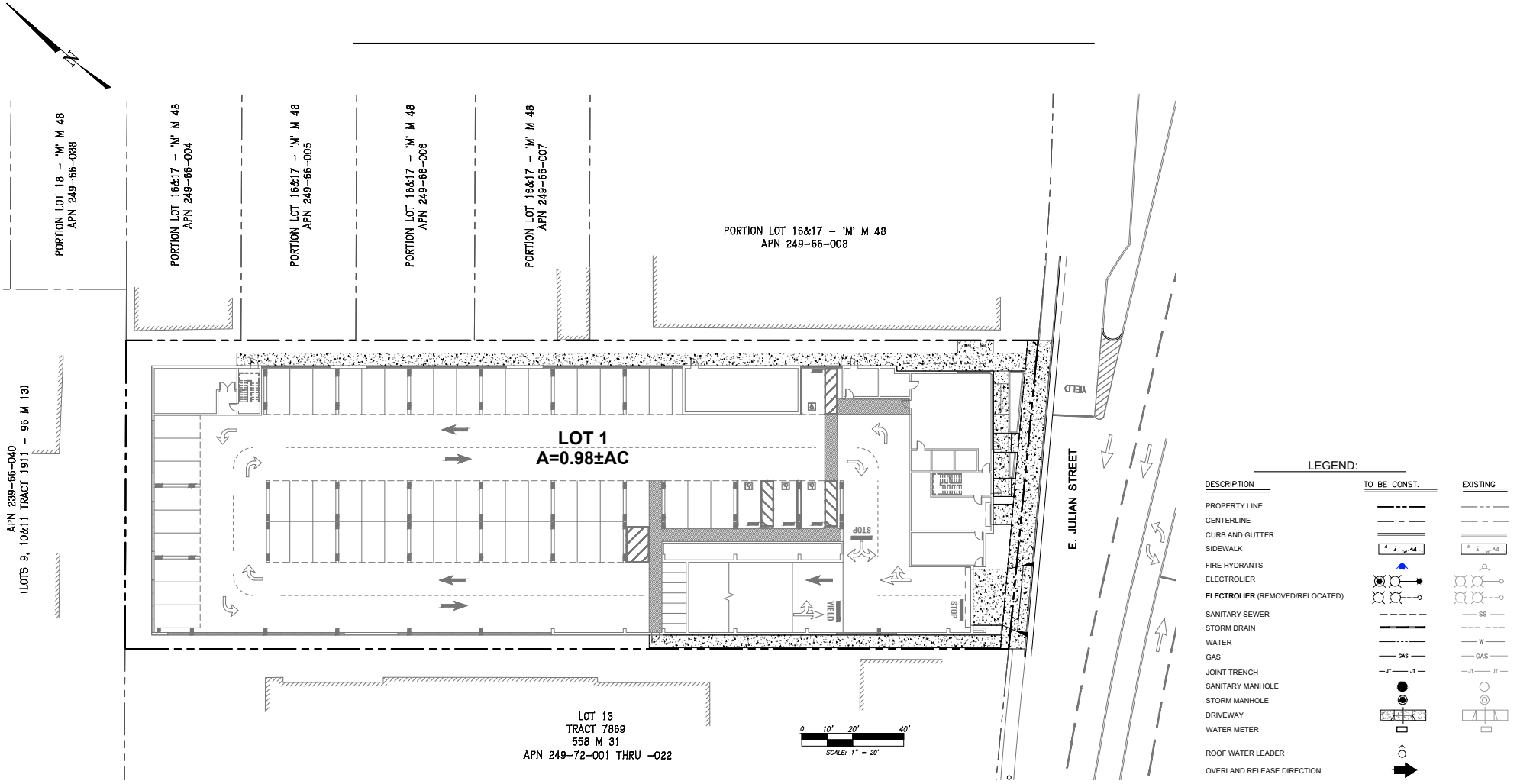
1271 & 1279 E. Julian St. Multi-Family Residential
Initial Study

Figure
2

Vicinity Map

1271 & 1279 E. Julian St. Multi-Family Residential
Initial Study

Figure
3

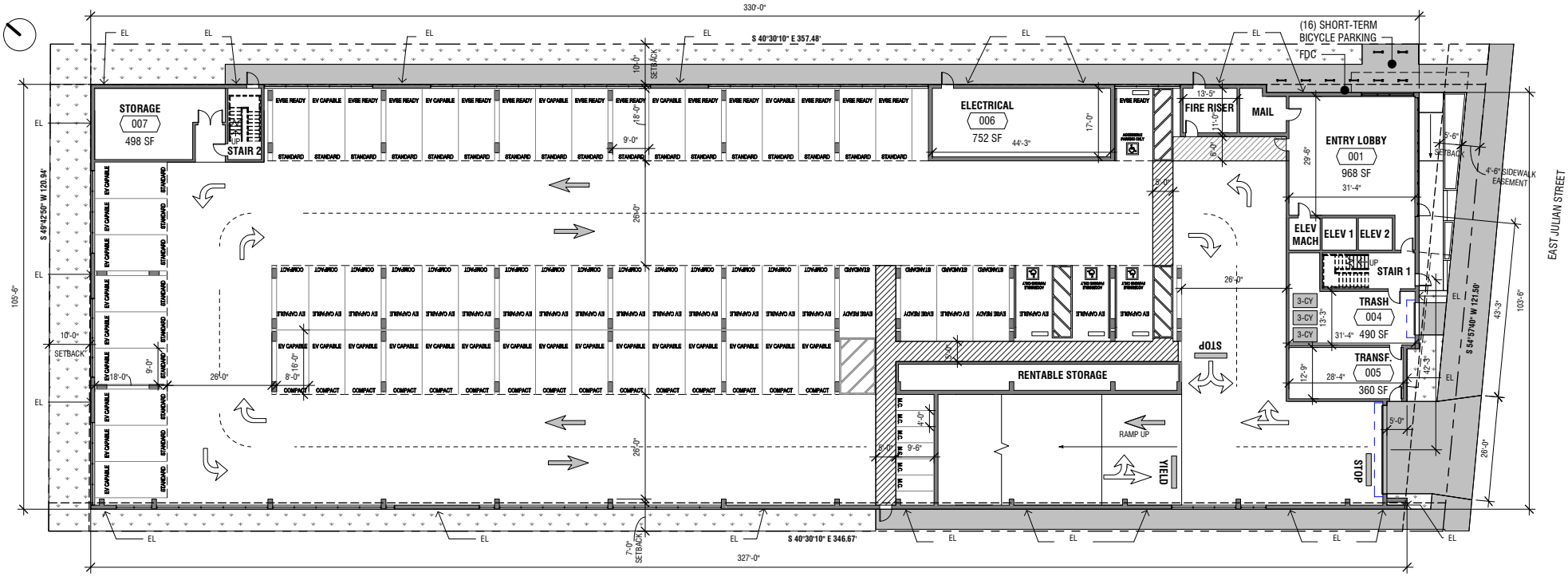


Source: JMH Weiss, July 2023

Site Plan

1271 & 1279 E. Julian St. Multi-Family Residential
Initial Study

Figure
4

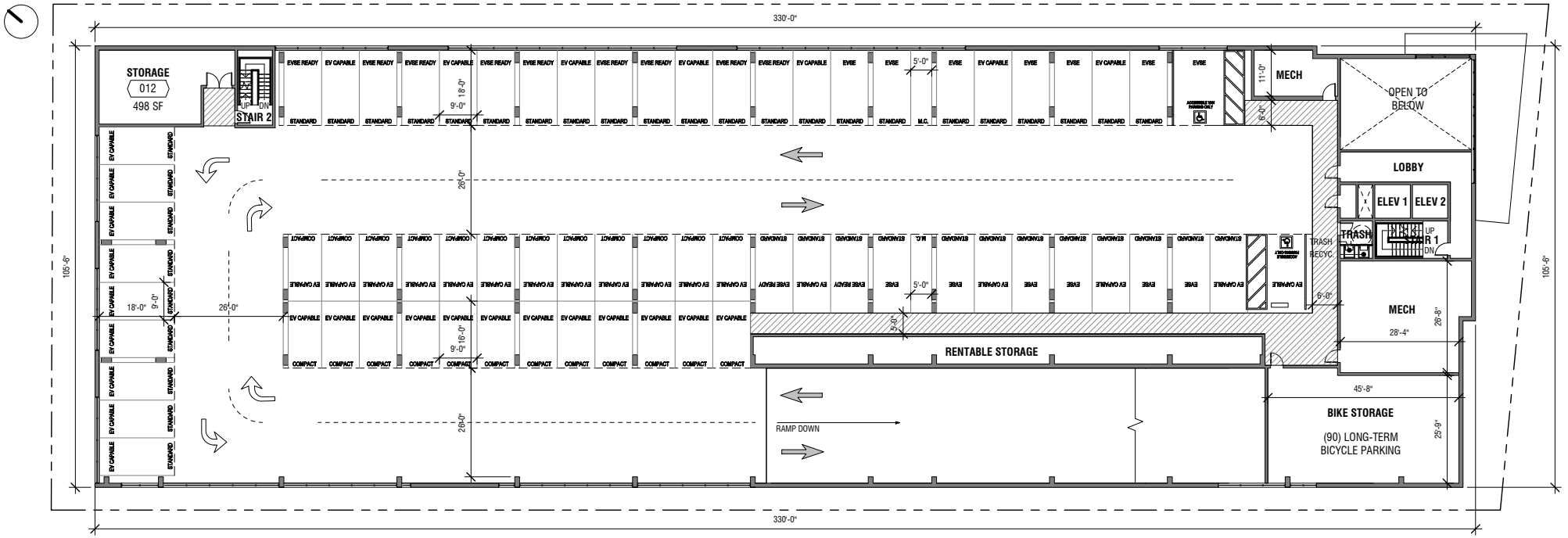


Source: Tenover, July 2023

Floor Plan - First Floor

1271 & 1279 E. Julian St. Multi-Family Residential
Initial Study

Figure
5a



Source: Tenover, July 2023

Floor Plan - Second Floor

1271 & 1279 E. Julian St. Multi-Family Residential
Initial Study

Figure
5b

Source: Tenover, July 2023

Floor Plan - Third Floor

1271 & 1279 E. Julian St. Multi-Family Residential
Initial Study

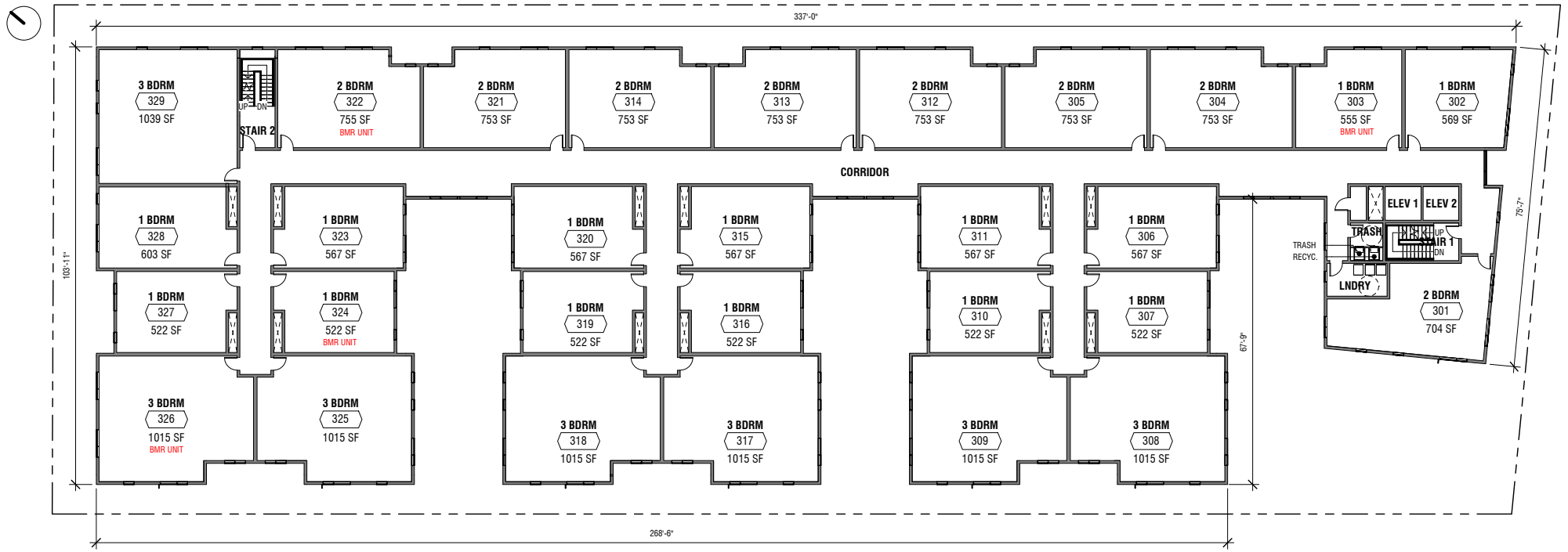
Figure
5c

Source: Tenover, July 2023

Floor Plan - Fourth Floor

1271 & 1279 E. Julian St. Multi-Family Residential
Initial Study

Figure
5d

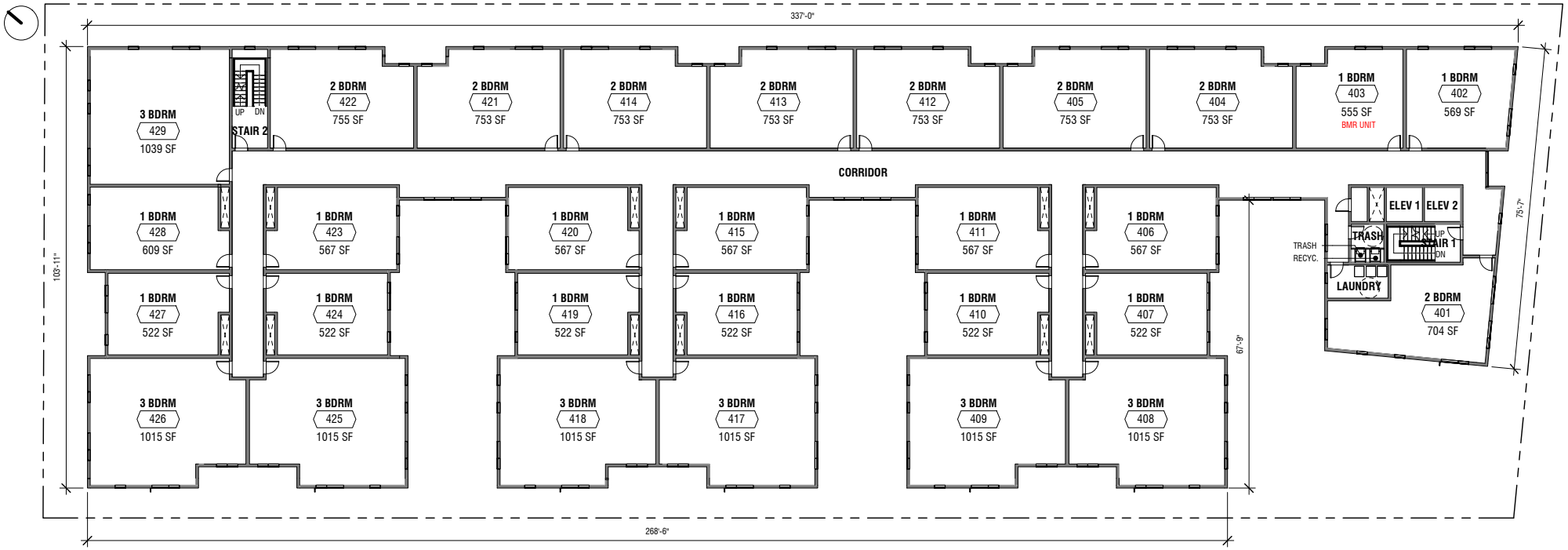


Source: Tenover, July 2023

Floor Plan - Fifth Floor

1271 & 1279 E. Julian St. Multi-Family Residential
Initial Study

Figure
5e



Source: Tenover, July 2023

Floor Plan - Sixth Floor

1271 & 1279 E. Julian St. Multi-Family Residential
Initial Study

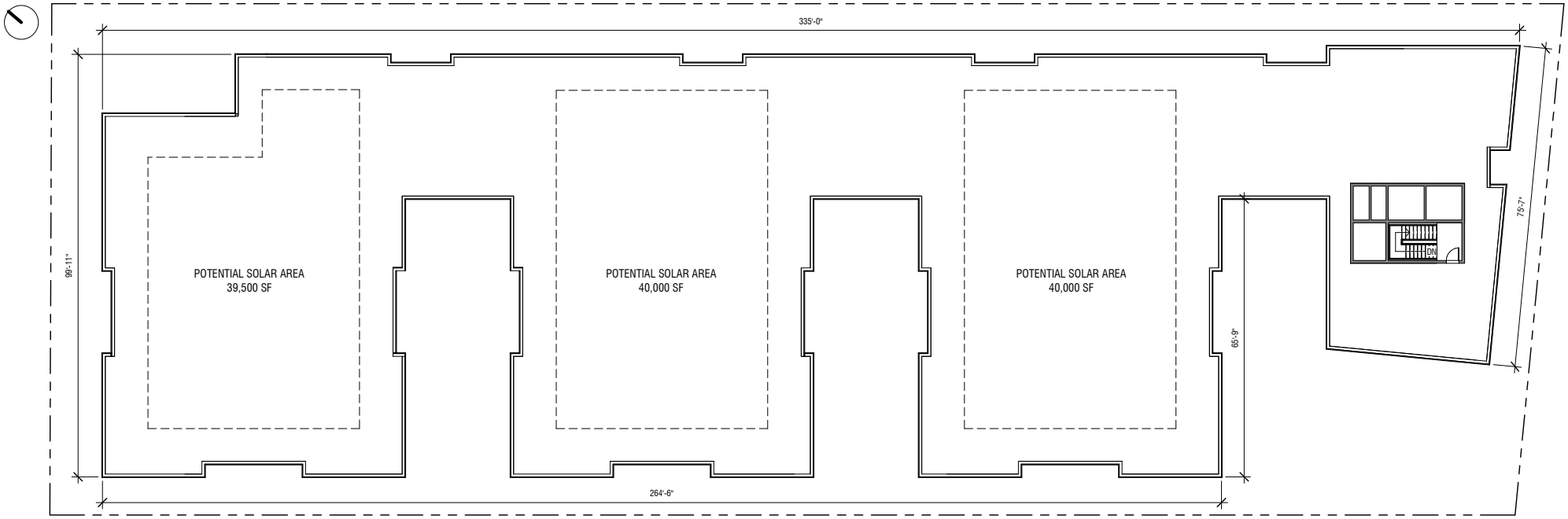
Figure
5f

Source: Tenover, July 2023

Floor Plan - Seventh Floor

1271 & 1279 E. Julian St. Multi-Family Residential
Initial Study

Figure
5g

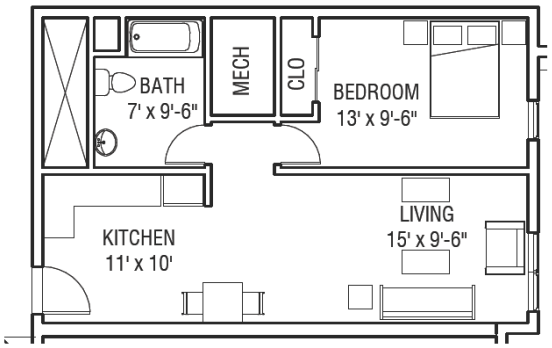


Source: Tenover, July 2023

Floor Plan - Roof

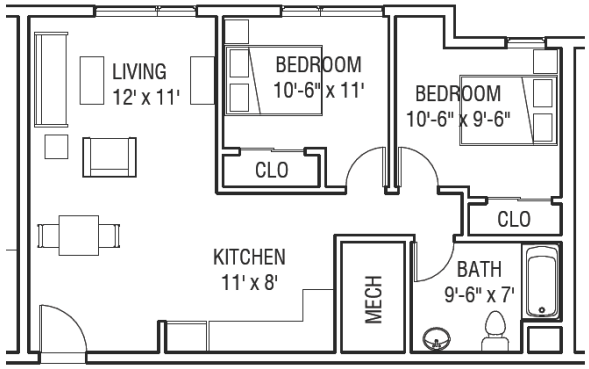
1271 & 1279 E. Julian St. Multi-Family Residential
Initial Study

Figure
5h



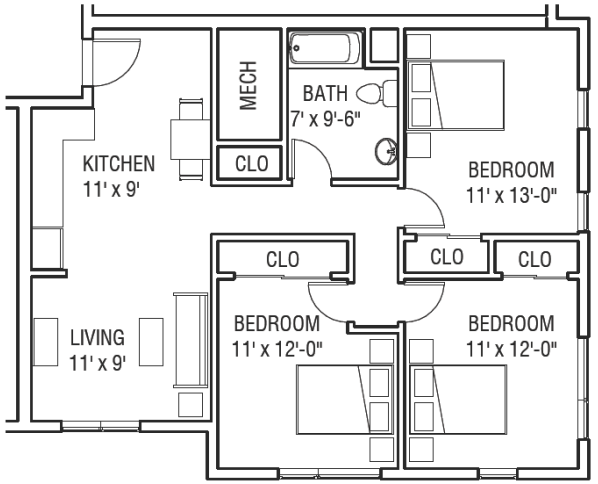
1 BEDROOM LAYOUT

550 SF - 630 SF



2 BEDROOM LAYOUT

700 SF - 750 SF



3 BEDROOM LAYOUT

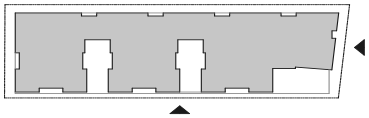
910 SF - 1,030 SF

Source: Tenover, March 2023

Floor Plan - Unit Plans

1271 & 1279 E. Julian St. Multi-Family Residential
Initial Study

Figure
5i



EAST ELEVATION

SCALE: 1/32" = 1'-0"

SOUTH ELEVATION

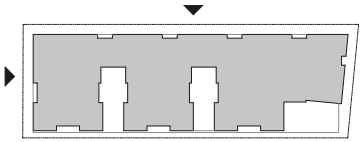
SCALE: 1/32" = 1'-0"

Source: Tenover, March 2023

Elevations - South & East

1271 & 1279 E. Julian St. Multi-Family Residential
Initial Study

Figure
6a



WEST ELEVATION

SCALE: 1/32" = 1'-0"

NORTH ELEVATION

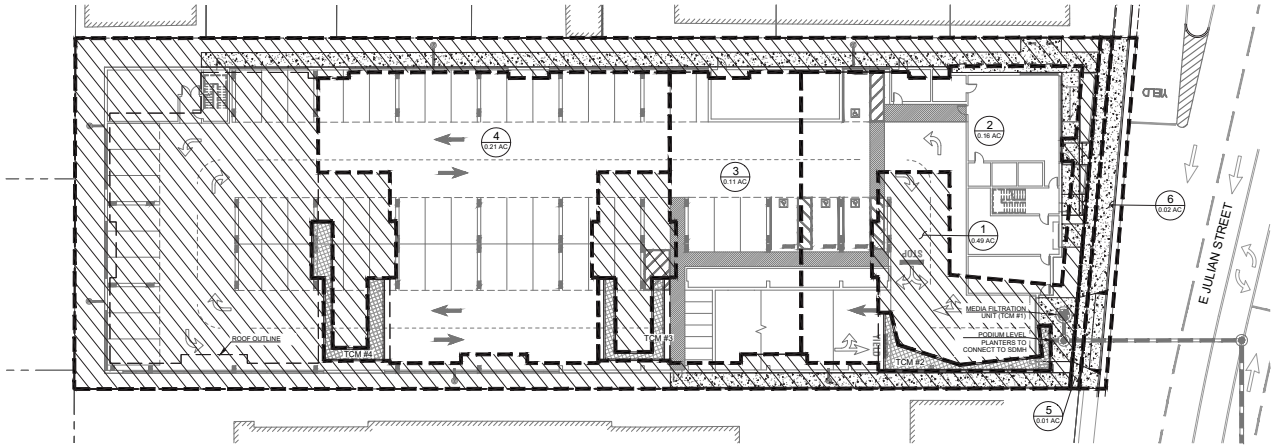
SCALE: 1/32" = 1'-0"

Source: Tenover, March 2023

Elevations - North & West

1271 & 1279 E. Julian St. Multi-Family Residential
Initial Study

Figure
6b



LEGEND

- X (X.X AC) — DRAINAGE MANAGEMENT AREA (DMA) AREA (AC)
- DRAINAGE AREA BOUNDARY LINE
- TREATMENT AREA
- DMA 1 - TO BE TREATED BY MEDIA FILTRATION UNIT (SEE CALCS)

NOTES

1. PROJECT WILL NOT LOCATE OVERFLOW STRUCTURES DIRECTLY IN LINE WITH OR NEXT TO STORMWATER INLET STRUCTURES.
2. PER CHAPTER 2.3 OF THE C.3 STORMWATER HANDBOOK, ROADWAY PROJECTS THAT ADD NEW SIDEWALK ALONG AN EXISTING ROADWAY ARE EXEMPT FROM PROVISION C.3.C OF THE STORMWATER PERMIT.
3. STANDING WATER SHALL NOT REMAIN IN THE TREATMENT MEASURES FOR MORE THAN FIVE DAYS, TO PREVENT MOSQUITO GENERATION. SHOULD ANY MOSQUITO ISSUE ARISE, CONTACT THE SANTA CLARA VALLEY VECTOR CONTROL DISTRICT. MOSQUITO LARVICIDES SHALL BE APPLIED ONLY WHEN ABSOLUTELY NECESSARY, AS INDICATED BY THE DISTRICT, AND THEN ONLY BY A LICENSED PROFESSIONAL OR CONTRACTOR. CONTACT INFORMATION FOR THE DISTRICT IS PROVIDED BELOW.
4. DO NOT USE PESTICIDES OR OTHER CHEMICAL APPLICATIONS TO TREAT DISEASED PLANS, CONTROL WEEDS OR REMOVED UNWANTED GROWTH. EMPLOY NON-CHEMICAL CONTROLS (BIOLOGICAL, PHYSICAL AND CULTURAL CONTROLS) TO TREAT A PEST PROBLEM. PRUNE PLANS PROPERTY AND AT THE APPROPRIATE TIME OF YEAR. PROVIDE ADEQUATE IRRIGATION FOR LANDSCAPE PLANS. DO NOT OVER WATER.
5. SEE COVER SHEET FOR ADDITIONAL LEGEND AND ABBREVIATIONS.

TREATMENT CONTROL MEASURE SUMMARY TABLE

DMA #	TCM #	Location	Treatment Type	LID or Non-LID	Sizing Method	Drainage Area (s.f.)	Impervious Area (s.f.)	Pervious Area (Permeable Pavement) (s.f.)	Pervious Area (Other) (s.f.)	% Onsite Area Treated by LID or Non-LID TCM	Bioretention Area Required (s.f.)	Bioretention Area Provided (s.f.)	Overflow Riser Height (in)	Storage Depth Required (ft)	Storage Depth Provided (ft)	# of Cartridges Required	# of Cartridges Provided	Media Type	Cartridge Height (inches)	# of Credit Trees	Treatment Credit (s.f.)	Comments
1	1	Onsite	Proprietary Media Filter System (MFS)	Non-LID	2C. Flow: 4% Method **	21,202	16,777	0	4,425	50.33%	N/A	N/A	N/A	N/A	N/A	3	3	PhosphoSorb	18	N/A	N/A	
2	2	Onsite	Flow-Through planter concrete lined* w/ underdrain	LID	2C. Flow: 4% Method **	6,923	6,648	0	275	16.43%	266	275	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	To be installed at podium level
3	3	Onsite	Flow-Through planter concrete lined* w/ underdrain	LID	2C. Flow: 4% Method **	4,792	4,586	0	206	11.38%	183	206	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	To be installed at podium level
4	4	Onsite	Flow-Through planter concrete lined* w/ underdrain	LID	2C. Flow: 4% Method **	9,207	8,851	0	356	21.86%	354	356	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	To be installed at podium level
5	5	Onsite	Roadway Project ***	N/A	N/A	436	436	0	0	-	-	-	-	-	-	N/A	N/A	N/A	N/A	N/A	N/A	
6	6	Offsite	Maintenance	N/A	N/A	1,054	1,054	0	0	-	-	-	-	-	-	N/A	N/A	N/A	N/A	N/A	N/A	
					Totals:	42,124	36,862	0	5,262	100.00%												

Footnotes:

* "Lined" refers to an impermeable liner placed on the bottom of a Bioretention basin or a concrete Flow-Through Planter, such that no infiltration into native soil occurs.

** Sizing for Bioretention Area Required calculated using the 4% Method (Impervious Area x 0.04)

*** Per Chapter 2.3 of the C3 Stormwater Handbook Roadway projects that add new sidewalk along an existing roadway are exempt from Provision C.3.c of the Municipal Stormwater Permit.

PROJECT SITE INFORMATION:

1. **SOILS TYPE:** D
2. **GROUND WATER DEPTH:** 0-10 FEET
3. **NAME OF RECEIVING BODY:** COYOTE CREEK
4. **FLOOD ZONE:** X & AH
5. **FLOOD ELEVATION (IF APPLICABLE):** 86.238 NGVD 29 (89 NAVD88)

BIOTREATMENT SOIL REQUIREMENTS

BIORETENTION SOIL MIX SHALL MEET THE REQUIREMENTS AS OUTLINED IN APPENDIX C OF THE C.3 STORM WATER HANDBOOK AND SHALL BE A MIXTURE OF FINE SAND AND COMPOST MEASURED ON A VOLUME BASIS OF 60-70% SAND AND 30-40% COMPOST. CONTRACTOR TO REFER TO APPENDIX C FOR SAND AND COMPOST MATERIAL SPECIFICATIONS. CONTRACTOR MAY OBTAIN A COPY OF THE C3 HANDBOOK AT : HTTP://WWW.SANJOSECA.GOV/INDEX.ASPX?NID=1761

PRIOR TO ORDERING THE BIOTREATMENT SOIL MIX OR DELIVERY TO THE PROJECT SITE, CONTRACTOR SHALL PROVIDE A BIOTREATMENT SOIL MIX SPECIFICATION CHECKLIST, COMPLETED BY THE SOIL MIX SUPPLIER AND CERTIFIED TESTING LAB.

OPERATION AND MAINTENANCE INFORMATION:

I. **PROPERTY INFORMATION:**
- I.A. PROPERTY ADDRESS: 1271, 1279 E JULIAN STREET SAN JOSE, CA 95116
- I.B. PROPERTY OWNER: YI'S First Seed, LLC

II. **RESPONSIBLE PARTY FOR MAINTENANCE:**
- II.A. CONTACT: MELANIE GRISWOLD
- II.B. PHONE NUMBER OF CONTACT: (415) 265--1086
- II.C. EMAIL: MELANIE.GRISWOLD@GMAIL.COM
- II.D. ADDRESS: 2066 THE ALAMEDA SAN JOSE, CA 95126

BIORETENTION & FLOW-THROUGH PLANTER NOTES:

1. SEE GRADING PLAN FOR BASIN FOOTPRINT AND DESIGN ELEVATIONS.
2. PLACE 3 INCHES OF COMPOSTED, NON-FLOATABLE MULCH IN AREAS BETWEEN STORMWATER PLANTINGS AND SIDE SLOPES.
3. SEE LANDSCAPE PLAN FOR MULCH, PLANT MATERIALS AND IRRIGATION REQUIREMENTS
4. CURB CUTS SHALL BE A MINIMUM 18" WIDE AND SPACED AT MAXIMUM 10' O.C. INTERVALS AND SLOPED TO DIRECT STORMWATER TO DRAIN INTO THE BASIN. CURB CUTS SHALL ALSO NOT BE PLACED INLINE WITH OVERFLOW CATCH BASIN. SEE GRADING PLAN FOR MORE DETAIL ON LOCATIONS OF CURB CUTS.
5. A MINIMUM 0.2' DROP BETWEEN STORM WATER ENTRY POINT (I.E. CURB OPENING, FLUSH CURB, ETC.) AND ADJACENT LANDSCAPE FINISHED GRADE.
6. DO NOT COMPACT NATIVE SOIL / SUBGRADE AT BOTTOM OF BASIN. LOOSEN SOIL TO 12" DEPTH.

SITE DESIGN MEASURES	SOURCE CONTROL MEASURES	TREATMENT SYSTEMS
PROTECTION MEASURES ☐ Protect existing trees, vegetation, and soil. ☐ Protect riparian and wetland areas/ buffers (Riparian setback _____ ft.)[1] ☐ Preserve open space and natural drainage patterns: _____ sq. ft. ☐ Rainwater harvesting and use (e.g., rain barrel, cistern connected to roof drains) [2]	☑ Beneficial landscaping [3] ☑ Use water efficient irrigation systems. ☑ Good housekeeping, e.g., sweep pavement and clean catch basin. ☑ Label storm drains. ☑ Connect to the sanitary sewer: [4] ◪ Covered trash/recycling enclosures ◪ Interior parking structures ○ Wash area/racks ○ Pools, spas, fountains ○ Covered loading docks and maintenance bays ○ Pumped groundwater	**NONE** ☐ Impervious surfaces drain to one or more self-retaining areas that are sized per the design criteria listed in the C.3 Stormwater Handbook.
LANDSCAPE DESIGN MEASURES ☑ Direct runoff from roofs, sidewalks, patios to landscaped areas. ☐ Plant trees adjacent to and in parking areas and adjacent to other impervious areas.	☐ Fueling areas must (all required): – Be graded to prevent ponding. – Use a concrete surface. – Be separated from the site by a grade break to prevent run-on. – Have a canopy cover extending at least 10 feet from each pump.	**LID TREATMENT** ☐ Rainwater harvest and use (e.g., cistern or rain barrel sized for C.3.d treatment) ☐ Infiltration well/dry well ☐ Infiltration trench ☐ Subsurface Infiltration System (e.g., vault or large diameter pipe over drain rock)
DESIGN MEASURES TO MINIMIZE IMPERVIOUS SURFACE AREA ☑ Reduce existing impervious surfaces. ☑ Cluster structures/pavement. ☑ Create new pervious areas: ◪ Landscaping ○ Parking stalls ○ Walkways and patios ○ Emergency vehicle access ○ Private streets and sidewalks ☐ Install a Green Roof on all or a portion of the roof. ☑ Parking: ◪ On top of or under buildings ◪ Not provided in excess of Code ☐ Other:	☐ Industrial, outdoor material storage, and recycling facilities must (all required): – Stockpile material on an impervious surface or under a permanent roof or covering. – Direct ponded water to the sanitary sewer,[4] an on-site treatment system, or off-site disposal. – Install berms or curbs to prevent runoff from the storage/processing areas. – Segregate pollutant-generating activities into a distinct drainage management area and provide treatment. ☐ Other:	**BIOTREATMENT** ☐ Bioretention area ☑ Flow-through planter ☐ Tree well filter or trench with bioretention soils [5] ☐ Other: **OTHER TREATMENT METHODS** **SPECIAL PROJECTS ONLY** [6] ☐ Proprietary tree box filter ☑ Media filter (sand, compost, or proprietary media) **MULTI-STEP PROCESS ONLY** [7] ☐ Vegetated filter strip ☐ Extended Detention Basin ☐ Vegetated Swale

FORM #138 - Stormwater Evaluation Form page 2 of 4

2. AREA DATA

2.a Enter the Project Phase Number (1, 2, 3, etc. or N/A if Not Applicable):	N/A	
2.b Total area of site:	0.97	acres
2.c Total area of site that will be disturbed:	0.97	acres

COMPARISON OF IMPERVIOUS AND PERVIOUS AREAS AT PROJECT SITE:

2.d IMPERVIOUS AREAS - IA	Pre-Project Existing IA sq. ft.	Existing IA Retained As-Is[1] sq. ft.	Existing IA Replaced with IA[2] sq. ft.	New IA Created[2] sq. ft.	Total Post Project IA sq. ft.
Site Totals					
Total IA	d.1 9,040	d.2 0	d.3 9,040	d.4 27,822	d.5 (d.2+d.3+d.4) 36,862
Total New and Replaced IA			d.6 (d.3+d.4) 36,862		
Public Street Totals					
Total Public Streets IA[3]	d.8 436	d.9 0	d.10 436	d.11 0	d.12 (d.9+d.10+d.11) 436
Total New and Replaced Public Streets IA			d.13 (d.10+d.11) 436		
Total Site and Public Streets IA	d.14 (d.1+d.8) 9,476				d.15 (d.5+d.12) 37,298
Percent Replacement of IA in Redevelopment Projects (d.3+d.1) x 100:					d.16 100 %

2.e PERVIOUS AREAS - PA	Pre-Project Existing PA sq. ft.	Total Post Project PA sq. ft.
Total PA[4]	e.1 33,084	e.2 5,262
2.f Total Area (IA + PA)	f.1 (d.14 + e.1) 42,560	f.2 (d.15 + e.2) 42,560

FOOTNOTES

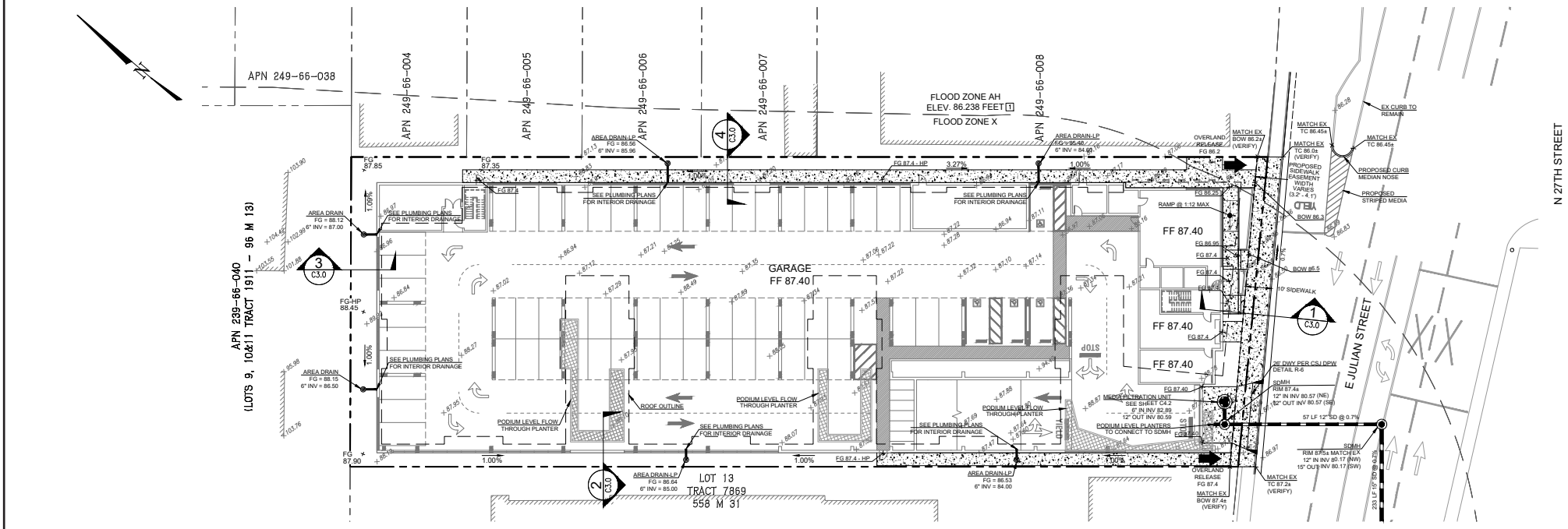
1. "Retained" in box 2.d.2 means to leave existing IA in place. An IA that goes through maintenance (e.g., pavement resurfacing/slurry seal/grind), but no change in grade is considered "retained."
2. The "replaced" and "new" IA in boxes 2.d.3. and 2.d. 4 are based on the total area of the site and not specific locations on site. For example, impervious parking created over a pervious area is not "new" IA if an equal amount of pervious area replaces IA somewhere else on the site. Constructed IA on a site that does not exceed the Total Pre-Project IA in box 2.d.1. will be considered "replaced" IA. **A site will have "new" IA only if the Total Post-Project IA in box 2.d.5. exceeds the Total Pre-Project IA (2.d.5 - 2.d.1 = 2.d.4).**
3. These areas are locations of the public street that are being dedicated (sidewalk or street easement) to the City of San José.
4. Include bioretention areas, infiltration areas, green roofs, and pervious pavement in PA calculations.

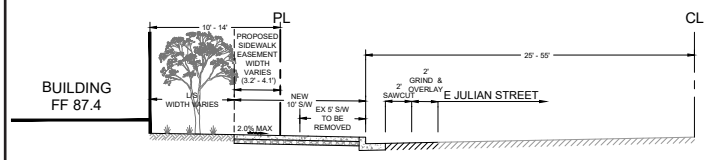
Source: JMH Weiss, June 2023

Stormwater Management Plan

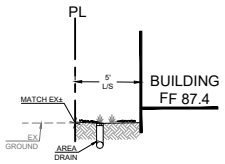
1271 & 1279 E. Julian St. Multi-Family Residential
Initial Study

Figure 7

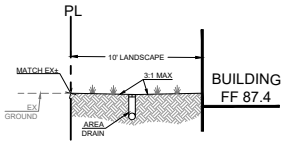




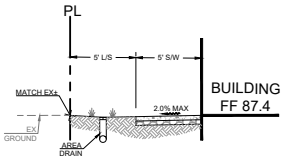
1 — E JULIAN STREET SECTION
1" = 5'



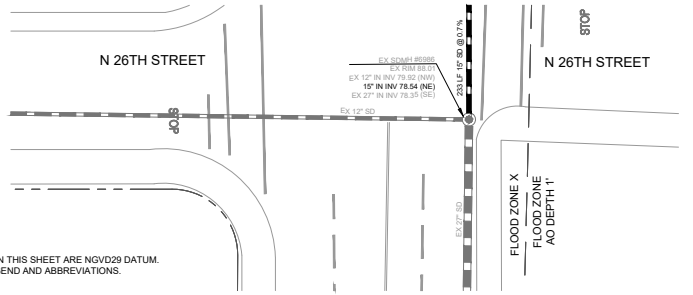
2 — SOUTH PROPERTY LINE SECTION
1" = 5'



3 — WEST PROPERTY LINE SECTION
1" = 5'



4 — NORTH PROPERTY LINE SECTION
1" = 5'



NOTES
1. THE ELEVATIONS SHOWN ON THIS SHEET ARE NGVD29 DATUM.
2. SEE COVER SHEET FOR LEGEND AND ABBREVIATIONS.

PLAN KEY NOTES
[1] FEMA ELEVATION SHOWN HAS BEEN CONVERTED FROM NAVD88 TO NGVD 29 DATUM. SEE COVER SHEET FOR CONVERSION.

0 10' 20' 40'
SCALE: 1" = 20'

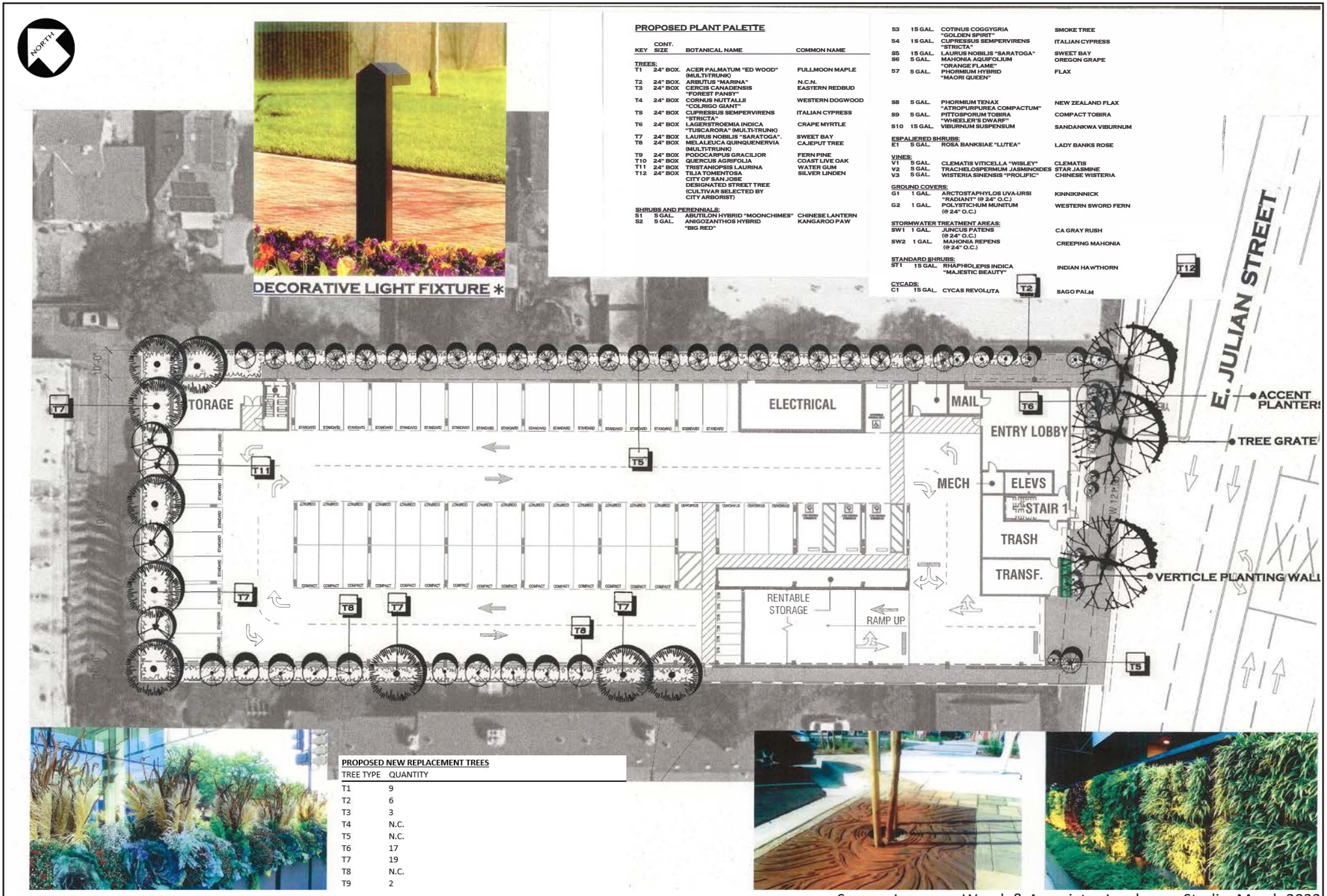
EXISTING GAS LINE

Source: JMH Weiss, July 2023

Grading and Drainage Plan

1271 & 1279 E. Julian St. Multi-Family Residential Initial Study

Figure 8



Source: Isaacson, Wood, & Associates Landscape Studio, March 2023

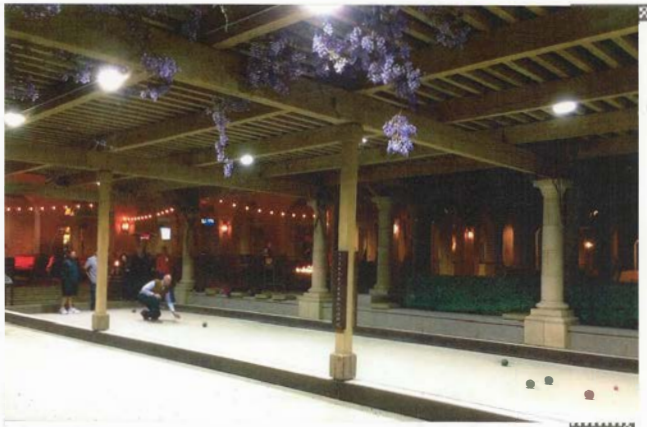
Landscape Plan - Overall

1271 & 1279 E. Julian St. Multi-Family Residential
Initial Study

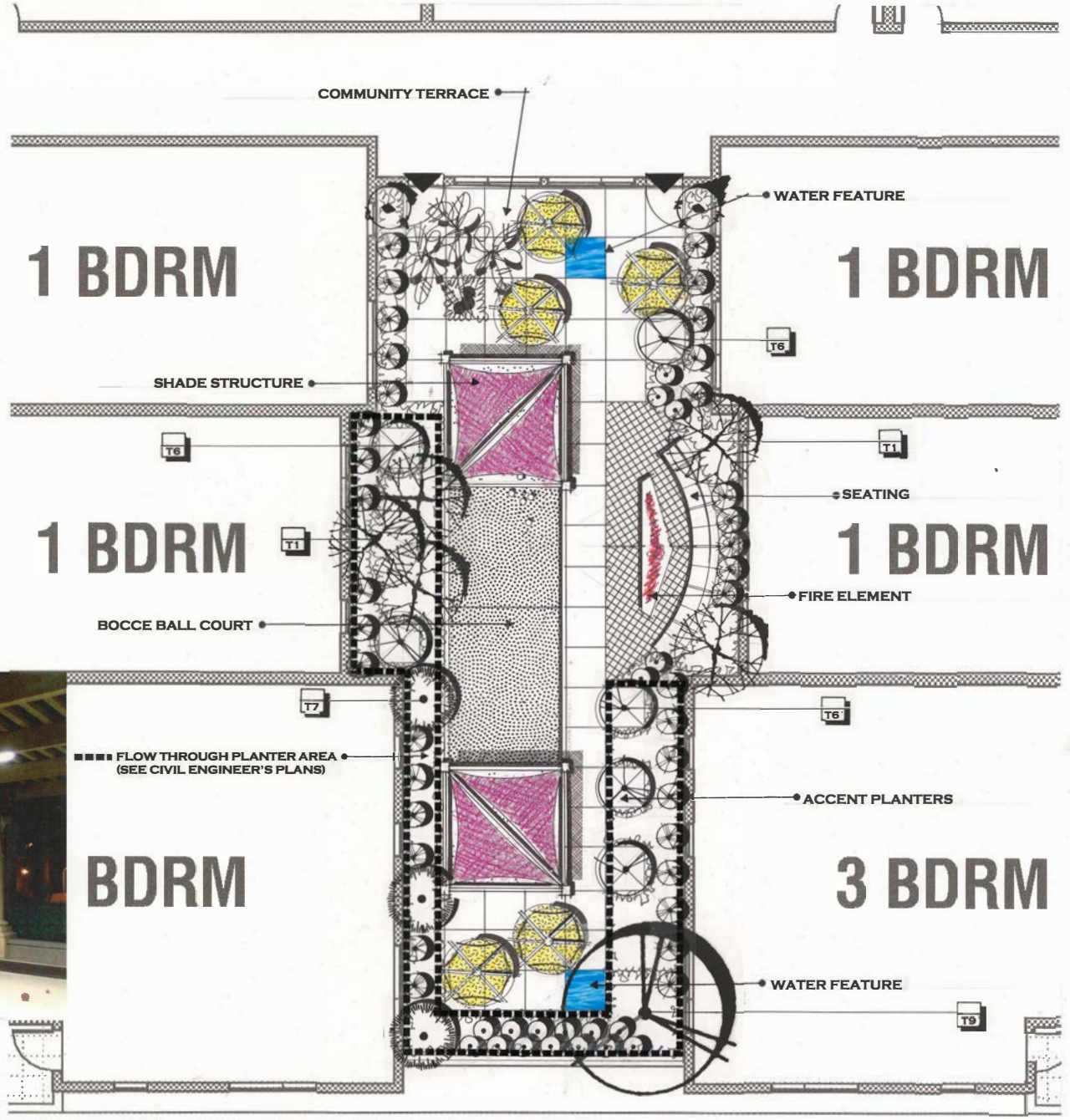
Figure
9a

ACCENT WATER FEATURE

FIRE ELEMENT W/ SEATING



BOCCE BALL COURT



Source: Isaacson, Wood, & Associates Landscape Studio, March 2023

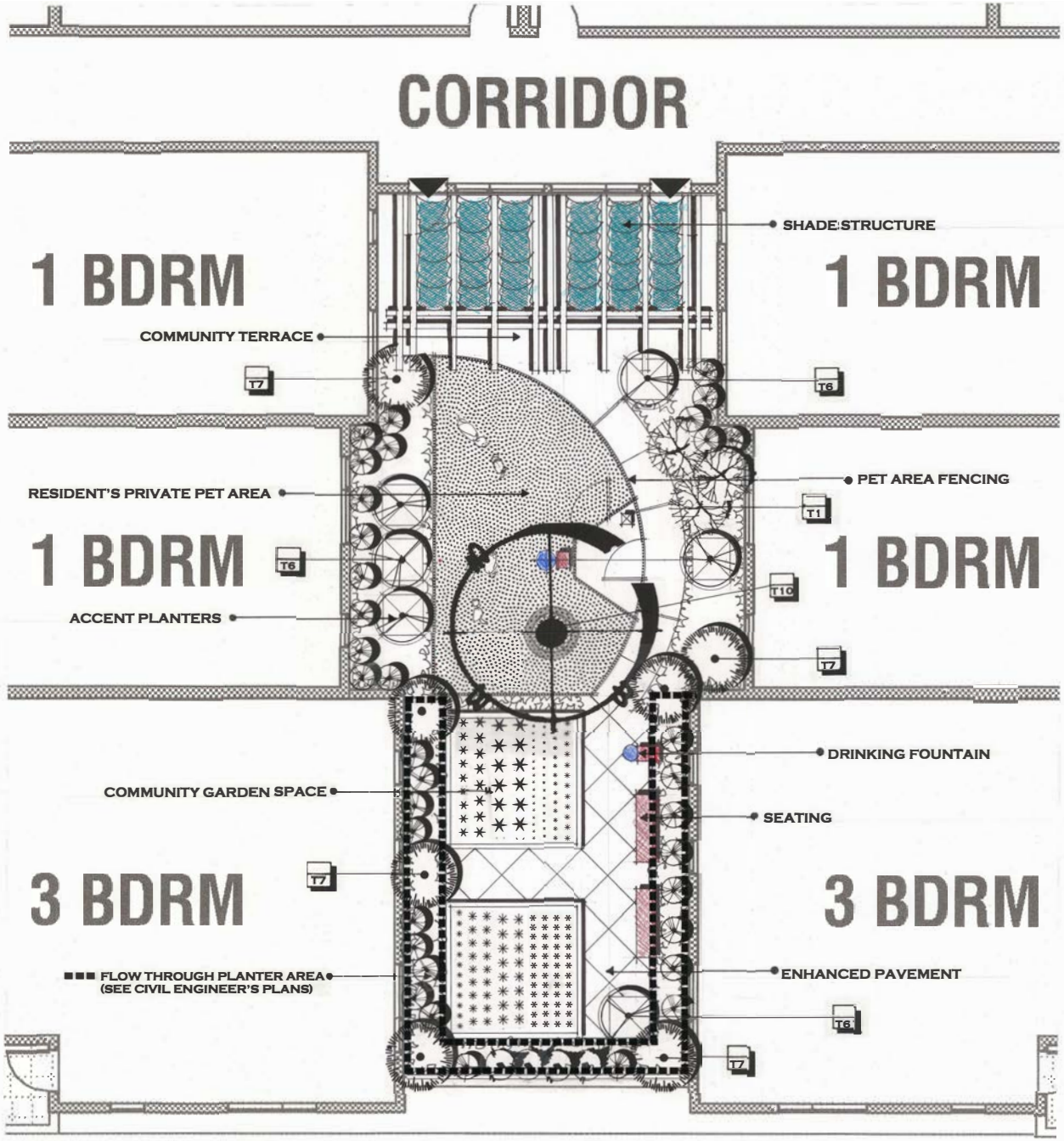
Landscape Plan - Courtyard 1

1271 & 1279 E. Julian St. Multi-Family Residential
Initial Study

Figure
9b

SHADE STRUCTURE

DOG PARK

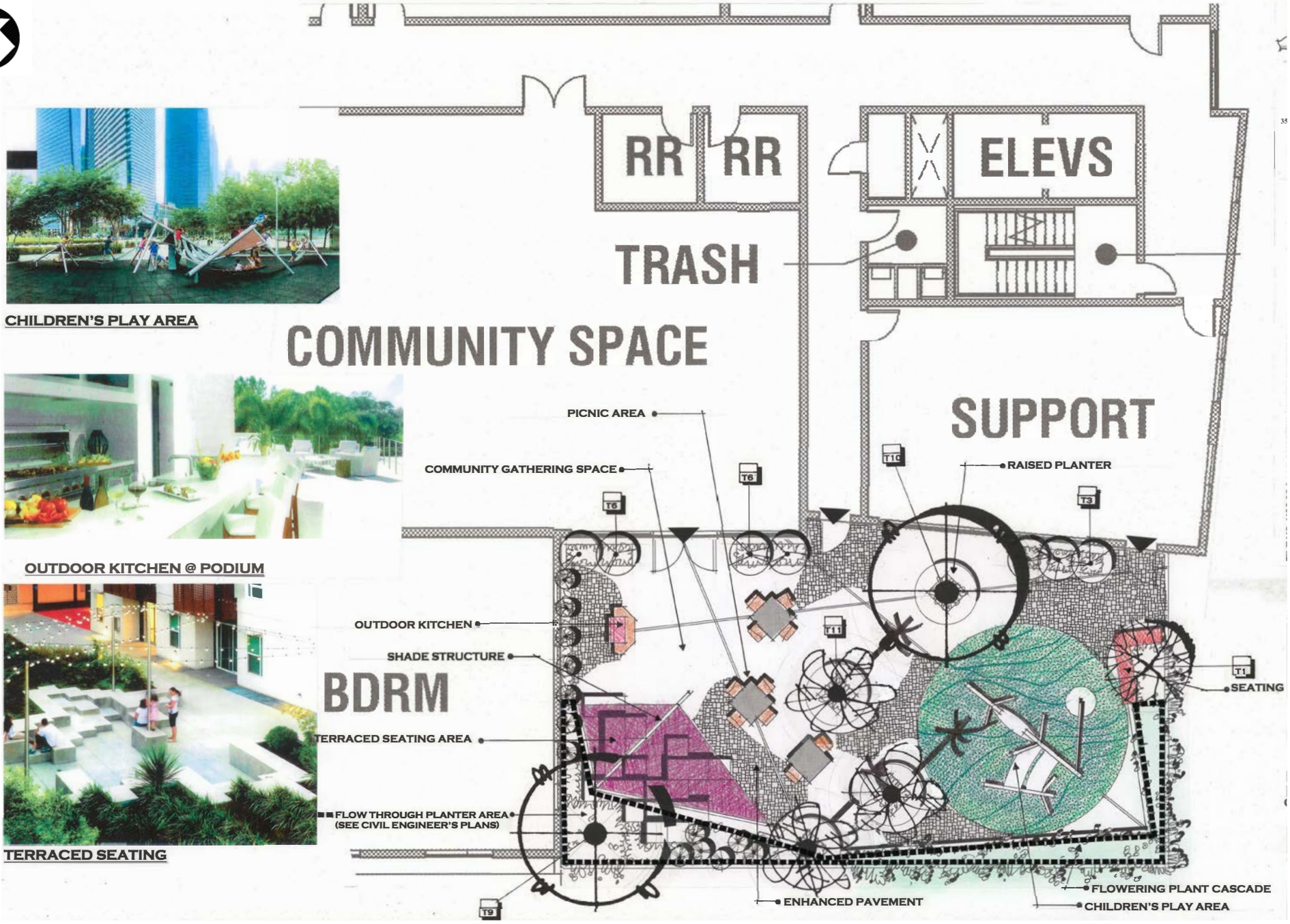


Source: Isaacson, Wood, & Associates Landscape Studio, March 2023

Landscape Plan - Courtyard 2

1271 & 1279 E. Julian St. Multi-Family Residential
Initial Study

Figure
9c



Source: Isaacson, Wood, & Associates Landscape Studio, March 2023

Landscape Plan - Courtyard 3

1271 & 1279 E. Julian St. Multi-Family Residential
Initial Study

Figure
9d

Photo #1: Northeast facing view of existing residence at 1271 East Julian Street from East Julian Street.

Photo #2: East facing view of 1271 East Julian Street from existing driveway.

Photo #3: Southwest facing view of 1271 East Julian Street from rear of existing residence.

Photo #4: North facing view of backyard at 1271 East Julian Street.

Source: Architectural Resources Group, June 2021

Site Photos - 1271 East Julian Street

1271 & 1279 E. Julian St. Multi-Family Residential
Initial Study

Figure
10a

Photo #5: Northwest facing view of 1279 East Julian Street from front yard.

Photo #6: Northeast facing view of 1279 East Julian Street from existing driveway.

Photo #7: East facing view of accessory structure at 1279 East Julian Street.

Photo #8: North facing view of backyard at 1279 East Julian Street.

Source: Architectural Resources Group, June 2021

Site Photos - 1279 East Julian Street

1271 & 1279 E. Julian St. Multi-Family Residential
Initial Study

Figure
10b

Source: Tenover, March 2023

Rendering

1271 & 1279 E. Julian St. Multi-Family Residential
Initial Study

Figure
11

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Chapter 3. Environmental Evaluation

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The key environmental factors potentially impacted by the project are identified below and discussed within Chapter 3. Environmental Setting and Impacts. Sources used for analysis of environmental effects are cited in the checklist and listed in Chapter 4. References.

☒ Aesthetics	☒ Agricultural Resources	☒ Air Quality
☒ Biological Resources	☒ Cultural Resources	☒ Energy
☒ Geology/Soils	☒ Greenhouse Gas Emissions	☒ Hazards/Hazardous Materials
☒ Hydrology/Water Quality	☒ Land Use/Planning	☐ Mineral Resources
☒ Noise	☒ Population/Housing	☒ Public Services
☒ Recreation	☒ Transportation	☒ Tribal Cultural Resources
☒ Utilities/Service Systems	☒ Wildfire	☒ Mandatory Findings of Significance

EVALUATION OF ENVIRONMENTAL IMPACTS

A brief explanation is required for all answers except "No Impact" answers. Answers need to be adequately supported by the information sources cited by the lead agency. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).

The explanation of each issue should identify:

a) The significance criteria or threshold, if any, used to evaluate each question; and
b) The mitigation measure identified, if any, to reduce the impact to less than significance.

All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant.

- A "potentially significant impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "potentially significant impact" entries when the determination is made, an EIR is required.

- A "less than significant with mitigation incorporated" response applies where the incorporation of mitigation measures has reduced an effect from a potentially significant impact to less than significant impact. The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to a less than significant level.

Important Note to the Reader:

In a December 2015 opinion [California Building Industry Association v. Bay Area Air Quality Management District, 62 Cal. 4th 369 (No. S 213478)], the California Supreme Court confirmed that CEQA, with several specific exceptions, is concerned with the impacts of a project on the environment and not the effects that the existing environment may have on a project. Therefore, the evaluation of the significance of project impacts under CEQA in the following sections focuses on impacts of the project on the environment, including whether a project may exacerbate existing environmental hazards.

The City of San José currently has policies that address existing conditions (e.g., air quality, hazards, noise, etc.) that may affect a proposed project, which are also addressed below. This is consistent with one of the primary objectives of CEQA and this document, which is to provide objective information to decision-makers and the public regarding a project as a whole. The CEQA Guidelines and the courts are clear that a CEQA document (e.g., EIR or Initial Study) can include information of interest even if such information is not an "environmental impact" as defined by CEQA.

Therefore, where applicable, in addition to describing the impacts of the project on the environment, this Initial Study discusses "planning considerations" that relate to City policies pertaining to existing conditions. Such examples include, but are not limited to, locating a project near sources of air emissions that can pose a health risk, in a floodplain, in a geologic hazard zone, in a high noise environment, or on/adjacent to sites involving hazardous substances.

ENVIRONMENTAL SETTING AND IMPACTS

The following section describes the environmental setting and identifies the environmental impacts anticipated from implementation of the proposed project. The criteria provided in the CEQA environmental checklist was used to identify potentially significant environmental impacts associated with the project. Sources used for the environmental analysis are cited in the checklist and listed in Chapter 4 of this Initial Study.

A. AESTHETICS

Regulatory Framework

State

State Scenic Highways Program

The State Scenic Highways Program is managed by the California Department of Transportation (Caltrans) and is designed to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. The nearest state-designated scenic highway is Highway 9, located approximately 10.5 miles southwest the project site.

Senate Bill 743

Senate Bill (SB) 743 was adopted in 2013 and requires lead agencies to use alternatives to level of service (LOS) for evaluating transportation impacts, specifically vehicle miles traveled (VMT). SB 743 also included changes to CEQA that apply to transit-oriented developments, as related to aesthetics and parking impacts. Under SB 743, a project's aesthetic impacts will no longer be considered significant impacts on the environment if:

- The project is a residential, mixed-use residential, or employment center project, and
- The project is located on an infill site within a transit priority area.

SB 743 also states that aesthetic impacts do not include impacts on historical or cultural resources. Further, it clarifies that local governments retain their ability to regulate a project's transportation, aesthetics, and parking impacts outside of the CEQA process.

Local

Outdoor Lighting Policy (City Council Policy 4-3)

The City of San José's Outdoor Lighting Policy (City Council Policy 4-3) and City of San José Interim Lighting Policy Broad Spectrum Lighting for Private Development promote energy efficient outdoor lighting on private development to provide adequate light for nighttime activities while benefiting the continued enjoyment of the night sky and continuing operation of the Lick Observatory by reducing light pollution and sky glow.

City's Scenic Corridors Diagram

The City's General Plan defines scenic vistas in the City of San José as views of and from the Santa Clara Valley, surrounding hillsides, and urban skyline. Scenic urban corridors, such as segments of major highways that provide gateways into the City, can also be defined as scenic resources by the City. The designation of a scenic route applies to routes affording especially aesthetically pleasing views. The project property is not located along any scenic corridors per the City's Scenic Corridors Diagram.

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating aesthetic impacts from development projects. The following policies are applicable to the proposed project.

Envision San José 2040 Relevant Aesthetic Policies	
Policy CD-1.1	Require the highest standards of architecture and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
Policy CD-1.8	Create an attractive street presence with pedestrian-scaled building and landscape elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity through the City.
Policy CD-1.12	Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.
Policy CD-1.13	Use design review to encourage creative, high-quality, innovative, and distinctive architecture that helps to create unique, vibrant places that are both desirable urban places to live, work, and play and that lead to competitive advantages over other regions.
Policy CD-1.17	Minimize the footprint and visibility of parking areas. Where parking areas are necessary, provide aesthetically pleasing and visually interesting parking garages with clearly identified pedestrian entrances and walkways. Encourage designs that encapsulate parking facilities behind active building space or screen parked vehicles from view from the public realm. Ensure that garage lighting does not impact adjacent uses, and to the extent feasible, avoid impacts of headlights on adjacent land uses.
Policy CD-1.23	Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.
Policy CD-1.26	Apply the Historic Preservation Goals and Policies of this Plan to proposals that modify historic resources or include development near historic resources.
Policy CD-4.9	For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).
Policy CD-8.1	Ensure new development is consistent with specific height limits established within the City's Zoning Ordinance and applied through the zoning designation for properties throughout the City. Land use designations in the Land Use/ Transportation Diagram provide an indication of the typical number of stories.

Existing Setting

The project site is located on two parcels within an urbanized area of San José. The site is developed with two single-family residences and an accessory structure. The site is located in a predominantly residential area along East Julian Street. The project site is bordered by the following land uses:

- North: residential, Tripp Avenue
- South: East Julian Street, commercial
- East: residential
- West: residential, North 26th Street

Photographs of the property are presented in Figure 10 and an aerial of the project area is provided in Figure 3. As shown in the photos, the project site contains two single-family residences and an accessory structure. The site contains some landscaping and onsite trees. In addition, offsite street trees are located adjacent to the property.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS		Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
1.	AESTHETICS. Except as provided in Public Resources Code Section 21099, would the project:					
a)	Have a substantial adverse effect on a scenic vista?			X		1, 2, 3
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X	1, 2
c)	In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			X		1, 2
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X		1, 2

Explanation

a) **Less Than Significant Impact**. The City's General Plan states that the San José contains many scenic resources that include the broad sweep of the Santa Clara Valley, the hills and mountains that frame the Valley floor, the baylands, and the urban skyline itself, particularly high-rise development downtown. The project site is located in an urbanized location in San José. Views of scenic vistas from the project site and surrounding area, including the Santa Cruz Mountains and Diablo Mountain Range, are largely obstructed by existing development. As a result, development of the proposed project would not obstruct existing views of scenic vistas in the project area. The project would have a less than significant impact on a scenic vista.

b) **No Impact**. The project site is not located within a state-designated scenic route or City-designated scenic corridor. The nearest state-designated scenic highway is the portion of Highway 9 in Monte Sereno, located about 10.5 miles southwest of the project site. The project site is not visible from this portion of Highway 9 or any other designated scenic highways and, therefore, would not impact scenic resources within a state-designated scenic highway.

c) **Less Than Significant Impact**. The project would alter the existing visual character of the site and its immediate surroundings by introducing a seven story multi-family residential building onto a site that is currently occupied by two single-family residences and an accessory structure. The building elevations are presented in Figure 6A-6B. The maximum building height for the proposed residences is about 87 feet to the top of the stair roof (see Figures 6A – 6B). The project site is bordered by 1-story single-family and 1-2 story multi-family residential uses. The proposed development would be consistent with the character of the surrounding neighborhood. The proposed development would not degrade any publicly available views in the vicinity of the project, based on the above discussion. As a result, the proposed project would not substantially degrade the visual quality of the existing neighborhood.

The project would be required to 1) conform to the City's Design Guidelines, and 2) undergo design review to ensure the building scale and mass are compatible with surrounding development. In addition, the project proposes landscaping to soften the visual effects of development through planting of shrubs and groundcover in outdoor areas and replacement of trees proposed to be removed as part of the development. By adhering to these requirements, the project would not substantially degrade the existing visual character or quality of the site and its surroundings within this urbanized area. This represents a less than significant impact.

d) **Less Than Significant Impact**. The existing site current source of light and glare at the project site are generated by streetlights, passing cars, the existing residence, and adjacent residences. The project does not propose any major sources of lighting or glare. Outdoor lighting attached to the building would be provided for access and security. All outdoor lighting would conform to the City's Outdoor Lighting policies and would be shielded to direct light downwards to ensure that lighting does not spill over onto nearby residential properties, consistent with City standards. In addition, the project does not propose to introduce materials into the design that would create substantial glare. The project would have a less than significant impact related to lighting and glare.

Conclusion: The project would have a less than significant impact on aesthetics.

B. AGRICULTURAL AND FORESTRY RESOURCES

Regulatory Framework

State

California Land Conservation Act

The Williamson Act, officially designated as the California Land Conservation Act of 1965, enables local governments to enter into contracts with private landowners, for the purpose of restricting specific parcels of land to agricultural or related open space uses. In return, landowners receive lower property tax assessments that are based on farming and open space as opposed to full market value. Regulations and rules regarding implementation of Williamson Act contracts are established by local participating cities and counties, as guided by the Williamson Act.

Land Evaluation and Site Assessment

The California Agricultural Land Evaluation and Site Assessment (LESA) was developed by the California Department of Conservation to provide a standardized point-based approach for the rating of relative importance of agricultural land. The LESA model ensures that an optional methodology is available for lead agencies to determine if a project will result in potentially significant effects on the environment as a result of agricultural land conversion. The LESA model is based on specific measurable features, including project size, soil quality, surrounding agricultural and/or protected resource lands, and water resource availability, which are weighted, rated and combined to provide a numeric score. The score serves as the basis for making a determination of potential significance for a project.

Farmland Mapping and Monitoring Program

The California Department of Conservation prepares and maintains farmland map data for Counties throughout the state, including for Santa Clara County, through the Farmland Mapping and Monitoring Program (FMMP). The FMMP produces statistical data and maps for the purpose of analyzing potential impacts on agricultural resources. The FMMP is designed to regulate the conversion of agricultural land to permanent non-agricultural uses. The FMMP contains a rating system based on soil quality and irrigation status, with the best quality land being designated as "Prime Farmland." Maps are updated every two years using computer mapping, aerial photography, public review, and field reconnaissance. The FMMP for Santa Clara County has data from 1984 to the present day, including historical land use conversion, PDF maps, and GIS data.

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating agricultural impacts from development projects. The following policies are applicable to the proposed project.

Envision San José 2040 Relevant Agricultural Resources Policies	
Policy LU-12.3	Protect and preserve the remaining farmlands within San José's sphere of influence that are not planned for urbanization in the timeframe of the Envision General Plan through the following means:

Envision San José 2040 Relevant Agricultural Resources Policies	
	• Limit residential uses in agricultural areas to those which are incidental to agriculture. • Restrict and discourage subdivision of agricultural lands. Encourage contractual protection for agricultural lands, such as Williamson Act contracts, agricultural conservation easements, and transfers of development rights. • Prohibit land uses within or adjacent to agricultural lands that would compromise the viability of these lands for agricultural uses. • Strictly maintain the Urban Growth Boundary in accordance with other goals and policies in this Plan.
Policy LU-12.4	Preserve agricultural lands and prime soils in non-urban areas in order to retain the aquifer recharge capacity of these lands.

Existing Setting

CEQA requires the evaluation of agricultural and forest/timber resources where they are present. The developed infill project site does not contain any agricultural and forest/timber resources.

In California, agricultural land is given consideration under CEQA. According to Public Resources Code §21060.1, "agricultural land" is identified as prime farmland, farmland of statewide importance, or unique farmland, as defined by the U.S. Department of Agriculture land inventory and monitoring criteria, as modified for California. CEQA also requires consideration of impacts on lands that are under Williamson Act contracts. The project area is identified as "Urban and Built-Up Land" on the 2018 Santa Clara County Important Farmland Map (California Department of Conservation).

The site does not contain any forest land as defined in Public Resources Code section 12220(g), timberland as defined by Public Resources Code section 4526, or property zoned for Timberland Production as defined by Government Code section 51104(g).

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
2. AGRICULTURAL AND FORESTRY RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X	4
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X	2

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X	2
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X	2
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X	2

Explanation

a) **No Impact**. The project site is an infill property and designated as Urban and Built-Up Land on the Important Farmlands Map for Santa Clara County. The project site does not contain any prime farmland, unique farmland, or farmland of statewide importance. The project would have no impact related to the conversion of prime farmland, unique farmland, or farmland of statewide importance to non-agricultural uses.

b) **No Impact**. The project is proposed on a site that is not zoned for agricultural use and does not contain lands under Williamson Act contract; therefore, the project would have no impact with respect to conflicting with agricultural uses or a Williamson Act contract.

c) **No Impact**. The project site does not contain any forest land as defined in Public Resources Code section 12220(g), timberland as defined by Public Resources Code section 4526, or property zoned for Timberland Production as defined by Government Code section 51104(g). The proposed project would have no impact related to conflicting with existing zoning or rezoning of forest land or timberland.

d) **No Impact**. See c) above. The project would have no impact related to changes to the environment that would result in the loss of forest land or conversion of forest land to non-forest uses.

e) **No Impact**. As per the discussion above, the project would not involve changes in the existing environment which, due to their location or nature, could result in conversion of farmland or forest land, since none are present on the site. The project would have no impact related to the conversion of farmland to non-agricultural use or forest land to non-forest use.

Conclusion: The project would have no impact on agricultural and forest resources.

C. AIR QUALITY

An air quality assessment was prepared for the project by Illingworth & Rodkin, Inc. (September 2023). This report is contained in Appendix A.

Regulatory Framework

Federal

Federal Clean Air Act and United States Environmental Protection Agency

The Federal Clean Air Act (CAA) authorized the establishment of federal air quality standards and set deadlines for their attainment. The CAA identifies specific emission reduction goals, requires both a demonstration of reasonable further progress and attainment, and incorporates more stringent sanctions for failure to meet interim milestones. The U.S. EPA is the federal agency charged with administering CAA and other air quality-related legislation. The CAA of 1970, as amended, establishes air quality standards for several pollutants.

The United States Environmental Protection Agency (U.S. EPA) administers the National Ambient Air Quality Standards (NAAQS) under the Federal Clean Air Act. The U.S. EPA sets the NAAQS and determines if areas meet those standards. Violations of ambient air quality standards are based on air pollutant monitoring data and judged for each air pollutant. Areas that do not violate ambient air quality standards are considered to have attained the standard. The U.S. EPA has classified the region as a nonattainment area for the 8-hour O_3 standard and the 24-hour $PM_{2.5}$ standard. The Bay Area has met the CO standards for over a decade and is classified as an attainment area by the U.S. EPA. The U.S. EPA has deemed the region as attainment/unclassified for all other air pollutants, which include PM_{10}. At the State level, the Bay Area is considered nonattainment for ozone, PM_{10} and $PM_{2.5}$.

State

California Clean Air Act

The Federal Clean Air Act (CAA) allows California to seek a waiver of the federal preemption that prohibits states and local jurisdictions from enacting emission standards and other emission-related requirements for new motor vehicles and engines (CAA section 209(a)). The California Air Resources Board (CARB) serves as the representative of California in filing waiver requests with U.S. EPA. After California files a written request for a waiver, U.S. EPA will publish a notice for a public hearing and submission of comments in the *Federal Register*. After consideration of comments received, the Administrator of U.S. EPA will issue a written determination on California's request, which is also published the *Federal Register*.

Regional and Local

Bay Area Air Quality Management District

The BAAQMD is primarily responsible for assuring that the federal and state ambient air quality standards for criteria pollutants are attained and maintained in the Bay Area. The BAAQMD's May 2017 CEQA Air Quality Guidelines update the 2010 CEQA Air Quality Guidelines, addressing the

California Supreme Court's 2015 opinion in the *California Building Industry Association vs. Bay Area Air Quality Management District* court case.

In an effort to attain and maintain federal and state ambient air quality standards, the BAAQMD establishes thresholds of significance for construction and operational period emissions for criteria pollutants and their precursors.

2017 Bay Area Clean Air Plan

The BAAQMD, along with other regional agencies such as the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC), develops plans to reduce air pollutant emissions. The most recent clean air plan is the *Bay Area 2017 Clean Air Plan: Spare the Air, Cool the Climate* (2017 CAP), which was adopted by BAAQMD in April 2017. This is an update to the 2010 CAP, and centers on protecting public health and climate. The 2017 CAP identifies a broad range of control measures. These control measures include specific actions to reduce emissions of air and climate pollutants from the full range of emission sources and is based on the following four key priorities:

- Reduce emissions of criteria air pollutants and toxic air contaminants from all key sources.
- Reduce emissions of "super-GHGs" such as methane, black carbon, and fluorinated gases.
- Decrease demand for fossil fuels (gasoline, diesel, and natural gas).
- Decarbonize our energy system.

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating air quality impacts from development projects. The following policies are applicable to the proposed project.

Envision San José 2040 Relevant Air Quality Policies	
Policy MS-10.1	Assess projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines and relative to state and federal standards. Identify and implement air emissions reduction measures.
Policy MS-10.2	Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region's Clean Air Plan and State law.
Policy MS-11.1	Require completion of air quality modeling for sensitive land uses such as new residential developments that are located near sources of pollution such as freeways and industrial uses. Require new residential development projects and projects categorized as sensitive receptors to incorporate effective mitigation into project designs or be located an adequate distance from sources of toxic air contaminants (TACs) to avoid significant risks to health and safety.
Policy MS-11.2	For projects that emit toxic air contaminants, require project proponents to prepare health risk assessments in accordance with BAAQMD-recommended procedures as part of environmental review and employ effective mitigation to reduce possible health risks to a less than significant level. Alternatively, require new projects (such as, but not limited to, industrial, manufacturing, and processing facilities) that are sources of TACs to be located an adequate distance from residential areas and other sensitive receptors.

Envision San José 2040 Relevant Air Quality Policies	
Policy MS-11.5	Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.
Policy MS-13.1	Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.
Policy CD-3.3	Within new development, create and maintain a pedestrian-friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.

Existing Setting

Air Pollutants and Contaminants

Multiple federal and state standards govern air pollution to regulate and mitigate health impacts. At the federal level, there are six criteria pollutants for NAAQS have been established: carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO_2), ozone (O_3), suspended particulate matter (PM: $PM_{2.5}$ and PM_{10}), and sulfur dioxide (SO_2). California sets standards similar to the NAAQS as California Ambient Air Quality Standards (CAAQS). Note that California includes pollutants or contaminants that are specific to certain industries and not associated with this project. These include hydrogen sulfide and vinyl chloride.

Ozone. Ozone is a secondary air pollutant produced in the atmosphere through a complex series of photochemical reactions involving reactive organic gases (ROG) and oxides of nitrogen (NO_X). The main sources of ROG and NO_X, often referred to as ozone precursors, are combustion processes (including combustion in motor vehicle engines) and the evaporation of solvents, paints, and fuels. In the Bay Area, automobiles are the single largest source of ozone precursors. Ozone is referred to as a regional air pollutant because its precursors are transported and diffused by wind concurrently with ozone production through the photochemical reaction process. Ozone causes eye irritation, airway constriction, shortness of breath, and can aggravate existing respiratory diseases such as asthma, bronchitis, and emphysema.

Carbon Monoxide. Carbon monoxide is an odorless, colorless gas usually formed as the result of the incomplete combustion of fuels. The single largest source of CO is motor vehicles. While CO transport is limited, it disperses with distance from the source under normal meteorological conditions. However, under certain extreme meteorological conditions, CO concentrations near congested roadways or intersections may reach unhealthful levels that adversely affect local sensitive receptors (e.g., residents, schoolchildren, the elderly, hospital patients, etc.). Typically, high CO concentrations are associated with roadways or intersections operating at unacceptable levels of service (LOS) or with extremely high traffic volumes. Exposure to high concentrations of CO reduces the oxygen-carrying capacity of the blood and can cause headaches, nausea, dizziness, fatigue, impair central nervous system function, and induce angina (chest pain) in persons with serious heart disease. Very high levels of CO can be fatal.

Nitrogen Dioxide. Nitrogen Dioxide is a reddish-brown gas that is a byproduct of combustion processes. Automobiles and industrial operations are the main sources of NO_2. Aside from its contribution to ozone formation, NO_2 also contribute to other pollution problems, including a high concentration of fine particulate matter, poor visibility, and acid deposition. NO_2 may be visible as a coloring component on high pollution days, especially in conjunction with high ozone levels. NO_2 decreases lung function and may reduce resistance to infection. On January 22, 2010, the U.S. EPA strengthened the health-based NAAQS for NO_2.

Sulfur Dioxide. Sulfur dioxide is a colorless, irritating gas formed primarily from the incomplete combustion of fuels containing sulfur. Industrial facilities also contribute to gaseous SO_2 levels in the region. SO_2 irritates the respiratory tract, can injure lung tissue when combined with fine particulate matter and reduces visibility and the level of sunlight.

Particulate Matter. Particulate matter is the term used for a mixture of solid particles and liquid droplets found in the air. Coarse particles are those that are larger than 2.5 microns but smaller than 10 microns (PM_{10}). $PM_{2.5}$ refers to fine suspended particulate matter with an aerodynamic diameter of 2.5 microns or less that is not readily filtered out by the lungs. Nitrates, sulfates, dust, and combustion particulates are major components of PM_{10} and $PM_{2.5}$. These small particles can be directly emitted into the atmosphere as by-products of fuel combustion, through abrasions, such as tire or brake lining wear, or through fugitive dust (wind or mechanical erosion of soil). They can also be formed in the atmosphere through chemical reactions. Particulates may transport carcinogens and other toxic compounds that adhere to the particle surfaces and can enter the human body through the lungs.

Lead. Lead is a metal found naturally in the environment as well as in manufactured products. The major sources of lead emissions have historically been mobile and industrial. As a result of the phase-out of leaded gasoline, metal processing is currently the primary source of lead emissions. The highest levels of lead in the air are generally found near lead smelters. Other stationary sources are waste incinerators, utilities, and lead-acid battery manufacturers. Over 20 years ago, mobile sources were the main contributor to ambient lead concentrations in the air. In the early 1970s, the U.S. EPA established national regulations to gradually reduce the lead content in gasoline. In 1975, unleaded gasoline was introduced for motor vehicles equipped with catalytic converters. The EPA banned the use of leaded gasoline in highway vehicles in December 1995. As a result of the EPA's regulatory efforts to remove lead from gasoline, emissions of lead from the transportation sector and lead levels in the air decreased dramatically.

Air Pollutants of Concern in the Bay Area

High ozone levels are caused by the cumulative emissions of ROG and NO_X. These precursor pollutants react under certain meteorological conditions to form high ozone levels. Controlling the emissions of these precursor pollutants is the focus of the Bay Area's attempts to reduce ozone levels. The highest ozone levels in the Bay Area occur in the eastern and southern inland valleys that are downwind of air pollutant sources. High ozone levels aggravate respiratory and cardiovascular diseases, reduce lung function, and increase coughing and chest discomfort.

Particulate matter is another problematic air pollutant of the Bay Area. Particulate matter is assessed and measured in terms of respirable particulate matter (PM_{10}) and fine particulate matter ($PM_{2.5}$). Elevated concentrations of PM_{10} and $PM_{2.5}$ are the result of both region-wide (or cumulative) emissions and localized emissions. High particulate matter levels aggravate respiratory and cardiovascular

diseases, reduce lung function, increase mortality (e.g., lung cancer), and result in reduced lung function growth in children.

Toxic Air Contaminants

In addition to the criteria pollutants discussed above, Toxic Air Contaminants (TACs) are another group of pollutants of concern. TACs are injurious in small quantities and are regulated by the EPA and CARB. Some examples of TACs include benzene, butadiene, formaldehyde, and hydrogen sulfide. The identification, regulation, and monitoring of TACs is relatively recent compared to that for criteria pollutants.

High volume freeways, stationary diesel engines, and facilities attracting heavy and constant diesel vehicle traffic (distribution centers, truck stops) were identified as posing the highest risk to adjacent receptors. Other facilities associated with increased risk include warehouse distribution centers, large retail or industrial facilities, high-volume transit centers, or schools with a high volume of bus traffic. Community health risk assessments typically look at all substantial sources of TACs located within 1,000 feet of project sites and at new TAC sources that the project would introduce. These sources include railroads, highways, busy surface streets, and stationary sources identified by BAAQMD.

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs (based on the Bay Area average). According to the CARB, diesel exhaust is a complex mixture of gases, vapors, and fine particles. This complexity makes the evaluation of health effects of diesel exhaust a complex scientific issue. Some of the chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by the CARB, and are listed as carcinogens either under the state's Proposition 65 or under the Federal Hazardous Air Pollutants programs. Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, state, and federal level.

Air Quality Setting

The project is located in Santa Clara County, which is part of the San Francisco Bay Area Air Basin. The Air Basin includes the counties of San Francisco, Santa Clara, San Mateo, Marin, Napa, Contra Costa, and Alameda, along with the southeast portion of Sonoma County and the southwest portion of Solano County. This project is within the jurisdiction of the BAAQMD. Air quality conditions in the San Francisco Bay Area have improved significantly since the BAAQMD was created in 1955. Ambient concentrations of air pollutants, and the number of days during which the region exceeds air quality standards, have fallen dramatically. Exceedances of air quality standards occur primarily during meteorological conditions conducive to high pollution levels, such as cold, windless winter nights or hot, sunny summer afternoons.

Local Climate and Air Quality

Air quality is a function of both local climate and local sources of air pollution. Air quality is the balance of the natural dispersal capacity of the atmosphere and emissions of air pollutants from human uses of the environment. Climate and topography are major influences on air quality.

Climate and Meteorology. During the summer, mostly clear skies result in warm daytime temperatures and cool nights in the Santa Clara Valley. Winter temperatures are mild, except for very cool but generally frost-less mornings. Further inland, where the moderating effect of the bay is not as strong,

temperature extremes are greater. Wind patterns are influenced by local terrain, with a northwesterly sea breeze typically developing during the daytime. Winds are usually stronger in the spring and summer. Rainfall amounts are modest, ranging from 13 inches in the lowlands to 20 inches in the hills.

Air Pollution Potential. Ozone and fine particle pollution, or $PM_{2.5}$, are the major regional air pollutants of concern in the San Francisco Bay Area. Ozone is primarily a problem in the summer, and fine particle pollution in the winter. Most of Santa Clara County is well south of the cooler waters of the San Francisco Bay and far from the cooler marine air, which usually reaches across San Mateo County in summer. Ozone frequently forms on hot summer days when the prevailing seasonal northerly winds carry ozone precursors southward across the county, causing health standards to be exceeded. Santa Clara County experiences many exceedances of the $PM_{2.5}$ standard each winter. This is due to the high population density, wood smoke, industrial and freeway traffic, and poor wintertime air circulation caused by extensive hills to the east and west that block wind flows into the region. Recently, wildfires have caused many days per year of unhealthy air during summer and fall due to high particle pollution (e.g., $PM_{2.5}$ and PM_{10} levels that exceed standards).

Attainment Status Designations. The CARB is required to designate areas of the state as attainment, nonattainment, or unclassified for all state standards. An "attainment" designation for an area signifies that pollutant concentrations did not violate the standard for that pollutant in that area. A "nonattainment" designation indicates that a pollutant concentration violated the standard at least once, excluding those occasions when a violation was caused by an exceptional event, as defined in the criteria. An "unclassified" designation signifies that data does not support either an attainment or nonattainment status. The CCAA divides districts into moderate, serious, and severe air pollution categories, with increasingly stringent control requirements mandated for each category.

Existing Air Pollutant Levels. BAAQMD monitors air pollution at various sites within the Bay Area. The closest air monitoring station (158 Jackson Street) that monitored O_3, CO, NO, NO_2, and $PM_{2.5}$ over the past five years (2017 through 2021) is in the City of San José, approximately nine miles northwest of the project site. The data shows that the project area has exceeded the state and/or federal O3, PM_{10}, and $PM_{2.5}$ ambient air quality standards one or more times during the past few years. The most recent time-period available illustrating air quality trends collected by BAAQMD and CARB is presented in Appendix A. Ozone standards (including 1-hr concentration and 8-hr concentration) were exceeded at a range between 1 to 8 days annually between 2017 and 2021. $PM_{2.5}$ concentrations were exceeded at a range between 1 to 12 days annually between in 2017 and 2021. [1] As a note, these levels were influenced by smoke from wildfires.

Sensitive Receptors

The BAAQMD defines sensitive receptors as facilities where sensitive population groups are located, including residences, schools, childcare centers, convalescent homes, and medical facilities. Land uses such as schools and hospitals are considered more sensitive than the general public to poor air quality because of increased susceptibility to respiratory distress within the populations associated with these uses. For cancer risk assessments, children are the most sensitive receptors since they are more susceptible to cancer-causing TACs. Residential locations are assumed to include infants and small children. The closest sensitive receptors to the project site are the single- and multi-family residences surrounding the project site (to the west, east, and north). Additional residents are located west and

[1] https://www.baaqmd.gov/about-air-quality/current-air-quality/air-monitoring-data/#/

east of the site. In addition, the project would introduce new sensitive residential receptors in the form of new residents.

There are several schools and daycare facilities near the project site. These include the Sunrise Middle School located 830 feet west of the site, the San Jose Head Start daycare located 815 feet west of the site, the Ace Inspire Academy located 800 feet to the west, and Rocketship Discovery Prep Elementary School located 440 feet to the north, and San Jose High School located 945 feet southwest of the site.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
3. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?			X		2, 5, 6, 7
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?			X		2, 5, 7
c) Expose sensitive receptors to substantial pollutant concentrations?		X			2, 5, 7
d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?			X		2, 5, 7

Explanation

a) **Less Than Significant Impact**. Using the BAAQMD's methodology, a determination of consistency with the 2017 CAP should demonstrate that a project: 1) supports the primary goals of the air quality plan; 2) includes applicable control measures from the air quality plan, and 3) does not disrupt or impede implementation of air quality plan control measures. The consistency of the project with the applicable control measures is presented in Table 1.

As summarized in the "Project Consistency" column of Table 1, the project would not conflict with the 2017 CAP's goal to attain air quality standards and would not result in exceedances of BAAQMD 2017 thresholds for criteria air pollutants as described in b) below. Therefore, the project would have a less than significant impact on clean air planning efforts.

Table 1
2017 CAP Applicable Control Measures

Control Measures	Description	Project Consistency
Transportation Measures		
Bicycle and Pedestrian Access and Facilities	Encourage planning for bicycle and pedestrian facilities in local plans, e.g., general and specific plans, fund	The project would include 90 long-term bicycle parking spaces consistent with City's Zoning Ordinance standards. Additionally,

Table 1 2017 CAP Applicable Control Measures		
Control Measures	**Description**	**Project Consistency**
	bike lanes, routes, paths and bicycle parking facilities.	the project proposes to replace the existing sidewalk along the project's frontage along East Julian Street with a new 10-foot-wide sidewalk to improve pedestrian circulation. Therefore, the project is consistent with this measure.
Energy Control Measures		
Decrease Electricity Demand	Work with local governments to adopt additional energy efficiency policies and programs. Support local government energy efficiency program via best practices, model ordinances, and technical support. Work with partners to develop messaging to decrease electricity demand during peak times.	The project would be required to comply with Building Energy Efficiency Standards (Municipal Code Title 24), which would help reduce energy consumption. The project would also be required to comply with the City's Green Building Policy (Council Policy 8-13), Private Sector Green Building Policy (Council Policy 6-32) and the City's Green Building Ordinance, which would increase building efficiency over standard construction.
Building Control Measures		
Green Buildings	Collaborate with partners such as KyotoUSA to identify energy-related improvements and opportunities for onsite renewable energy systems in school districts; investigate funding strategies to implement upgrades. Identify barriers to effective local implementation of the CALGreen (Title 24) statewide building energy code; develop solutions to improve implementation/enforcement. Work with ABAG's BayREN program to make additional funding available for energy-related projects in the buildings sector. Engage with additional partners to target reducing emissions from specific types of buildings.	The project would be required to comply with CALGreen and the City's Green Building Policy (Council Policy 8-13), Private Sector Green Building Policy (Council Policy 6-32) the City's Green Building Ordinance, and the most recent California Building Code which would increase building efficiency over standard construction. Therefore, the project is consistent with this control measure.
Urban Heat Island Mitigation	Develop and urge adoption of a model ordinance for "cool parking" that promotes the use of cool surface treatments for new parking facilities.	The project would locate vehicle parking in an enclosed garage. No surface parking spaces are provided. In addition, the project proposes new landscaping, including planting of shrubs, groundcover, and replacement trees. These features would minimize surface parking and reduce the project's heat island effect. The project, therefore, is consistent with this measure.

Table 1 2017 CAP Applicable Control Measures		
Control Measures	**Description**	**Project Consistency**
Water Management Control Measures		
Support Water Conservation	Develop a list of best practices that reduce water consumption and increase on-site water recycling in new and existing buildings; incorporate into local planning guidance.	The project would be required to adhere to State and local polices to conserve water, including, but not limited to, AB 1668: Water Conservation and Drought Planning, AB 2731: Landscape Water Use Efficiency, implementation of a stormwater control plan, and adherence to the City's levelled water shortage restrictions on potable water use. Therefore, the project is consistent with this control measure.
Natural and Working Lands Measures		
Urban Tree Planting	Develop or identify an existing model municipal tree planting ordinance and encourage local governments to adopt such an ordinance. Include tree planting recommendations, the Air District's technical guidance, best management practices for local plans, and CEQA review.	Consistent with the City's tree replacement requirements, the project would plant 64 new 24-inch box trees and other landscaping features such as planting of various shrubs and groundcover in outdoor areas. Therefore, the project is consistent with this control measure.

b) **Less Than Significant Impact**. The San Francisco Bay Area is considered a non-attainment area for ground-level ozone and $PM_{2.5}$ under both the Federal Clean Air Act and the California Clean Air Act. The area is also considered non-attainment for PM_{10} under the California Clean Air Act, but not the Federal act. The area has attained both State and Federal ambient air quality standards for carbon monoxide.

The City of San José uses the thresholds of significance established by the BAAQMD to assess air quality impacts of proposed development. The BAAQMD CEQA Guidelines include screening levels and thresholds for evaluating air quality impacts in the San Francisco Bay Area Air Basin. As part of an effort to attain and maintain ambient air quality standards for ozone and PM_{10}, the BAAQMD has established thresholds of significance for these air pollutants and their precursors. These thresholds are for ozone precursor pollutants (ROG and NO_X), PM_{10}, and $PM_{2.5}$ and apply to both construction period and operational period impacts. The applicable thresholds are presented below in Table 2.

Table 2 BAAQMD Air Quality Significance Thresholds			
Pollutant	**Construction Thresholds**	**Operational Thresholds**	
	Average Daily Emissions (lbs./day)	**Average Daily Emissions (lbs./day)**	**Annual Average Emissions (tons/year)**
Criteria Air Pollutants			
ROG, NO_x, $PM_{2.5}$ (exhaust)	54	54	10

Table 2 BAAQMD Air Quality Significance Thresholds			
Pollutant	**Construction Thresholds**	**Operational Thresholds**	
	Average Daily Emissions (lbs./day)	**Average Daily Emissions (lbs./day)**	**Annual Average Emissions (tons/year)**
PM_{10} (exhaust)	82	82	15
CO	Not Applicable	9.0 ppm (8-hour average) or 20.0 ppm (1-hour average)	
Fugitive Dust ($PM_{2.5}$, PM_{10})	Construction Dust Ordinance or other Best Management Practices	Not Applicable	
Health Risks and Hazards for Sources within 1,000 Feet of Project			
Excess Cancer Risk	10 per one million	10 per one million	
Chronic or Acute Hazard Index	1.0	1.0	
Incremental annual average $PM_{2.5}$	0.3 µg/m^3	0.3 µg/m^3	
Health Risks and Hazards for Sensitive Receptors (Cumulative from All Sources within 1,000-Foot Zone of Influence) and Cumulative Thresholds for New Sources			
Excess Cancer Risk	100 per 1 million		
Chronic Hazard Index	10.0		
Annual Average $PM_{2.5}$	0.8 µg/m^3		
Greenhouse Gas Emissions (Land Use Projects)			
GHG Annual Emissions	1,100 metric tons or 4.6 metric tons per service population		
Notes: ROG = reactive organic gases, NOx = nitrogen oxides, PM_{10} = course particulate matter or particulates with an aerodynamic diameter of 10 micrometers (µm) or less, and $PM_{2.5}$ = fine particulate matter or particulates with an aerodynamic diameter of 2.5µm or less; GHG = greenhouse gas; ppm = parts per million; µg/m^3 = micrograms per cubic meter			

The air quality assessment for the project (Appendix A) used the California Emissions Estimator Model (CalEEMod) Version 2020.4.0 to estimate air pollutant emissions from construction and operation of the project at buildout.[2]

Construction Emissions

CalEEMod computes annual emissions for construction based on the project type, size and acreage. The model provides emission estimates for both on-site and off-site construction activities. On-site activities are primarily made up of construction equipment emissions (e.g., from tractors, backhoes, etc.), while offsite activity includes worker, hauling, and vendor traffic. The construction build-out scenario, including equipment list and schedule, were based on information provided by the project applicant. The project land use types and size, and anticipated construction schedule were input to CalEEMod, as shown below:

- Apartments Mid Rise, 140 Dwelling Units, 133,442 sf

[2] CalEEMod quantifies ozone precursors, criteria pollutants, and greenhouse gas emissions from the construction and operation of new land use development and linear projects in California.

- Unenclosed Parking with Elevator, 133 Parking Spaces, 64,458 sf

CalEEMod's default construction schedule assumed that the earliest possible start date would be January 2025 and, based on the total workdays per phase, would be built-out over a period of approximately 20 months, or 428 construction workdays.[3] Construction is anticipated to conclude in March 2027. The earliest year of full operation was assumed to be 2027.[4]

Average daily emissions were annualized for each year of construction by dividing the total annual construction emissions by the number of active workdays during that year. Table 3 shows annualized average daily construction emissions of ROG, NO_X, PM_{10} exhaust, and $PM_{2.5}$ exhaust during construction of the project. As indicated in Table 3, predicted annualized project construction emissions for the entire project would not exceed the BAAQMD significance thresholds during any year of construction.

Table 3
Construction Period Emissions

Year	ROG	No_x	PM_{10} Exhaust	$PM_{2.5}$ Exhaust
Construction Emissions Per Year (Tons)				
2025	0.14	0.41	0.01	0.01
2026	0.90	0.24	0.01	<0.01
Average Daily Construction Emissions Per Year (pounds/day)				
2025 (261 construction workdays)	1.04	3.13	0.09	0.09
2026 (167 construction workdays)	10.82	2.92	0.06	0.06
BAAQMD Thresholds (pounds per day)	*54* lbs./day	*54* lbs./day	*82* lbs./day	*54* lbs./day
Exceed Threshold?	No	No	No	No

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 include disturbed soils at the construction site and trucks carrying uncovered loads of soil. Unless properly controlled, vehicles leaving the site would deposit mud on local streets, which would be an additional source of airborne dust after it dries.

Although construction period emissions would not exceed the BAAQMD significance thresholds, the BAAQMD CEQA Air Quality Guidelines require implementation of best management practices. During any construction period ground disturbance, the applicant shall ensure that the project contractor implement measures to control dust and exhaust. Implementation of the measures recommended by BAAQMD and listed below as standard permit conditions would reduce the air quality impacts associated with grading and new construction to a less than significant level. Additional measures are identified to reduce

[3] The project applicant noted that the construction of the project was expected to be from April 2024 through December 2025. However, because CalEEMod defaults were used to predict construction activities for the project, the CalEEMod default schedule was used, which had construction occurring from April 2024 through May 2025. Using the CalEEMod default schedule is more conservative because the same project construction emissions would be analyzed over a shorter period of time and assumes a more intensive construction schedule as compared to the applicant's schedule.

[4] The applicant noted that the construction of the project was expected to be over a 26-month period, which is the overall duration assumed throughout this document. However, the number of construction work days provided in the construction data totaled 20 months. The analysis of construction emissions using the 20-month schedule is considered more conservative compared to a 26-month schedule, as the same project construction activities and emissions would be analyzed over a shorter period of time compared to the applicant's schedule.

construction equipment exhaust emissions. The contractor shall implement the following Standard Permit Condition that are required of all projects:

Standard Permit Conditions

- 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.

- 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 property 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.

- Post a publicly visible sign with the name and telephone number of an on-site construction coordinator and person to contact at the lead agency regarding dust complaints.

In addition to the BAAQMD-recommended best management practices listed above as standard permit conditions, implementation of the mitigation measure in c) below would include construction equipment exhaust control measures to reduce construction particulate matter impacts. As the project would not result in emissions that exceed the BAAQMD thresholds, it would not contribute substantially to existing or projected violations of air quality standards during construction.

Operational Emissions

The project proposes 140 apartment units and would not exceed the BAAQMD screening size for operational criteria air pollutants of 494 "Apartment – Mid Rise" units. The project, therefore, would not result in significant air quality impacts from operations.

c) **Less Than Significant with Mitigation**. Project impacts related to increased community risk can occur either by introducing a new source of TACs with the potential to adversely affect existing sensitive receptors in the project vicinity or by significantly exacerbating existing cumulative TAC impacts. This project would introduce new sources of TACs during construction (i.e., on-site construction and truck hauling emissions) and operation (i.e., mobile sources and stationary sources).

Project construction activity would generate dust and equipment exhaust that would affect nearby sensitive receptors. The project would not include the installation of any emergency generators powered by a diesel engine but would generate some traffic consisting of mostly light-duty gasoline-powered vehicles, which would produce TAC and air pollutant emissions. Project impacts to existing sensitive receptors were addressed for temporary construction activities and long-term operational conditions.

Community Health Risk Impacts Associated with Construction

The maximum increased cancer risks were calculated using the modeled TAC concentrations combined with the OEHHA guidance for age sensitivity factors and exposure parameters as recommended by BAAQMD (see Appendix A, Attachment 1). Age-sensitivity factors reflect the greater sensitivity of infants and children to cancer causing TACs. Third-trimester, infant, child, and adult exposures were assumed to occur at all residences during the entire construction period, while infant and/or child exposures were assumed to occur at the nearby schools.

Non-cancer health hazards (HI) and maximum $PM_{2.5}$ concentrations were also calculated and identified. The maximum modeled annual $PM_{2.5}$ concentration was calculated based on combined exhaust and fugitive concentrations. The maximum computed HI value was based on the ratio of the maximum DPM concentration modeled and the chronic inhalation reference exposure level of $5\mu g/m^3$.

The maximum modeled annual DPM and $PM_{2.5}$ concentrations were identified at nearby sensitive receptors as shown in Figure 12 to find the maximally exposed individuals (MEI). Results of this assessment indicated that the construction MEI was located on the second floor (15 feet above ground) and at the adjacent multi-family building east of the construction site. After Mitigation Measure AQ-1 and the standard permit conditions identified above were applied to the annual DPM and $PM_{2.5}$ concentrations modeling, the annual $PM_{2.5}$ concentration MEI shifted to the first floor (5 feet above ground) at the same receptor. Table 4 summarizes the maximum cancer risks, $PM_{2.5}$ concentrations, and HI for project's construction activities at the MEIs. Appendix A includes the emission calculations used for the construction area source modeling and the cancer risk calculations.

Source: Illingworth & Rodkin, April 2023

Locations of Sensitive Receptors and Maximally Exposed Individual

1271 & 1279 E. Julian St. Multi-Family Residential
Initial Study

Figure
12

Additionally, modeling was conducted to predict the cancer risks, non-cancer health hazards, and maximum $PM_{2.5}$ concentrations associated with construction activities at the nearby schools. The maximum increased cancer risks were adjusted using infant and/or child exposure parameters. The maximum school child uncontrolled cancer risk and $PM_{2.5}$ concentration occurred at San Jose Head Start facility located 815 feet west of the project site. The maximum cancer risk, $PM_{2.5}$ concentrations and His at all nearby schools and daycare facilities would not exceed their respective BAAQMD single-source significance thresholds, as shown in Table 4.

As shown in Table 4, the maximum cancer risks from uncontrolled (i.e., unmitigated) construction activities at the cancer risk MEI location would exceed the BAAQMD single-source significance threshold. However, with the incorporation of the Standard Permit Conditions identified under impact a) and incorporation of mitigation measure AQ-1 below, the mitigated risk values would reduce emissions such that the cancer risk associated with construction would no longer exceed the BAAQMD single-source significance threshold. The unmitigated annual $PM_{2.5}$ concentration and HI at the MEIs and school receptors do not exceed their respective BAAQMD single-source significance thresholds.

Table 4
Construction Risk Impacts at Off-Site MEI and School Receptors

Source	Cancer Risk (per million)	Annual $PM_{2.5}$ [1] ($\mu g/m^3$)	Hazard Index
Project Impact			
Project Construction			
Unmitigated	**11.98 (infant)**	0.07	0.01
Mitigated	3.33 (infant)	0.05	<0.01
BAAQMD Single-Source Threshold	***10***	***0.3***	***1.0***
Exceed Threshold?			
Unmitigated	***Yes***	*No*	*No*
Mitigated[1]	*No*	*No*	*No*
Most Impacted School Receptor – San Jose Head Start			
Project Construction			
Unmitigated	0.32 (infant)	<0.01	<0.01
BAAQMD Single-Source Threshold	***10***	***0.3***	***1.0***
Exceed Threshold?			
Unmitigated	*No*	*No*	*No*

Notes: [1] Includes electric cranes, air compressors, welders, and aerial/man lifts as Mitigation Measures.

Cumulative Health Risks Project MEI

Table 5, below, reports maximum off-site cumulative impacts from construction of the project. The project would have an exceedance with respect to health risk caused by project construction activities, since the maximum unmitigated cancer risk exceeds the BAAQMD single-source threshold for residential uses. This is a significant impact.

Table 5 Cumulative Health Risk Impacts at Location of the Project MEI			
Source	**Cancer Risk (per million)**	**Annual $PM_{2.5}$ [1] ($\mu g/m^3$)**	**Hazard Index**
Project Impact			
Total/Maximum Project Impacts			
Unmitigated	**11.98 (infant)**	**0.07**	0.01
Mitigated	3.33 (infant)	0.05	<0.01
BAAQMD Single-Source Threshold	***10***	***0.3***	***1.0***
Exceed Threshold?			
Unmitigated	***Yes***	*No*	*No*
Mitigated	*No*	*No*	*No*
Cumulative Operational Sources			
E. Julian Street, ADT 17,120	1.46	0.16	<0.01
Verizon Wireless (Highway101/Julian) (Facility ID #18356, Generators), MEIs at 400 feet	0.18	<0.01	<0.01
Mobil SS#63175 (Facility ID #110689_1, Gas Dispensing Facility), MEIs at 230 feet	3.46	-	0.02
Combined Sources			
Unmitigated	17.08	<0.24	<0.05
Mitigated	8.443	<0.41	<0.05
BAAQMD Cumulative Source Threshold	***100***	***0.8***	***10.0***
Exceed Threshold?			
Unmitigated	*No*	*No*	*No*
Mitigated	*No*	*No*	*No*
Notes: [1] Includes electric cranes, air compressors, welders, and aerial/man lifts as Mitigation Measures.			

Impact AQ-1: Project construction would result in an infant cancer risk of 11.98 in one million at the maximally exposed individual (MEI), which exceeds the BAAQMD's single-source cancer risk significance threshold of 10 in one million.

Mitigation Measures

MM AQ-1 Prior to the issuance of any demolition, grading, or building permits (whichever occurs first), the project applicant shall prepare a construction operations plan with equipment verified by a qualified air quality specialist that demonstrates off-road equipment used on-site to construct the project would achieve a fleet-wide average of a 20 percent reduction or more in diesel particulate matter (DPM) exhaust emissions to reduce the infant cancer risk from 11.98 in one million to 3.33 in one million. Specifically, this plan shall include, but is not limited to, the measures identified below:

- Install electric power lines during early construction phases in order to use electric equipment such as cranes, welders, air compressors, and aerial/man lifts.
- Alternatively, the applicant may develop an alternative construction operations plan demonstrating that the construction equipment used on-site would achieve a reduction in construction DPM exhaust emissions by 20 percent or greater. Elements of the plan could include a combination of some of the following measures:

- Use of electrically-powered equipment,
- Forklifts and aerial lifts used for exterior and interior building construction shall be electric or propane/natural gas powered,
- Change in construction build-out plans to lengthen phases, and
- Implementation of different building techniques that result in less diesel equipment usage.

The construction operations plan shall be reviewed by an air quality expert, who will prepare a letter confirming implementation of the mitigation measure will result in a 20 percent reduction in DPM compared to the use of standard construction equipment. This letter and the construction operations plan shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee prior to the issuance of any demolition, grading and/or building permits (whichever occurs earliest) for review and approval.

CalEEMod was used to compute emissions associated with this mitigation measure assuming that electric cranes, welders, air compressors, and aerial/man lifts, and the Standard Permit Condition under impact b) for construction were included. With these measures implemented, the project's construction cancer risk levels (assuming infant exposure) would be reduced by 72 percent to 3.33 chances per million, which is below the threshold of 10 chances per million for infants. As a result, the project's construction risks would be reduced below the BAAQMD single-source cancer risk threshold.

d) **Less Than Significant Impact**. The proposed project is a residential development consisting of a new seven-story multi-family residential building with enclosed parking. The project would not create other emissions including new sources of odor. Common sources of odors and odor complaints are uses such as transfer stations, recycling facilities, painting/coating facilities, landfills, and wastewater treatment plants. During construction, use of diesel-powered vehicles and equipment could temporarily generate localized odors, which would cease upon project completion. This represents a temporary impact and implementation of abatement measures for construction period emissions identified in c) above would further assure that this impact is less than significant.

Non-CEQA Effects

The project would introduce new residents that are sensitive receptors. In December 2015, the California Supreme Court issued an opinion in the California Building Industry Association vs. Bay Area Air Quality Management District (CBIA vs. BAAQMD) case that CEQA is primarily concerned with the impacts of a project on the environment, not the effects of the existing environment on a project. In light of this ruling, the effect of existing air pollutants from off-site sources on new sensitive receptors introduced by the project would not be considered an impact under CEQA.

However, General Plan Policy MS-11.1 requires completion of air quality modeling for new sensitive land uses located near sources of pollution and the identification of project design measures to avoid significant risks to future residents and users of the project. The project proposes new sensitive receptors (residential occupants) in the proximity of nearby potential TAC sources, as shown in Figure

13. Though not necessarily a CEQA issue, the effect of existing TAC sources on future project receptors was conducted to comply with the 2017 CAP goal of reducing TAC exposure and protecting public health as well as the City's General Plan Policy MS-11.1. The types of uses proposed by the project (residential) would not create a substantial source of localized TACs.

A health risk assessment was completed to assess the impact that the existing TAC sources would have on the new proposed sensitive residential receptors introduced by the project. The roadway analysis for the project residents was conducted in the same manner as described above for the off-site MEIs. The project set of receptors were placed throughout the project area and were spaced every 20 feet (6 meters). Roadway impacts were modeled at receptor heights of 27 feet (8.2 meters) and 38 feet (11.6 meters) representing sensitive receptors on the third and fourth floors (first and second residential floors) of the building. The portion of the roadway included in the modeling are shown in Figure 14 along with the project site and receptor locations where impacts were modeled.

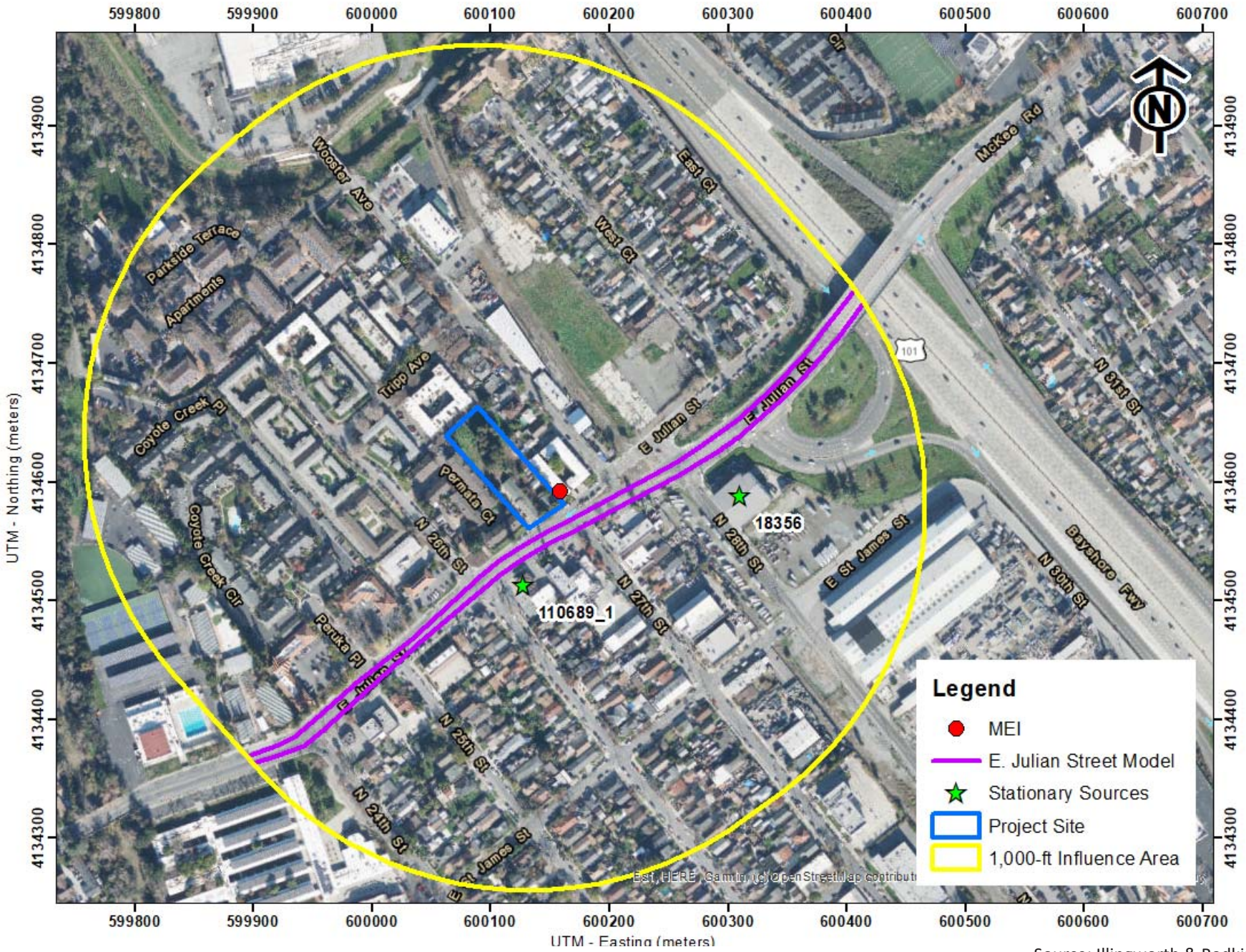
Maximum increased cancer risks were calculated for the residents at the project site using the maximum modeled TAC concentrations. A 30-year exposure period was used in calculating cancer risks assuming the residents would include third trimester pregnancy and infants/children and were assumed to be in the new homes for 24 hours per day for 350 days per year. The maximum impacts from E. Julian Street occurred at a third-floor receptor along the southern boundary of the building. Cancer risks associated with the roadway are greatest closest to the roadway and decrease with distance from the road. The stationary source screening analysis for the new project sensitive receptors was conducted in the same manner as described above for the construction MEIs. The roadway health risk and stationary source impacts to the on-site MEI are shown in Table 6. Details of the emission calculations, dispersion modeling, and cancer risk calculations are contained in Appendix A.

Health risk impacts from the existing TAC sources upon the project site are reported in Table 6. The risks from the singular TAC sources are compared against the BAAQMD single-source threshold. The risks from all the sources are then combined and compared against the BAAQMD cumulative-source threshold. As shown, the cancer risk, annual $PM_{2.5}$ concentrations, and HI from the nearby sources do not exceed their single-source or cumulative-source thresholds.

Table 6
Community Risk Impact to Proposed Project Residents

Source	Cancer Risk (per million)	Annual $PM_{2.5}$ ($\mu g/m^3$)	Hazard Index
East Julian Street, ADT 17,120	0.80	0.05	<0.01
Verizon Wireless (Highway101/Julian) (Facility ID #18356, Generators), Project Site at 415 feet	0.17	<0.01	<0.01
Mobil SS#63175 (Facility ID #110689_1, Gas Dispensing Facility), Project Site at 130 feet	8.15	-	0.04
BAAQMD Single-Source Threshold	***10***	***0.3***	***1.0***
Exceed Threshold?	*No*	*No*	*No*
Cumulative Total	9.12	<0.06	<0.06
BAAQMD Cumulative Source Threshold	***100***	***0.8***	***10.0***
Exceed Threshold?	*No*	*No*	*No*

Conclusion: The project would have a less than significant impact on air quality with implementation of identified mitigation measures, permit conditions, and applicable General Plan Policies.



Source: Illingworth & Rodkin, April 2023

Nearby TAC and PM2.5 Sources

1271 & 1279 E. Julian St. Multi-Family Residential
Initial Study

Figure
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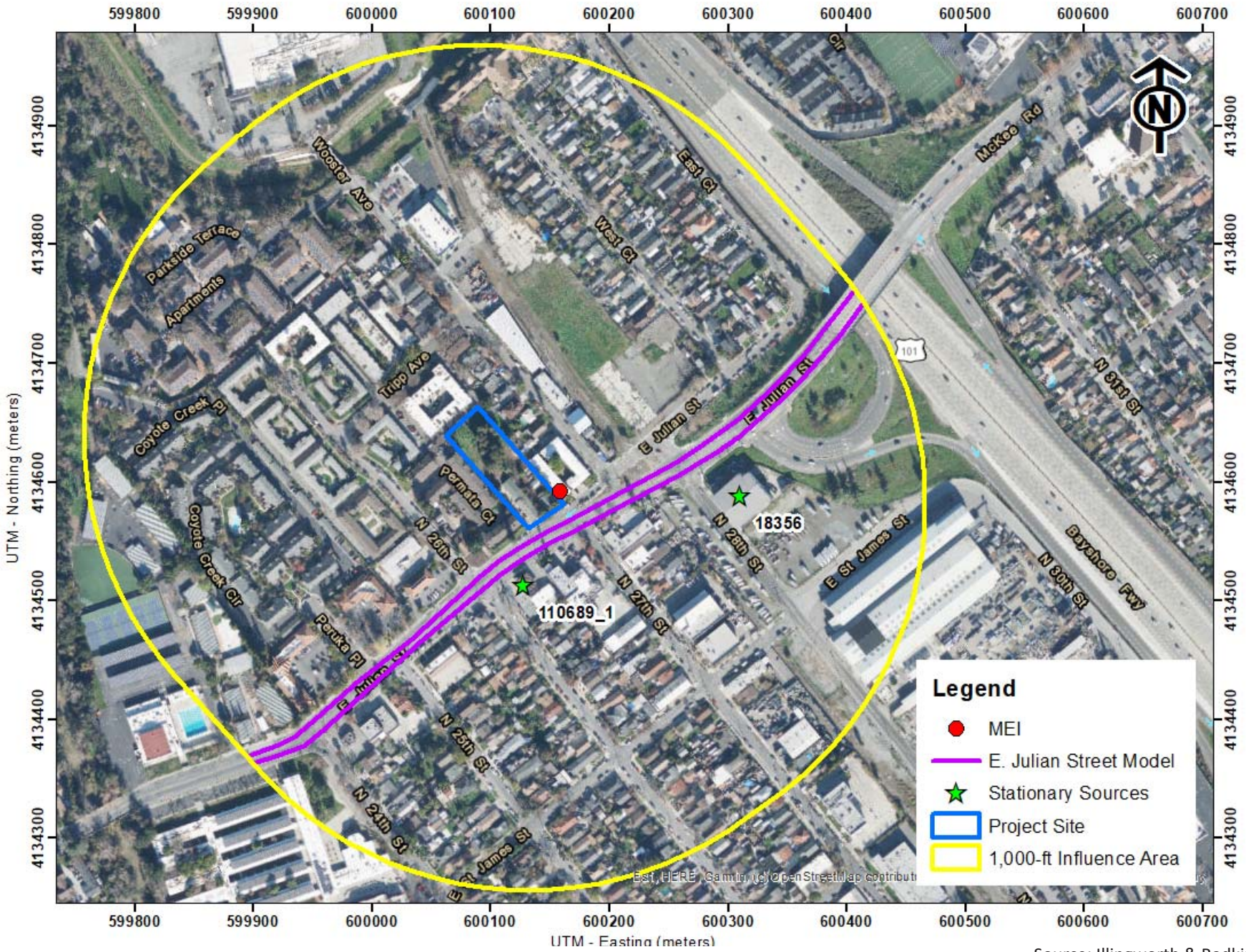

Source: Illingworth & Rodkin, April 2023

Project Site and Locations of Maximum TAC Impacts

1271 & 1279 E. Julian St. Multi-Family Residential
Initial Study

Figure
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D. BIOLOGICAL RESOURCES

An Existing Tree Inventory Plan was prepared as part of the planning submittal for the proposed project to document the existing trees within and adjacent to the project site by Isaacson, Wood & Associates Landscape Architecture (March 2023), and is contained in Appendix B. The conclusions and recommendations of this plan are discussed in the following section.

Regulatory Framework

Federal and State

Special-Status Species

Individual plant and animal species listed as rare, threatened or endangered under state and federal Endangered Species Acts are considered "special-status species." Federal and state "endangered species" legislation has provided the United Stated Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) with a mechanism for conserving and protecting plant and animal species of limited distribution and/or low or declining populations. Permits may be required from both the USFWS and CDFW if activities associated with a proposed project will result in the "take" of a species listed as threatened or endangered. To "take" a listed species, as defined by the State of California, is "to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill" said species. "Take" is more broadly defined by the federal Endangered Species Act to include "harm" of a listed species.

In addition to species listed under state and federal Endangered Species Acts, Section 15380(b) and (c) of the CEQA Guidelines provided that all potential rare or sensitive species, or habitats capable of supporting rare species, are considered for environmental review per the CEQA Guidelines. These may include plant species of concern in California listed by the California Native Plant Society and CDFW listed "Species of Special Concern."

Migratory Bird and Birds of Prey Protection

The federal Migratory Bird Treaty Act (MBTA) prohibits killing, possessing, or trading in migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs. Construction disturbances during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment, a violation of the MBTA. Additionally, nesting birds are considered special-status species are protected by the USFWS. The CDFW also protects migratory and nesting birds under California Fish and Game Code Sections 3503, 3503.5, and 3800. The CDFW defines taking as causing abandonment and/or loss of reproductive efforts through disturbance.

Sensitive Habitats

Wetland and riparian habitats are considered sensitive habitats under CEQA. They are also afforded protection under applicable federal, state, and local regulations, and are generally subject to regulation, protection, or consideration by the US Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), CDFW, and /or the USFWS under provisions of the federal Clean Water Act (e.g., Sections 303, 304, 404) and State of California Porter-Cologne Water Quality Control Act.

Regional and Local

Santa Clara Valley Habitat Plan/Natural Communities Conservation Plan

The Santa Clara Valley Habitat Plan/Natural Communities Conservation Plan (Santa Clara Valley HCP) was developed through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District, Santa Clara Valley Transportation Authority, U.S. Fish and Wildlife Service, and California Department of Fish and Wildlife. The Santa Clara Valley HCP is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. The project site is located within the boundaries of the Santa Clara Valley HCP and is designated as follows:

- Area 4: Urban Development Equal to or Greater than 2 Acres Covered
- Land Cover: Urban-Suburban
- Land Cover Fee Zone: Urban Areas (No Land Cover Fee)

In addition, the Santa Clara Valley HCP indicates that nitrogen deposition has damaging effects on many of the serpentine plants in the Santa Clara Valley HCP area, including the host plants that support the Bay checkerspot butterfly. Because serpentine soils tend to be nutrient poor and nitrogen deposition artificially fertilizes serpentine soils, nitrogen deposition facilitates the spread of invasive plant species. Nitrogen tends to be efficiently recycled by the plants and microbes in infertile soils such as those derived from serpentine, so that fertilization impacts could persist for years and result in cumulative habitat degradation. All major remaining populations of the butterfly and many of the sensitive serpentine plant populations occur in areas subject to air pollution from vehicle exhaust and other sources throughout the Bay Area, including the project site. The displacement of native serpentine plant species and subsequent decline of several federally-listed species, including the butterfly and its larval host plants, has been documented on Coyote Ridge in central Santa Clara County.

City of San José Tree Ordinance

The City of San José's Municipal Code includes tree protection measures (Municipal Code Title 13, Chapters 13.28 [Street Trees, Hedges and Shrubs] and 13.32 [Tree Removal Controls]) that regulate the removal of trees. An "ordinance-sized tree" on private property is defined as any tree having a main stem or trunk, 12 inches in diameter (38 inches or more in circumference) at a height measured 54 inches (4.5 feet) above ground. For multi-trunk trees, the circumference is measured as the sum of the circumferences of all trunks at 54 inches above grade. On single-family or duplex lots, a permit is required to remove ordinance-sized trees, even if they are unhealthy or dead. On multi-family, commercial, or industrial lots, a permit is required to remove a tree of any size. The Code defines a "heritage tree" as any tree that because of factors including but not limited to its history, girth, height, species or unique quality, has been found by the City Council to have a special significance to the community. Pruning or removing a heritage tree is illegal without first consulting the City Arborist and obtaining a permit. Finally, street trees are those that are located in the public right-of-way between the curb and sidewalk. A permit is required before pruning or removing a street tree.

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating biological resource impacts from development projects. The following policies are applicable to the proposed project.

Envision San José 2040 Relevant Biological Resource Policies	
Policy CD-1.24	Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Avoid any adverse effect on the health and longevity of such trees through design measures, construction, and best maintenance practices. When tree preservation is not feasible, include replacements or alternative mitigation measures in the project to maintain and enhance our Community Forest.
Policy ER-2.1	Ensure that new public and private development adjacent to riparian corridors in San José are consistent with the provisions of the City's Riparian Corridor Policy Study and any adopted Santa Clara Valley Habitat Conservation Plan/ Natural Communities Conservation Plan (HCP/NCCP).
Policy ER-2.2	Ensure that a 100-foot setback from riparian habitat is the standard to be achieved in all but a limited number of instances, only where no significant environmental impacts would occur.
Policy ER-2.3	Design new development to protect adjacent riparian corridors from encroachment of lighting, exotic landscaping, noise and toxic substances into the riparian zone.
Policy ER-5.1	Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.
Policy ER-5.2	Require that development projects incorporate measures to avoid impacts to nesting migratory birds.
Policy MS-21.4	Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.
Policy MS-21.5	As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.
Policy MS-21.6	As a condition of new development, require, where appropriate, the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.
Policy MS-21.8	For Capital Improvement Plan or other public development projects, or through the entitlement process for private development projects, require landscaping including the selection and planting of new trees to achieve the following goals: 1. Avoid conflicts with nearby power lines. 2. Avoid potential conflicts between tree roots and developed areas. 3. Avoid use of invasive, non-native trees. 4. Remove existing invasive, non-native trees.

Envision San José 2040 Relevant Biological Resource Policies	
	5. Incorporate native trees into urban plantings in order to provide food and cover for native wildlife species. 6. Plant native oak trees and native sycamores on sites which have adequately sized landscape areas and which historically supported these species.

Existing Setting

The project property consists of two parcels occupied by two single-family residences, an accessory structure, and landscaping. The existing single-family residences were built between 1916 and 1920 and the accessory structure was built in 1932. Due to the disturbed nature of the site, it is considered to have a relatively low habitat value. The nearest waterway to the site is the Lower Silver Creek, which is located about 800 feet north of the project site. Other nearby waterways include Miguelita Creek (approximately 1,850 feet northwest of the site) and Coyote Creek (approximately 1,350 feet west of the site). The site contains landscaping and onsite trees.

An Existing Tree Inventory Plan was completed for the project by Isaacson, Wood & Associates Landscape Architecture (March 2023), and is contained in Appendix B. The results of the tree inventory are presented below in Table 7.

Table 7
Tree Survey Results

No.	Species	Scientific Name	Trunk Diameter (inches)	Condition	Proposed Action
1	**Blue gem eucalyptus**	***Eucalyptus globolus***	**36**	**Fair**	**Remove**
2	**Pine**	***Pinus spp.***	**15**	**Poor**	**Remove**
3	Jacaranda	*Jacaranda mimosifolia*	5.5	Fair	Remove
4	Fig	*Ficus carica*	7	Poor	Remove
5	Fig	*Ficus carica*	4	Fair	Remove
6	Angels trumpet	*Brugmansia spp.*	6	Poor	Remove
7	Avocado	*Persea spp.*	6	Fair	Remove
8	Plum	*Prunus spp.*	6	Fair	Remove
9	Plum	*Prunus spp.*	5	Fair	Remove
10	Italian cypress	*Cupressus sempervirens*	6	Good	Remove
11	Italian cypress	*Cupressus sempervirens*	6	Fair	Remove
12	Italian cypress	*Cupressus sempervirens*	4	Good	Remove
13	Italian cypress	*Cupressus sempervirens*	6	Good	Remove
14	Italian cypress	*Cupressus sempervirens*	5	Good	Remove
15	Italian cypress	*Cupressus sempervirens*	7	Good	Remove
16	Italian cypress	*Cupressus sempervirens*	7	Good	Remove
17	Italian cypress	*Cupressus sempervirens*	7	Good	Remove
18	Italian cypress	*Cupressus sempervirens*	7	Good	Remove

Table 7 Tree Survey Results					
No.	**Species**	**Scientific Name**	**Trunk Diameter (inches)**	**Condition**	**Proposed Action**
19	Italian cypress	*Cupressus sempervirens*	7	Good	Remove
20	Italian cypress	*Cupressus sempervirens*	8	Good	Remove
21	Italian cypress	*Cupressus sempervirens*	6	Good	Remove
22	Italian cypress	*Cupressus sempervirens*	6	Good	Remove
23	Italian cypress	*Cupressus sempervirens*	7	Good	Remove
24	Italian cypress	*Cupressus sempervirens*	7	Good	Remove
25	Italian cypress	*Cupressus sempervirens*	11	Good	Remove
26	**Italian cypress**	***Cupressus sempervirens***	**13**	**Good**	**Remove**
27	**Podocarpus**	***Afrocarpus falcatus***	**18**	**Fair**	**Retain**
28	**Glossy privet**	***Ligustrum lucidum***	**12**	**Fair**	**Retain**
29	**Camphor**	***Cinnamomum camphora***	**19**	**Fair**	**Remove**
30	Apple	*Malus spp.*	5	Fair	Remove
31	**Fig**	***Ficus carica***	**13**	**Fair**	**Remove**
32	Citrus	*Citrus spp.*	4	Fair	Remove
33	**Japanese loquat**	***Eriobotrya japonica***	**33**	**Fair**	**Remove**
34	Tree of Heaven	*Alianthis altissima*	6	Fair	Remove
35	**Tree of Heaven**	***Alianthis altissima***	**14**	**Good**	**Remove**
36	**Italian cypress**	***Cupressus sempervirens***	**16**	**Fair**	**Remove**
37	**Tree of Heaven**	***Alianthis altissima***	**16**	**Fair**	**Remove**
38	Tree of Heaven	*Alianthis altissima*	5.5	Fair	Remove
39	Japanese loquat	*Eriobotrya japonica*	5.5	Fair	Remove
40	**Brush cherry**	***Syzygium austral***	**14, 14**	**Fair**	**Remove**
41	Xylosma	*Xylosma congesta*	9	Poor	Remove
42	**Tree of Heaven**	***Alianthis altissima***	**9, 9, 9**	**Fair**	**Remove**
43	Tree of Heaven	*Alianthis altissima*	8	Poor	Remove
44	**Tree of Heaven**	***Alianthis altissima***	**16**	**Fair**	**Remove**
45	**Blackwood acacia**	***Acacia melanoxylon***	**18**	**Poor**	**Remove**
46	**Blackwood acacia**	***Acacia melanoxylon***	**26**	**Poor**	**Remove**
47	**Blackwood acacia**	***Acacia melanoxylon***	**14**	**Poor**	**Remove**
48	**Blackwood acacia**	***Acacia melanoxylon***	**20**	**Poor**	**Remove**
49	**Blackwood acacia**	***Acacia melanoxylon***	**18**	**Poor**	**Remove**
50	Fig	*Ficus carica*	10	Fair	Remove
51	**Pepper tree**	***Schinus mole***	**24, 24**	**Fair**	**Remove**
52	Fig	*Ficus carica*	6, 5	Poor	Remove

Ordinance size trees are shown in **bold**.
*Indicates street tree.
Source: Isaacson, Wood & Associates Landscape Architecture, Existing Tree Inventory Plan, March 2023

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
4. BIOLOGICAL RESOURCES. Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X			1, 2
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?			X		1, 2
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X		1, 2
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X		1, 2
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X		1, 2, 8
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?			X		1, 2, 9, 10

Explanation

a) **Less Than Significant with Mitigation Incorporated**. The project site contains mature trees which may provide nesting habitat for migratory birds, including raptors (birds of prey) (see additional discussion under e below). In addition, there are mature street trees adjacent to the project site. Raptors and their nests are protected under the Migratory Bird Treaty Act of 1918 and California Fish and Game Code Sections 3503 and 3503.5. These species could be disturbed during tree removal and construction activities.

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

Mitigation Measures

MM BIO-1 The project applicant shall schedule demolition and construction activities to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st (inclusive).

If demolition and construction cannot be scheduled to occur between September 1st and January 31st (inclusive and as amended), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist or biologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th, inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st, inclusive). During this survey, the qualified ornithologist/biologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests.

If an active nest is found sufficiently close to work areas to be disturbed by construction, the qualified ornithologist/biologist, in consultation with the California Department of Fish and Wildlife, shall determine the extent of a construction free buffer zone to be established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests shall not be disturbed during project construction.

Prior to any tree removal, or approval of any grading or demolition permits (whichever occurs first), the qualified ornithologist/biologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of the Planning, Building, and Code Enforcement or the Director's designee.

With implementation of the identified mitigation, the project's impact to nesting birds and raptors would be less than significant.

b) **Less Than Significant Impact**. The project is located on disturbed property and does not contain any sensitive natural communities. The nearest waterway to the site is the Lower Silver Creek, which is located about 800 feet north of the project site. Other nearby waterways include Miguelita Creek and Coyote Creek. The project site does not contain any streams, creeks or wetlands. Based on this discussion, the project would have a less than significant impact on riparian habitat or other sensitive natural communities.

c) **Less Than Significant Impact**. The project property does not contain any state or federally protected wetlands. See also discussion b) above. The proposed project would have a less than significant impact with respect to having a substantial adverse effect on sate or federally protected wetlands.

d) **Less Than Significant Impact**. The project is proposed in an urbanized setting surrounded by existing development on most sides and has not been found to contain any native resident or

wildlife species. The nearest waterway to the site is the Lower Silver Creek, which is located about 800 feet north of the project site. Other nearby waterways include Miguelita Creek and Coyote Creek. There are no streams, creeks or wetlands located on the project site. Therefore, the proposed project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites.

e) **Less Than Significant Impact**. A tree inventory was completed for the project (Isaacson, Wood & Associates Landscape Architecture, March 2023) and is contained in Appendix B. The results of the tree survey are presented above in Table 7.

There are no designated heritage trees on the site, and the project would not involve the removal of any street trees. The project proposes to remove 50 trees on-site (see Table 7). The City requires replacement of all removed trees in accordance with the replacement ratios presented below.

As a part of the development approval, the project will implement the following standard permit conditions to mitigate for impacts to trees. The project, therefore, would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Standard Permit Conditions

- Any tree to be removed will be replaced with new trees in accordance with the City's Tree Replacement Ratios, as set forth below.

Circumference of Tree to be Removed	Type of Tree to be Removed			Minimum Size Replacement Tree
	Native*	Non-Native	Orchard	
38 inches or greater	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 to tree loss ratio Note: Trees greater than or equal to 12-inch diameter 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 24-inch box tree = two 15-gallon trees				

  - To compensate for the 50 trees to be removed, the following tree replacement will be implemented: 9 trees replaced at a 1:1 ratio, 23 trees at a 2:1 ratio, and 18 trees at a 4:1 ratio. The total minimum number of replacement trees required to be planted would be 127 trees (assuming all trees would 15-gallon size). The project would replace the removed trees with 64 new 24-inch box trees.

  - In the event that a project site does not have sufficient area to accommodate the required tree replacement, one or more of the following may be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement. 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 grading 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.

- **Tree Protection Standards**. The applicant shall maintain the trees and other vegetation shown to be retained in this project and as noted on the Approved Plan Set. Maintenance shall include pruning and watering as necessary and protection from construction damage. Prior to the removal of any tree on the site, all trees to be preserved shall be permanently identified by metal numbered tags. Prior to issuance of the Grading Permit or removal of any tree, all trees to be saved shall be protected by chain link fencing, or other fencing type approved by the Director of Planning. Said fencing shall be installed at the dripline of the tree in all cases and shall remain during construction. No storage of construction materials, landscape materials, vehicles or construction activities shall occur within the fenced tree protection area. Any root pruning required for construction purposes shall receive prior review and approval, and shall be supervised by the consulting licensed arborist. Fencing and signage shall be maintained by the applicant to prevent disturbances during the full length of the construction period that could potentially disrupt the habitat or trees.

With implementation of this standard permit condition, the project would comply with the local policies or ordinances protecting biological resources, resulting in a less than significant impact.

f) **Less Than Significant Impact**. The project is located within the Santa Clara Valley HCP plan area and is considered a Covered Activity. The project is located on land designated by the Santa Clara Valley HCP as Urban-Suburban. The nitrogen deposition fee applies to all projects that create new vehicle trips. A nitrogen deposition fee will be required for each new vehicle trip generated by the project, at the time of development. The project would implement the following standard permit condition in accordance with the Santa Clara Valley HCP.

Standard Permit Condition

- The project is subject to applicable SCVHP conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permits. The project applicant would be required to 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 the nitrogen deposition fee 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

With implementation of this standard permit condition, the project would comply with the Santa Clara Valley HCP. The proposed project would therefore have a less than significant impact with respect to conflicting with the provisions of an adopted Habitat Conservation Plan.

Conclusion: The project would have a less than significant impact on biological resources with implementation of identified mitigation measures and permit conditions.

E. CULTURAL RESOURCES

A Historic Resource Evaluation was prepared by Architectural Resources Group (June 2021) for 1271 East Julian Street and 1279 East Julian Street to document and evaluate the properties for potential historic significance. This documentation is included as Appendix C. In addition, a Historical/Archaeological Literature Review and Assessment was prepared by Charles Mikulik Archaeological Consulting (CMAC) for the project (May 2021), and is included as Appendix D. *This report may discuss locations of specific archaeological sites and is confidential. For this reason, it is not included in this Initial Study. Qualified personnel, however, may request a copy of the report from the City's Planning Division.*

Regulatory Framework

Federal

National Register of Historic Places

The National Register of Historic Places (NRHP) is the nation's most comprehensive list of historic resources and includes historic resources significant in American history, architecture, archeology, engineering, and culture, at the local, State, and national level. National Register Bulletin Number 15, How to Apply the National Register Criteria for Evaluation, describes the Criteria for Evaluation as being composed of two factors. First, the property must be "associated with an important historic context" and second, the property must retain integrity of those features necessary to convey its significance. A resource is considered eligible for the NRHP if the quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and:

1. are associated with events that have made a significant contribution to the broad pattern of our history; or

2. are associated with the lives of persons significant to our past; or

3. embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

4. yielded, or may be likely to yield, information important in prehistory or history.

State

California Environmental Quality Act and California Register of Historical Resources

The California Environmental Quality Act (CEQA) requires regulatory compliance for projects involving historic resources throughout the State. Under CEQA, public agencies must consider the effects of their actions on historic resources (Public Resources Code, Section 21084.1). The CEQA Guidelines define a significant resource as any resource listed in or determined to be eligible for listing in the California Register of Historical Resources (California Register) [see Public Resources Code, Section 21084.1 and CEQA Guidelines Section 15064.5 (a) and (b)].

The California Register of Historical Resources (CRHR) was created to identify resources deemed worthy of preservation and was modeled closely after the NRHP. The criteria are nearly identical to those of the NRHP, which includes resources of local, State, and regional and/or national levels of significance. Under California Code of Regulation Section 4852(b) and Public Resources Code Section 5024.1, an historical resource generally must be greater than 50 years old and must be significant at the local, State, or national level under one or more of the following four criteria:

1. It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.

2. It is associated with the lives of persons important to local, California, or national history.

3. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or important creative individual or possesses high artistic values.

4. It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

Properties of local significance that have been designated under a local preservation ordinance (local landmarks register or landmark districts) or that have been identified in a local historical resources inventory may be eligible for listing in the CRHR and are presumed to be historical resources for the purposes of CEQA unless a preponderance of evidence indicates otherwise (Public Resources Code, Section 5024.1g; California Code of Regulations, Title 14, Section 4850).

California Code of Regulations Section 4852(c) addresses the issue of "integrity," which is necessary for eligibility for the CRHR. Integrity is defined as "the authenticity of an historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance." Section 4852(c) provides that historical resources eligible for listing in the CRHR must meet one of the criteria for significance defined by 4852(b)(1 through 4), and retain enough of their historic character of appearance to be recognizable as historical resources and to convey the reasons for their significance.

Archaeological Resources and Human Remains

Archaeological sites are protected by policies and regulations under the California Public Resources Code, California Code of Regulations (Title 14 Section 1427), and California Health and Safety Code. California Public Resources Code Sections 5097.9-5097.991 require notification of discoveries of Native American remains and identifies appropriate measures for the treatment and disposition of human remains and grave-related items.

Both State law and the County of Santa Clara County Code (Sections B6-19 and B6-20) require that the Santa Clara County Coroner be notified if cultural remains are found. If the Coroner determines the remains are Native American, the Native American Heritage Commission (NAHC) and a "most likely descendant" must also be notified.

Local

Historic Preservation Ordinance

Under the City of San José Historic Preservation Ordinance (Chapter 13.48 of the Municipal Code), preservation of historically or architecturally worthy structures and neighborhoods that impart a distinct aspect to the City of San José and that serve as visible reminders of the historical and cultural heritage of the City of San José, the State, and the nation is promoted. This is encouraged in order to 1) stabilize neighborhoods and areas of the city; 2) enhance, preserve and increase property values; 3) carry out the goals and policies of the City's General Plan; 4) increase cultural, economic, and aesthetic benefits to the City and its residents; 5) preserve, continue, and encourage the development of the City to reflect its historical, architectural, cultural, and aesthetic value or traditions; 6) protect and enhance the City's cultural and aesthetic heritage; and 7) promote and encourage continued private ownership and utilization of such structures.

City Landmarks have special historical, architectural, cultural, aesthetic, or engineering interest or value of an historical nature. The City's landmark designation process requires that findings be made based on consideration of the following factors:

1. Its character, interest or value as part of the local, regional, state or national history, heritage or culture;
2. Its location as a site of a significant historic event;
3. Its identification with a person or persons who significantly contributed to the local, regional, state or national culture and history;
4. Its exemplification of the cultural, economic, social or historic heritage of the City of San José;
5. Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style;
6. Its embodiment of distinguishing characteristics of an architectural type or specimen;
7. Its identification as the work of an architect or master builder whose individual work has influenced the development of the City of San José; and
8. Its embodiment of elements of architectural or engineering design, detail, materials or craftsmanship which represents a significant architectural innovation or which is unique.

General Plan Policies

Policies in the General Plan have been adopted for the purpose of preserving historic sites and structures because they provide an educational link to San José's past and foster a sense of place and community identity for San José. The preservation of appropriate remnants of a city's past provides multiple benefits important to the health and progress of the city. Policies applicable to the project are presented below.

Envision San José 2040 Relevant Cultural Resource Policies	
Policy LU-13.2	Preserve candidate or designated landmark buildings, structures and historic objects, with first priority given to preserving and rehabilitating them for their historic use, second to preserving and rehabilitating them for a new use, or third to rehabilitation and relocation on-site. If the City concurs that no other option is feasible, candidate or designated landmark structures should be rehabilitated and relocated to a new site in an appropriate setting.

Envision San José 2040 Relevant Cultural Resource Policies	
Policy LU-13.4	Require public and private development projects to conform to the adopted City Council Policy on the Preservation of Historic Landmarks.
Policy LU-13.6	Ensure modifications to candidate or designated landmark buildings or structures conform to the Secretary of the Interior's Standards for Treatment of Historic Properties and/or appropriate State of California requirements regarding historic buildings and/or structures, including the California Historical Building Code.
Policy LU-13.15	Implement City, State, and Federal historic preservation laws, regulations, and codes to ensure the adequate protection of historic resources.
Policy LU-13.22	Require the submittal of historic reports and surveys prepared as part of the environmental review process. Materials shall be provided to the City in electronic form once they are considered complete and acceptable.
Policy LU-14.1	Preserve the integrity and enhance the fabric of areas or neighborhoods with a cohesive historic character as a means to maintain a connection between the various structures in the area.
Policy ER-10.1	For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.
Policy ER-10.2	Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.
Policy ER-10.3	Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.

City of San José Historic Resources Inventory

The San José Historic Resources Inventory (HRI) is a list of citywide historic resources identified and/or evaluated in, properties listed in the NRHP and CRHR, and properties that have been designated as City Landmarks, City Landmark Historic Districts and Conservation Areas in accordance with the City of San José's Historic Preservation Ordinance (Chapter 13.48 of the Municipal Code).

Existing Setting

Archaeologic Resources

A Historical/Archaeological Literature Review and Assessment was completed for the project site by CMAC (March 2021). CMAC conducted an archival search at the Northwest Information Center (NWIC) of the California Historical Resources Information System (CHRIS) to obtain and review previous cultural resource records, cultural resource studies, and any additional documentation pertaining to historic properties located within at a quarter mile of the project site. In addition, CMAC staff reviewed files held by the National Register of Historic Places (NRHP) under the National Parks Service (NPS), California Office of Historic Preservation (OHP) under the California State Historic Preservation Officer (SHPO), Directory of Properties in the Historic Property Data File (HPD dated

2012-2013), Built Environment Resource Directory (BERD, 2020), local government listings, and additional listings (i.e., historical society and museum records), as available. The review of soils and geologic data indicates that the site has a moderate to high sensitivity for containing buried archaeological material.

Historic Resources

The project site contains two properties located at 1271 East Julian Street and 1279 East Julian Street on the north side of East Julian Street between North 26th Street and Wooster Avenue. The properties are not included in the San José Historic Resources Inventory and are not known to be previously documented and evaluated. The properties are not located within a half-mile of any local, state, or nationally designated historic districts to which they might contribute, and they bear no architectural or cultural relationship with the closest City Landmark at 275 North Twenty Fourth Street - San José Academy.

The property at 1271 East Julian Street contains a one-story Craftsman-style house constructed in 1916. The wood frame building has a generally rectangular footprint, a front-gable roof and the exterior is clad in stucco. The house has undergone a series of alterations and all the windows and sliding doors are aluminum frame.

The property at 1279 East Julian Street contains a one-story Craftsman-style house constructed in 1920. The wood frame building has a generally rectangular footprint, a front-gable roof and the exterior is clad in horizontal wood clapboard siding.

The properties are surrounded to the immediate east, west, and north by two-story multi-unit buildings constructed between 1960 and 1986. Properties on the south side of this block of East Julian Street are uniformly commercial or light industrial, constructed between 1965 and 1986, and surrounded by paved parking lots. In the broader setting, several one-story houses that date from the same era as the subject property are located along the west side of Wooster Avenue and at 1251 East Julian Street (ca. 1920). However, the overall character of the area is mixed use, dominated by the busy on-ramp to the Bayshore Freeway (Highway 101), which is located two blocks east of the project site.

Research conducted as part of the Historic Resource Evaluation did not reveal that any discrete historically significant events occurred at 1271 East Julian Street or 1279 East Julian Street. Nor are the properties associated with any historically significant patterns of events. Both properties were constructed during a period of general residential growth on the east side of San José. The properties were constructed eight and twelve years after the area was first subdivided, and do not appear to have influenced development of the area in any meaningful way. Reflecting the semi-rural character of the area where they were constructed, both properties were used in part for semi-agricultural uses, including orchard trees at 1271 East Julian Street and poultry at 1279 East Julian Street. But research did not indicate that the properties played a significant role in the agricultural industry of Santa Clara County or San José. No other association with historically significant patterns of events was discovered over the course of research. For these reasons, the subject properties do not appear to meet the threshold for listing in the California Register under Criterion 1.

Both properties were owned and occupied by a series of people with occupations including carpenter, laborer, salesman, machinist, poultryman, butcher, grocer, cannery worker, and construction worker, among others. Biographical and newspaper archive research did not uncover any indication that any of the owners and occupant of the subject properties made specific contributions to local, state, or national

history. For these reasons, the subject properties do not appear to meet the threshold for listing in the California Register under Criterion 2.

1271 East Julian Street and 1279 East Julian Street are both examples of the bungalow house type with modest Craftsman style architectural details. This type and style of building was popular throughout California's towns and residential suburbs in the first decades of the twentieth century and represents the most common type of residential building in the neighborhoods on the east side of San José. Both subject properties are very modest examples of this type and style of architecture, and both have undergone alterations which diminish their ability to embody the distinctive characteristics of the type and style, including recladding, a horizontal addition, and replacement of all original windows at 1271 East Julian Street, and a horizontal addition and replacement of most original windows at 1279 East Julian Street. Although original building permits were not uncovered during the course of research, the properties do not appear to be the work of master architects, nor do they possess high artistic values. For these reasons, the subject properties do not appear to meet the threshold for listing in the California Register under Criterion 3

The subject properties do not appear to be eligible for listing as Candidate City Landmarks. As outlined above in the discussion of California Register significance criteria 1, 2, and 3, the properties do not have specific character, interest, or value as part of the local, regional, state, or national history, heritage, or culture; they are not the location of a site of a significant historic event; and they are not identified with a person or persons who significantly contributed to the local, regional, state, or national culture and history. They do not exemplify the cultural, economic, social, or historic heritage of the City of San José; they do not portray the environment of a group of people in an era of history characterized by a distinctive architectural style; they do not embody the distinguishing characteristics of an architectural type; they are not the work of an architect or master builder whose individual work has influenced the development of the City of San José; and they do not represent a significant or unique architectural innovation.

Based on the documentation and evaluation of the properties at 1271 East Julian Street and 1279 East Julian Street, the houses are modest examples of Craftsman style bungalows that have undergone a series of exterior alterations and are not likely to have been designed by master architects. The properties have been consistently owned and occupied by persons who do not appear to have made significant contributions to local, state, or national history. For these reasons, 1271 East Julian Street and 1279 East Julian Street was determined to be ineligible for listing in the California Register under any significance criteria, and ineligible for listing in the San José Historic Resources Inventory as Candidate City Landmarks.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
5. CULTURAL RESOURCES. Would the project:					
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?			X		1, 2, 11

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?		X			1, 2, 12
c) Disturb any human remains, including those interred outside of dedicated cemeteries?			X		1, 2

Explanation

a) **Less than Significant Impact.** 1271 East Julian Street and 1279 East Julian Street were determined to be ineligible for listing in the California Register and ineligible for listing in the San José Historic Resources Inventory as Candidate City Landmarks. As such, the properties are not considered historical resources for the purposes of CEQA and the project would have a less than significant impact on historical resources.

b) **Less Than Significant with Mitigation Incorporated**. Based on the archaeological literature review prepared for the project, no archaeological sites have been identified in the project area. The project site has a moderate sensitivity for historic-era archaeological deposits, and a low to moderate sensitivity for buried pre-contact archaeological deposits within the project area. The project involves the demolition of two existing single-family residences and an accessory structure and the construction of a seven-story multi-family residential building, which could possibly uncover unknown archaeological resources.

Impact CR-1: The project may impact archaeological deposits during excavation and construction activities. This impact would be reduced to less than significant with the following mitigation.

Mitigation Measures

MM CR-1.1 **Cultural Sensitivity Training.** Prior to issuance of any grading permit, the project applicant shall be required to conduct a Cultural Awareness Training for construction personnel. The training shall be facilitated by a qualified project archaeologist in collaboration with a Native American 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. Documentation verifying that Cultural Awareness Training has been conducted shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee.

MM CR-1.2 **Monitoring Plan.** Prior to issuance of any demolition, grading, or building permits (whichever occurs first), a qualified archeologist, in consultation with a Native American 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 prepare a monitoring plan for all earthmoving activities. The Plan shall be submitted to the Director of the Planning, Building,

and Code Enforcement or the Director's designee for review. The plan shall include, but is not limited to, the following:

- Monitoring schedules
- Contact information
- Recommendation for monitoring methods
- Timing of reporting finds

MM CR-1.3 **Sub-Surface Monitoring.** A qualified archeologist in collaboration with a Native American monitor, 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 also be present during applicable earthmoving activities in accordance with in the Monitoring Plan in MM CR-1.2. These could include but not are not limited to, trenching, initial or full grading, lifting of foundation, boring on site, or major landscaping.

MM CR-1.4 **Evaluation.** The project applicant shall notify the Director of the City of San José Department of Planning, Building, and Code Enforcement or Director's designee of any finds during the grading or other construction activities. Any historic or prehistoric material identified in the project area during the during excavation activities shall be evaluated for eligibility for listing in the California Register of Historic Resources as determined by the California Office of Historic Preservation. Data recovery methods may include, but are not limited to, backhoe trenching, shovel test units, hand augering, and hand-excavation. The techniques used for data recovery shall follow the protocols identified in the approved treatment plan. Data recovery shall include excavation and exposure of features, field documentation, and recordation. All documentation and recordation shall be submitted to the Northwest Information Center and Native American Heritage Commission (NAHC) Sacred Land Files, and/or equivalent prior to the issuance of an occupancy permit. A copy of the evaluation shall be submitted to the City of San José Department of Planning, Building, and Code Enforcement or the Director's designee.

In addition to the mitigation identified above, as part of the development permit approval, the project will conform to the following standard permit conditions to avoid impacts associated with disturbance to buried archaeological resources during construction for accidental discovery outside of the monitored times.

Standard Permit Conditions

- If prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 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 representative registered with the Native American 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 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 Director of PBCE or the Director's designee and the City's Historic Preservation Officer and the Northwest Information Center (if applicable). Project personnel shall not collect or move any cultural materials.

With implementation of the mitigation measures and standard permit conditions discussed above, the proposed project would have a less than significant impact with respect to causing a substantial adverse change on archaeological resources.

c) **Less Than Significant Impact**. Though unlikely, human remains may be encountered during construction activities. Standard permit conditions identified below, as well as standard permit conditions identified in b) above to avoid impacts associated with disturbance to human remains, including those interred outside of dedicated cemeteries.

Standard Permit Conditions

- 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
    - 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.

With implementation of the standard permit conditions identified above, the proposed project would have a less than significant impact with respect to disturbance of human remains, including those interred outside of dedicated cemeteries.

Conclusion: The project would have a less than significant impact on cultural resources with implementation of mitigation measures and standard permit conditions.

F. ENERGY

Regulatory Framework

Many federal, State, and local statutes and policies address energy conservation. At the federal level, energy standards set by the U.S. Environmental Protection Agency (EPA) apply to numerous consumer and commercial products (e.g., the EnergyStar™ program). The EPA also sets fuel efficiency standards for automobiles and other modes of transportation.

State

California Renewable Energy Standards

In 2002, California established its Renewables Portfolio Standard (RPS) Program, with the goal of increasing the percentage of renewable energy in the State's electricity mix to 20 percent of retail sales by 2010. In 2006, California's 20 percent by 2010 RPS goal was codified under Senate Bill (SB) 107. Under the provisions of SB 107 (signed into law in 2006), investor-owned utilities were required to generate 20 percent of their retail electricity using qualified renewable energy technologies by the end of 2010. In 2008, Executive Order S-14-08 was signed into law and requires that retail sellers of electricity serve 33 percent of their load with renewable energy by 2020.

In October 2015, Governor Brown signed SB 350 to codify California's climate and clean energy goals. A key provision of SB 350 for retail sellers and publicly owned utilities, requires them to procure 50 percent of the State's electricity from renewable sources by 2030.

California Building Codes

At the State level, the Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6, of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years. Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.[5]

The California Green Building Standards Code (CalGreen) 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.

Local

Council Policy 6-32 Private Sector Green Building Policy

At the local level, the City of San José sets green building standards for municipal development. All projects are required to submit a Leadership in Energy and Environmental Design (LEED),[6]

[5] CEC. 2016 Building Energy Efficiency Standards for Residential and Nonresidential Buildings. 2013. Accessed September 20, 2018. http://www.energy.ca.gov/2015publications/CEC-400-2015-037/CEC-400-2015-037-CMF.pdf.
[6] Created by the U.S. Green Building Council, LEED is a certification system that assigns points for green building measures based on a 110-point rating scale.

GreenPoint,[7] or Build-It-Green checklist as part of their development permit applications. Council Policy 6-32 "Private Sector Green Building Policy," adopted in October 2008, establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. It fosters practices in the design, construction, and maintenance of buildings that will minimize the use and waste of energy, water and other resources in the City of San José. Private developments are required to implement green building practices if they meet the Applicable Projects criteria defined by Council Policy 6-32 and shown in Table 8 below.

Table 8
Private Sector Green Building Policy Applicable Projects

Applicable Project Minimum Green Building Rating	Minimum Green Building Rating
Commercial/Industrial – Tier 1 (Less than 25,000 square feet)	LEED Applicable New Construction Checklist
Commercial/Industrial – Tier 2 (25,000 square feet or greater)	LEED Silver
Residential – Tier 1 (Less than 10 units)	GreenPoint or LEED Checklist
Residential – Tier 2 (10 units or greater)	GreenPoint Rated 50 points or LEED Certified
High Rise Residential (75 feet or higher)	LEED Certified

Source: City of San José. Private Sector Green Building Policy: Policy Number 6-32. October 7, 2008. https://www.sanjoseca.gov/DocumentCenter/Home/View/363

Municipal Code

The City's Municipal Code includes regulations associated with energy efficiency and energy use. City regulations include a Green Building Ordinance (Chapter 17.84) to foster practices to minimize the use and waste of energy, water and other resources in the City of San José, Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10), requirements for Transportation Demand Programs for employers with more than 100 employees (Chapter 11.105), and a Construction and Demolition Diversion Deposit Program that fosters recycling of construction and demolition materials (Chapter 9.10).

Climate Smart San José

Climate Smart San José is a plan developed by the City to reduce air pollution, save water, and create a healthier community. The plan articulates how buildings, transportation/mobility, and citywide growth need to change in order to minimize impacts on the climate. The plan outlines strategies that City departments, related agencies, the private sector, and residents can take to reduce carbon emissions consistent with the Paris Climate Agreement. The plan recognizes the scaling of renewable energy, electrification and sharing of vehicle fleets, investments in public infrastructure, and the role of local jobs in contributing to sustainability. It includes detailed carbon-reducing commitments for the City, as well as timelines to deliver on those commitments.

In January 2010, the State of California adopted the California Green Building Standards Code (CalGreen) that establishes mandatory green building standards for all buildings in California. The code was subsequently updated in 2013. The code covers five categories: planning and design, energy

[7] Created by Build It Green, GreenPoint is a certification system that assigns points for green building measures based on a 381-point scale for multi-family developments and 341-point scale for single-family developments.

efficiency, water efficiency and conservation, material conservation and resource efficiency, and indoor environmental quality.

San José Reach Code Initiative for Building Efficiency

The City Council approved Ordinance No. 30311 in September 2019 to amend various sections of Title 24 of the City's Municipal Code to adopt provisions of the 2019 California Green Building Standards Code and California Building Energy Efficiency Standards with certain exceptions, modifications and additions which serve as a Reach Code to increase building efficiency, mandate solar readiness and increase requirements related to electric vehicle charging stations. The Reach Code goes into effect on January 1, 2020 and affects all new construction.

San José Clean Energy

San José Clean Energy (SJCE) is an electricity supplier operated by the City's Community Energy Department. Since launching in February 2019, SJCE has provided City businesses and residents with access to cheaper and cleaner energy sources. SJCE serves as an alternative to traditionally privatized energy sources by being a community-governed organization. Oversight for SJCE activities is provided by City Council in cooperation with a Community Advisory Commission.

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating energy impacts from development projects. Policies applicable to the project are presented below.

Envision San José 2040 Relevant Energy Policies	
Policy MS-1.6	Recognize the interconnected nature of green building systems, and, in the implementation of Green Building Policies, give priority to green building options that provide environmental benefit by reducing water and/or energy use and solid waste.
Policy MS-2.1	Develop and maintain policies, zoning regulations, and guidelines that require energy conservation and use of renewable energy sources
Policy MS-2.2	Encourage maximized use of on-site generation of renewable energy for all new and existing buildings.
Policy MS-2.3	Utilize solar orientation (i.e., building placement), landscaping, design, and construction techniques for new construction to minimize energy consumption.
Policy MS-2.4	Promote energy efficient construction industry practices.
Policy MS-2.6	Promote roofing design and surface treatments that reduce the heat island effect of new and existing development and support reduced energy use, reduced air pollution, and a healthy urban forest. Connect businesses and residents with cool roof rebate programs through City outreach efforts.
Policy MS-2.11	Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g., design to maximize cross ventilation and interior daylight) and through site design techniques (e.g., orienting buildings on sites to maximize the effectiveness of passive solar design).

Envision San José 2040 Relevant Energy Policies	
Policy MS-3.1	Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation needs or other area functions
Policy MS-5.5	Maximize recycling and composting from all residents, businesses, and institutions in the City.
Policy MS-14.1	Promote job and housing growth in areas served by public transit and that have community amenities within a 20-minute walking distance.
Policy MS-14.4	Implement the City's Green Building Policies (see Green Building Section) so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.
Policy TR-2.8	Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.
Policy TR-3.3	As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute toward transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.

Existing Setting

SJCE is the electricity provider for residents and businesses in the City of San José. SJCE sources electricity, and the Pacific Gas and Electric Company (PG&E) delivers it to customers using existing PG&E utility lines. SJCE buys its power from a number of suppliers. Sources of renewable and carbon-free power include California wind, solar, and geothermal; Colorado wind; and hydroelectric power from the Pacific Northwest. SJCE customers are automatically enrolled in the GreenSource program, which provides 80 percent GHG emission-free electricity. Customers can enroll in the TotalGreen program through SJCE and receive 100 percent GHG-free electricity from entirely renewable resources. It is expected that the project would be enrolled in and receive energy from the SJCE program.

PG&E also furnishes natural gas for residential, commercial, industrial, and municipal uses. In 2021, natural gas facilities provided 7 percent of PG&E's electricity delivered to retail customers; nuclear plants provided 39 percent; hydroelectric operations provided 4 percent; and renewable energy facilities including solar, geothermal, and biomass provided 50 percent.[8]

Total energy usage in California was approximately 7,881 trillion British thermal units (Btu) in the year 2017, the most recent year for which this data was available. In 2017, California was ranked second in total energy consumption in the nation, and 48th in energy consumption per capita. The breakdown by sector was approximately 18 percent (1,416 trillion Btu) for residential uses, 19 percent (1,473 trillion Btu) for commercial uses, 23 percent (1,818 trillion Btu) for industrial uses, and 40

[8] Pacific Gas & Electric (PG&E), Clean energy solutions, 2021.

percent (3,175 trillion Btu) for transportation. This energy is mainly supplied by natural gas, petroleum, nuclear electric power, and hydroelectric power.

Electricity

Electricity in Santa Clara County in 2020 was consumed primarily by the commercial sector (72 percent), followed by the residential sector consuming 26 percent. In 2020, a total of approximately 16,435 gigawatt hours (GWh) of electricity was consumed in Santa Clara County.[9] SJCE is the electricity provider for residents and businesses in the City of San José. SJCE sources the electricity and PG&E delivers it via their existing utility lines. SJCE customers are automatically enrolled in the GreenSource program, which provides 60 percent GHG emission-free electricity and 95 percent carbon-free power. Customers can choose to enroll in SJCE's TotalGreen program at any time to receive 100 percent GHG emission-free electricity from entirely renewable sources.

Natural Gas

PG&E provides natural gas services within the City of San José. In 2018, approximately one percent of California's natural gas supply came from in-state production, while the remaining supply was imported from other western states and Canada.[10] In 2018, residential and commercial customers in California used 34 percent of the state's natural gas, power plants used 35 percent, the industrial sector used 21 percent, and other uses used 10 percent. Transportation accounted for one percent of natural gas use in California. In 2020, Santa Clara County used approximately 3.4 percent of the state's total consumption of natural gas.[11]

Fuel for Motor Vehicles

In 2019, 15.4 billion gallons of gasoline were sold in California.[12] The average fuel economy for light-duty vehicles (autos, pickups, vans, and sport utility vehicles) in the United States has steadily increased from about 13.1 miles per gallon (mpg) in the mid-1970s to 25.4 mpg in 2020.[13] Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007. That standard, which originally mandated a national fuel economy standard of 35 miles per gallon by the year 2020, was subsequently revised to apply to cars and light trucks model years 2011 through 2020.[14] [15]

[9] CEC, Energy Consumption Data Management System: Electricity Consumption by County, 2021.
[10] California Gas and Electric Utilities, 2019 California Gas Report Supplement, 2019.
[11] CEC, Energy Consumption Data Management System: Gas Consumption by County, 2021.
[12] California Department of Tax and Fee Administration, Motor Vehicle Fuel Distribution, 2020.
[13] United States Environmental Protection Agency (EPA), The 2021 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975, 2021.
[14] United States Department of Energy, Alternative Fuels Data Center: Energy Independence and Security Act of 2007, 2007.
[15] United States Government Publishing Office, Public Law 110–140—Dec. 19, 2007 Energy Independence and Security Act of 2007, 2007.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
6. ENERGY. Would the project:					
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			X		1, 2, 7
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X		1, 2

Explanation

a) **Less Than Significant Impact**. A discussion of the project's effect on energy use is presented below.

Construction Impacts

The anticipated construction schedule assumes that the project would be built out over a period of approximately 26 months.[16] The project would require demolition, site preparation, grading, site construction, paving, and architectural coating. The construction phase would require energy for the manufacture and transportation of building materials, preparation of the site (e.g., excavation, and grading), and the actual construction of the buildings. Petroleum-based fuels such as diesel fuel and gasoline would be the primary sources of energy for these tasks. The construction energy use has not been determined at this time.

The overall construction schedule and process is already designed to be efficient in order to avoid excess monetary costs. That is because equipment and fuel are not typically used wastefully due to the added expense associated with renting, maintaining, and fueling of construction equipment. Therefore, the opportunities for future efficiency gains during construction are limited. The proposed project does, however, include several measures that would improve the efficiency of the construction process. Implementation of the BAAQMD BMPs detailed as standard permit conditions in *Section C. Air Quality* would restrict equipment idling times to five minutes or less and would require the applicant to post signs on the project site reminding workers to shut off idle equipment.

With implementation of the BAAQMD BMPs, the short-term energy impacts associated with use of fuel or energy related to construction would be less than significant.

[16] The applicant noted that the construction of the project was expected to be over a 26-month period, which is the overall duration assumed throughout this document. However, the number of construction work days provided in the construction data totaled 20 months. The analysis of construction emissions using the 20-month schedule is considered more conservative compared to a 26-month schedule, as the same project construction activities and emissions would be analyzed over a shorter period of time compared to the applicant's schedule.

Operational Impacts

As described previously, PG&E's (the electricity provider to the project site) 2021 electricity mix was 50 percent renewable, while SJCE's Greensource program offered 60% renewable electricity. Operation of the proposed project would consume energy, in the form of electricity, primarily for building heating and cooling, lighting, cooking, and water heating. The City of San José passed an ordinance in December 2020 that prohibits the use of natural gas infrastructure in new buildings. This ordinance applies to any new construction (with the exception of hospitals, restaurants, etc.) that started on August 1, 2021. As a result, the proposed project would not utilize natural gas. The ordinance is the latest milestone for Climate Smart San José, the City's GHG emission reduction plan adopted by City Council in 2018.

The project would be built to the 2022 California Building Code standards and Title 24 energy efficiency standards (or subsequently adopted standards during the one-year construction term), and CALGreen code. These measures include insulation and design provisions to minimize wasteful energy consumption, thereby improving the efficiency of the overall project. In addition, the project would be required to submit a LEED, GreenPoint, or Build-It-Green checklist as part of their development permit applications in accordance with Council Policy 6-32, which promotes practices to minimize the use and waste of energy, water, and other resources in the City of San José.

Transportation-Related Energy-Use

The proposed project would result in an increase in traffic to the project site of approximately 560 net new daily vehicle trips (Appendix H). The total residential annual vehicle-miles-traveled (VMT) for the project is approximately 1,451,240 miles assuming an average trip length of 7.1 miles per resident (refer to *Q. Transportation* and Appendix H). The total annual gasoline consumption for the proposed project from transportation-related energy use would be approximately 57,153 gallons based on the U.S. EPA's estimated average fuel economy of 25.4 miles per gallon (mpg).

The project site is served by VTA. Existing bus routes serving the project area include VTA bus route 22, 23, 64A, and 64B, as well as Rapid 552.

The proposed project would be required to build to the State's CALGreen code, which includes insulation and design provisions to minimize wasteful energy consumption. Although the proposed project does not include on-site renewable energy resources, the proposed building would be built to align with LEED standards, consistent with San José Council Policy 6-32.

The proposed project would provide long-term and short-term bicycle parking, consistent with the requirements of the City of San José Municipal Code. The inclusion of bicycle parking and proximity to transit would incentivize the use of alternative methods of transportation to and from the site. Based on the project's alignment with measures required for LEED Certification, the proposed project would comply with existing State energy standards.

Based on the discussion above, the project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation.

b) **Less Than Significant Impact**. Operation of the proposed project would consume energy for building heating and cooling, lighting, cooking, and water heating. Energy would also be consumed during vehicle trips generated by residential occupants. Although the project would increase the project site's energy use, the proposed development would be completed in compliance with the current energy efficiency standards set forth in Title 24, CALGreen, and the City's Municipal Code. The project would have a less than significant impact with respect to conflicting with or obstructing a state or local plan for renewable energy or energy efficiency.

Conclusion: The project would have less than significant impacts related to energy use.

G GEOLOGY AND SOILS

Regulatory Framework

State

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Zoning Act was passed in 1972 with the intent to reduce the loss of life and property associated with surface rupture caused by active fault lines. The Alquist-Priolo Earthquake Zoning Act prohibits the placement of structures for human occupancy above active faults and sets minimum distances for construction away from the fault line. These fault lines are shown on Alquist-Priolo Maps, which are produced by the California Geological Survey.

Seismic Hazards Mapping Act

The 1990 Seismic Hazards Mapping Act (SHMA) directs the California Geological Survey to identify and map areas prone to various earthquake-related hazards, including liquefaction, landslides, and amplified ground shaking. The SHMA is intended to reduce the threat of seismic hazards to public health and to minimize the loss of life and property through identification and mitigation of seismic hazards. The State Geologist establishes regulatory zones (Zones of Required Investigation) and issues Seismic Hazard Zone Maps. These maps are distributed to all affected cities, counties, and state agencies for their use in planning and controlling construction and development.

California Building Code

The 2019 California Building Standards Code (CBC) was published on July 1, 2019 and took effect on January 1, 2020. The CBC is a compilation of three types of building criteria from three different origins:

- Building standards that have been adopted by state agencies without change from building standards contained in national model codes;

- Building standards that have been adopted and adapted from the national model code standards to meet California conditions; and

- Building standards, authorized by the California legislature, that constitute extensive additions not covered by the model codes that have been adopted to address particular California concerns.

The CBC identifies acceptable design criteria for construction that addresses seismic design and load-bearing capacity, including specific requirements for seismic safety; excavation, foundation and retaining wall design, site demolition, excavation, and construction, and; drainage and erosion control.

Changes in the 2019 California Building Standards Code provide enhanced clarity and consistency in application. The basis for the majority of these changes resulted from California amendments to the 2018 model building codes. Some of the most significant change include the following:

- Aligns engineering requirements in the building code with major revisions to national standards for structural steel and masonry construction, minor revisions to standards for wood construction, and support and anchorage requirements of solar panels in accordance with industry standards;

- Clarifies requirements for testing and special inspection of selected building materials during construction; and

- Recognizes and clarifies design requirements for buildings within tsunami inundation zones.

Paleontological Resources Regulations - California Public Resources Code

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. They range from mammoth and dinosaur bones to impressions of ancient animals and plants, trace remains, and microfossils. California Public Resources Code (Section 5097.5) stipulates that the unauthorized removal of a paleontological resource is a misdemeanor. Under the CEQA Guidelines, a project would have a significant impact on paleontological resources if it would disturb or destroy a unique paleontological resource or site or unique geologic feature.

Local

Municipal Code Chapter 17.04 – Building Code

Requirements for grading, excavation, and erosion control are included in Chapter 17.04 (Building Code, Part 6 Excavation and Grading) of the San José Municipal Code. Chapter 17.04 – Building Code, is intended to safeguard life, limb, property, water quality, and natural resources by regulating grading through the establishment of uniform engineering standards and procedures. All development projects within the City are subject to the requirements of Chapter 17.04.

Municipal Code Chapter 17.10 – Geologic Hazard Regulations

Chapter 17.10 of the City's municipal code provides regulations for natural and artificial geologic hazards. Geologic hazard zones are defined as being any land in an area identified as very high, high, or moderate/high landslide susceptibility zones, being on a California earthquake fault zone map, or one of the City maps dated 1983 or 1985. Provisions made under this Chapter include prohibiting construction or grading of any property in a geologic hazard zone except in full compliance with Chapter 17.10, and granting any certificate holder, contractor, certified engineering geologist or consulting geotechnical and/or civil engineer the power to order immediate cessation of construction in the event a new geologic hazard is discovered.

Section 17.10.600 of this code states that "[n]o regional study which requires or contemplates any invasive testing or soil disturbance shall be conducted by an applicant unless and until the director approves a plan for the regional study." This section outlines various requirements for such a report, including requiring supervision of a certified engineering geologist or geotechnical engineer, incorporation of dust control measures to avoid air quality impacts from fugitive dust, requiring preparation of a cultural resources assessment to avoid cultural impacts, and other requirements.

Municipal Code Chapter 17.40 – Dangerous Building Code

Chapter 17.40 of the City's municipal code regulates dangerous buildings, defined as "any building or structure or portion thereof which creates an endangerment to the life, limb, health, property, safety or welfare of the occupants of the building or members of the public." Dangerous buildings are considered to be "public nuisances" and the City Manager has the power to restrict such buildings from use or occupancy and to initiate abatement procedures.

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating geology and soils impacts from development projects. Policies applicable to the project are presented below.

Envision San José 2040 Relevant Geology and Soil Policies	
Policy EC-3.1	Design all new or remodeled habitable structures in accordance with the most recent California Building Code and California Fire Code as amended locally and adopted by the City of San José, including provisions regarding lateral forces.
Policy EC-4.1	Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.
Policy EC-4.2	Development in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process. [The City Geologist will issue a Geologic Clearance for approved geotechnical reports.]
Policy EC-4.4	Require all new development to conform to the City of San José's Geologic Hazard Ordinance.
Policy EC-4.5	Ensure that any development activity that requires grading does not impact adjacent properties, local creeks, and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 1 and April 30.
Action EC-4.11	Require the preparation of geotechnical and geological investigation reports for projects within areas subject to soils and geologic hazards, and require review and implementation of mitigation measures as part of the project approval process.
Action EC-4.12	Require review and approval of grading plans and erosion control plans prior to issuance of grading permits by the Director of Public Works.
Policy ES-4.9	Permit development only in those areas where potential danger to health, safety, and welfare of the persons in that area can be mitigated to an acceptable level.

Existing Setting

The project property is slopes slightly to the north with an elevation of approximately 91 feet above mean sea level (Google Earth, March 2023). Regionally, the topographic slope is to the southwest, towards the Santa Cruz Mountains. The project site consists of two parcels that are currently occupied by two single-family residences and an accessory structure that would be demolished as part of the project.

The project site is located in Santa Clara Valley, an alluvial basin that lies between the Santa Cruz Mountains to the southwest and the Diablo Range to the northeast. Santa Clara Valley bedrock consists of Franciscan Complex and Cretaceous-age marine sediment. This bedrock is overlain by Santa Clara Formation sediments, which consist of a complex distribution of sand, silt, and clay lenses.

The project is located in the seismically-active San Francisco Bay Area region. Major active fault systems in the area are the San Andreas, Calaveras, Hayward, and Monte Vista-Shannon. Surface fault rupture tends to occur along existing fault traces. The California Geological Survey (formerly Division of Mines and Geology) has produced maps showing Alquist-Priolo Earthquake Fault Zones along faults that pose a potential surface faulting hazard. No Alquist-Priolo zones are mapped in the vicinity of the project. In addition, the Santa Clara County Fault Rupture Hazard Zones map does not identify any fault hazard zones in the project area.

Liquefaction is a phenomenon in which the strength and stiffness of a soil is reduced by seismic shaking or other rapid loading. Liquefied soil can also settle. The site is located within an area zoned by the State of California as having potential for seismically induced liquefaction hazards.[17] In addition, the site is located within an area zoned in the Santa Clara County Geologic Hazard Zone maps as a Liquefaction Hazard Zone[18] and by the City of San José's GIS Map Viewer.[19]

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
7. GEOLOGY AND SOILS. Would the project:					
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X	1, 2
ii) Strong seismic ground shaking?			X		1, 2

[17] California Geological Service, EQ Zapp: California Earthquake Hazards Zone Application, 2019.
[18] Santa Clara County, Santa Clara County Geologic Hazard Zones, 2012.
[19] https://gis.sanjoseca.gov/maps/publicgisviewer/

ENVIRONMENTAL IMPACTS		Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
iii)	Seismic-related ground failure, including liquefaction?			X		1, 2
iv)	Landslides?				X	1, 2
b)	Result in substantial soil erosion or the loss of topsoil?			X		1, 2
c)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X		1, 2
d)	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?			X		1, 2
e)	Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X	1, 2
f)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X		1, 2, 3

Explanation

ai) **No Impact**. The site is not located within a State of California Earthquake Fault Hazard Zone and no known active faults cross the site. The risk of ground rupture within the site is considered low. The project site is not mapped within an Alquist-Priolo Earthquake Fault Zone. Furthermore, the project will be designed and developed in accordance with the California Building Code guidelines to avoid or minimize potential direct or indirect damage from seismic shaking on the project site as described below. The proposed project would have no impact with respect to adverse effects posed by rupture of a known ground fault.

aii) **Less Than Significant Impact**. Due to its location in a seismically active region, the proposed structures would be subject to strong seismic ground shaking during their design life in the event of a major earthquake on any of the region's active faults. This could pose a risk to proposed structures and infrastructure. Seismic impacts will be minimized by implementation of standard engineering and construction techniques in compliance with the requirements of the California and Uniform Building Codes for Seismic Zone 4. The proposed project would have a less than significant impact with respect to adverse effects posed by strong seismic ground shaking.

aiii) **Less Than Significant Impact**. As described above, the project site may be subject to strong ground shaking in the event of a major earthquake. The proposed project is located in a liquefaction zone, which represents a potential hazard to future occupants of the proposed development. A design-level geotechnical analysis would be required prior to construction to identify potential geotechnical hazards, including hazards from liquefaction, and provide recommendations to minimize these hazards. The project will be designed and constructed in accordance with a design-level geotechnical investigation as a standard permit condition.

Standard Permit Condition

- To avoid or minimize potential damage from seismic shaking, the project shall be constructed using standard engineering and seismic safety design techniques. Building design and construction at the site shall be completed in conformance with the recommendations of an approved geotechnical investigation. The geotechnical investigation shall be reviewed and approved by the City of San José Department of Public Works' City Geologist as part of the grading permit review and issuance process. The buildings shall meet the requirements of applicable Building and Fire Codes as adopted or updated by the City. The project shall be designed to withstand soil hazards identified on the site and the project shall be designed to reduce the risk to life or property on site and off site to the extent feasible and in compliance with the Building Code.

With implementation of the standard permit condition identified above, the proposed project would have a less than significant impact with respect to substantial adverse effects related to liquefaction and other forms of seismic-related ground failure.

aiv) **No Impact**. The project site is located in a topographically flat area and would not be subject to landslides. No impact would occur with respect to adverse effects posed by landslides.

b) **Less Than Significant Impact**. Development of the project would involve the grading of approximately 2,700 CY of material, which could result in a temporary increase in erosion. The project would implement the standard measures identified in *Section J. Hydrology and Water Quality* section of this Initial Study as well as the standard permit conditions below to minimize erosion.

Standard Permit Conditions

- 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.

- 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.

With incorporation of the standard permit conditions identified above, the proposed project would have a less than significant impact with respect to substantial loss of topsoil or erosion.

c) **Less Than Significant Impact**. The project may contain soil and geologic hazards that could result in lateral spreading, subsidence, or liquefaction, which could damage proposed

structures. Impacts associated with these soil and geotechnical hazards would be minimized by applying appropriate engineering and construction techniques. A design-level geotechnical analysis would be prepared to provide recommendations to minimize these hazards as described in aiii) above. This would reduce any potentially significant geotechnical impacts related to unstable geologic units or soil types to a less than significant level.

d) **Less Than Significant Impact**. The project may contain expansive soils, which could damage proposed structures on the site. Expansive soils pose a threat to buildings as their volume can increase or decrease based on the water content of the soils, which can result in damage to building foundations and basements over time. Impacts associated with expansive soils or other soil hazards would be minimized by applying appropriate engineering and construction techniques. A design-level geotechnical analysis would be prepared to provide recommendations to minimize these hazards as described in the standard permit condition for a iii) above. This would reduce any potentially significant direct or indirect geotechnical impacts related to expansive soils to a less than significant level.

e) **No Impact**. The project does not propose any septic systems. The proposed project would connect to the City's existing sanitary sewer system. Any existing septic systems on the site will be removed in accordance with all regulatory requirements. The proposed project would have no impacts related to soils incapable of supporting alternative wastewater systems.

f) **Less Than Significant Impact**. The project site is located in an area mapped as "high sensitivity at depth" in the 2040 General Plan EIR.[20] The project proposes grading that could potentially disturb paleontological resources. Consistent with General Plan Policy ER-10.3, the following standard permit condition would be implemented by the project to avoid or minimize impacts to paleontological resources during construction. No other unique geological features are found on the site.

Standard Permit Condition

- If vertebrate fossils are discovered during construction, all work on the site shall stop immediately, the Director of Planning or Director's designee of the Department of Planning, Building and Code Enforcement (PBCE) shall be notified, and a qualified professional paleontologist shall assess the nature and importance of the find and recommend appropriate treatment. Treatment may include, but is not limited to, preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds. The project applicant shall be responsible for implementing the recommendations of the qualified paleontologist. A report of all findings shall be submitted to the Director of Planning or the Director's designee.

With implementation of the standard permit condition identified above, the proposed project would have a less than significant impact related to the indirect or direct destruction of unique paleontological resources or unique geological features.

Conclusion: The project would have a less than significant impact on geology and soils with implementation of identified standard permit conditions.

[20] Figure 3.11-1 "Paleontologic Sensitivity of City of San Jose Geologic Units," from the *Draft Program Environmental Impact Report (PEIR) for the Envision San José 2040 General Plan*, June 2011.

H. GREENHOUSE GAS EMISSIONS

Regulatory Framework

Federal

The Federal Clean Air Act (CAA), first passed in 1970, is the overarching federal-level law that, as of 2007 via the U.S. Supreme court decision in Massachusetts v. EPA, enables the U.S. EPA to provide regulations of key GHG emissions sources (mobile emissions), established a mandatory emissions reporting program for large stationary emitters, and implementation of vehicle fuel efficiency standards.

State

Assembly Bill 32 – California Global Warming Solutions Act

Assembly Bill (AB) 32, the Global Warming Solutions Act of 2006, codifies the State of California's GHG emissions target by directing CARB to reduce the state's global warming emissions to 1990 levels by 2020. AB 32 was signed and passed into law by Governor Schwarzenegger on September 27, 2006. Since that time, the CARB, the California Energy Commission (CEC), the California Public Utilities Commission (CPUC), and the Building Standards Commission have all been developing regulations that will help meet the goals of AB 32 and Executive Order S-3-05.[21]

A Scoping Plan for AB 32 was adopted by CARB in December 2008. It contains the State of California's main strategies to reduce GHGs from business as usual (BAU) emissions projected in 2020 back down to 1990 levels. BAU is the projected emissions in 2020, including increases in emissions caused by growth, without any GHG reduction measures. The Scoping Plan has a range of GHG reduction actions, including direct regulations, alternative compliance mechanisms, monetary and non-monetary incentives, voluntary actions, and market-based mechanisms such as a cap-and-trade system. It required CARB and other state agencies to develop and adopt regulations and other initiatives reducing GHGs by 2012.

As directed by AB 32, CARB has also approved a statewide GHG emissions limit. On December 6, 2007, CARB staff resolved an amount of 427 MMT of CO_2e as the total statewide GHG 1990 emissions level and 2020 emissions limit. The limit is a cumulative statewide limit, not a sector-or facility-specific limit. CARB updated the future 2020 BAU annual emissions forecast, in light of the economic downturn, to 545 MMT of CO_2e. Two GHG emissions reduction measures currently enacted that were not previously included in the 2008 Scoping Plan baseline inventory were included, further reducing the baseline inventory to 507 MMT of CO_2e. Thus, an estimated reduction of 80 MMT of CO_2e is necessary to reduce statewide emissions to meet the AB 32 target by 2020.

Senate Bill 1368

Senate Bill (SB) 1368 is the companion bill of AB 32 and was signed by Governor Schwarzenegger in September 2006. SB 1368 required the CPUC to establish a greenhouse gas emission performance standard. Therefore, on January 25, 2007, the CPUC adopted an interim GHG Emissions Performance Standard in an effort to help mitigate climate change. The Emissions Performance Standard is a

[21] Note that AB 197 was adopted in September 2016 to provide more legislative oversight of CARB.

facility-based emissions standard requiring that all new long-term commitments for baseload generation to serve California consumers be with power plants that have emissions no greater than a combined cycle gas turbine plant. That level is established at 1,100 pounds of CO_2 per megawatt-hour. "New long-term commitment" refers to new plant investments (new construction), new or renewal contracts with a term of five years or more, or major investments by the utility in its existing baseload power plants. In addition, the CEC established a similar standard for local publicly owned utilities that cannot exceed the greenhouse gas emission rate from a baseload combined-cycle natural gas fired plant. On July 29, 2007, the Office of Administrative Law disapproved the CEC's proposed Greenhouse Gases Emission Performance Standard rulemaking action and subsequently, the CEC revised the proposed regulations. SB 1368 further requires that all electricity provided to California, including imported electricity, must be generated from plants that meet the standards set by the CPUC and CEC.

Senate Bill 32 – California Global Warming Solutions Act of 2006

In September 2015, the California Legislature passed SB 350 (de Leon 2015), which increases the State's Renewables Portfolio Standard (RPS) for content of electrical generation from the 33 percent target for 2020 to a 50 percent renewables target by 2030.

Senate Bill 375 – California's Regional Transportation and Land Use Planning Efforts

SB 375, signed in August 2008, requires sustainable community strategies (SCS) to be included in regional transportation plans (RTPs) to reduce emissions of GHGs. The MTC and ABAG adopted an SCS in July 2013 that meets GHG reduction targets. The Plan Bay Area is the SCS document for the Bay Area, which is a long-range plan that addresses climate protection, housing, healthy and safe communities, open space and agricultural preservation, equitable access, economic vitality, and transportation system effectiveness within the San Francisco Bay region (MTC 2013). The document is updated every four years, so the MTC and ABAG are currently developing the Plan Bay Area 2040.

Executive Order S-03-05

On June 1, 2005 Governor Schwarzenegger signed Executive Order S-03-05, the purpose of which was to implement requirements for the California Environmental Protection Agency (EPA) to provide ongoing reporting on a biennial basis to the State Legislature and Governor's Office on how global warming is affecting the State. Required areas of impact reporting include public health, water supply, agriculture, coastline, and forestry. The EPA secretary is required to prepare and report on ongoing and upcoming mitigation designed to counteract these impacts.

Executive Order B-30-15

On April 15, 2015 Governor Brown signed Executive Order B-30-15, the purpose of which is to establish a GHG reduction of 40 percent below 1990 levels by 2030. The Executive Order is intended to help the State work towards a further emissions reduction target of 80 percent below 1990 levels by the year 2050. The order directed state agencies to prepare for climate change impacts through prioritization of adaptation actions to reduce GHG emissions, preparation for uncertain climate impacts through implementation of flexible approaches, protection of vulnerable populations, and prioritization of natural infrastructure approaches.

Executive Order B-55-18 and SB 100 – 100 Percent Clean Energy Act of 2018

On September 10, 2018 Governor Brown signed both SB 100 – 100 Percent Clean Energy Act of 2018 and Executive Order B-55-18 to Achieve Carbon Neutrality. SB 100 sets California on course to achieving carbon-free emissions from the electric power production sector by 2045. SB100 also increases the required emissions reduction generated by retail sales to 60% by 2030, an increase in 10% compared to previous goals. B-55-18 establishes a new goal of achieving statewide "carbon neutrality as early as possible and no later than 2045, and to achieve and maintain net negative emissions thereafter".

Regional and Local

Bay Area Air Quality Management District

The BAAQMD is primarily responsible for assuring that the federal and state ambient air quality standards for criteria pollutants are attained and maintained in the Bay Area. The BAAQMD's May 2017 CEQA Air Quality Guidelines update the 2010 CEQA Air Quality Guidelines, addressing the California Supreme Court's 2015 opinion in the *California Building Industry Association vs. Bay Area Air Quality Management District* court case.

In an effort to attain and maintain federal and state ambient air quality standards, the BAAQMD establishes thresholds of significance for construction and operational period emissions for criteria pollutants and their precursors (see Table 2).

2017 Bay Area Clean Air Plan

The BAAQMD, along with other regional agencies such as the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC), develops plans to reduce air pollutant emissions. The most recent clean air plan is the *Bay Area 2017 Clean Air Plan: Spare the Air, Cool the Climate* (2017 CAP), which was adopted by BAAQMD in April 2017. This is an update to the 2010 CAP, and centers on protecting public health and climate. The 2017 CAP identifies a broad range of control measures. These control measures include specific actions to reduce emissions of air and climate pollutants from the full range of emission sources and is based on the following four key priorities:

- Reduce emissions of criteria air pollutants and toxic air contaminants from all key sources.
- Reduce emissions of "super-GHGs" such as methane, black carbon, and fluorinated gases.
- Decrease demand for fossil fuels (gasoline, diesel, and natural gas).
- Decarbonize our energy system.

City of San José Municipal Code

The City's Municipal Code includes the following regulations that would reduce GHG emissions from future development:

- Green Building Ordinance (Chapter 17.84)
- Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10)

- Transportation Demand Programs for employers with more than 100 employees (Chapter 11.105
- Construction and Demolition Diversion Deposit Program (Chapter 9.10)
- Wood Burning Ordinance (Chapter 9.10)

Council Policy 6-32 Private Sector Green Building Policy

In October 2008, the City Council adopted the Council Policy 6-32 "Private Sector Green Building Policy", which identifies baseline green building standards for new private construction and provides a framework for the implementation of these standards. This Policy requires that applicable projects achieve minimum green building performance levels using the Council adopted standards.

City of San José Greenhouse Gas Reduction Strategy

On December 15, 2015, the San José City Council certified a Supplemental Program Environmental Impact Report to the Envision San José 2040 Final Program Environmental Impact Report and re-adopted the City's GHG Reduction Strategy in the General Plan. The GHG Reduction Strategy is intended to meet the mandates as outlined in the CEQA Guidelines and standards for "qualified plans" as set forth by BAAQMD. Projects that conform to the General Plan Land Use/Transportation Diagram and supporting policies are considered consistent with the City's GHG Reduction Strategy.

The GHG Reduction Strategy identifies GHG emissions reduction measures to be implemented by development projects in three categories: built environment and energy; land use and transportation; and recycling and waste reduction. Some measures are mandatory for all proposed development projects and others are voluntary. Voluntary measures can be incorporated as mitigation measures for proposed projects, at the City's discretion.

The Greenhouse Gas Reduction Strategy was updated for 2030. The 2030 GHG Reduction Strategy was adopted and the EIR Addendum were certified by the City Council on 11/17/2020. The 2030 GHG Reduction Strategy went into effect on 12/17/2020.

The 2030 GHG Reduction Strategy outlines the actions the City will undertake to achieve its proportional share of State GHG emission reductions for the interim target year 2030. The 2030 GHG Reduction Strategy presents the City's comprehensive path to reduce GHG emissions to achieve the 2030 reduction target, based on SB 32, BAAQMD, and OPR requirements. Additionally, the 2030 GHG Reduction Strategy leverages other important City plans and policies; including the General Plan, Climate Smart San José, and the City Municipal Code in identifying reductions strategies that achieve the City's target. CEQA Guidelines Section 15183.5 allows for public agencies to analyze and mitigate GHG emissions as part of a larger plan for the reduction of GHGs. Accordingly, the City of San José's 2030 GHG Reduction Strategy represents San José's qualified climate action plan in compliance with CEQA.

As described in the 2030 GHG Reduction Strategy, the GHG reductions will occur through a combination of City initiatives in various plans and policies to provide reductions from both existing and new developments. A GHG Reduction Strategy Compliance Checklist (checklist) was developed that applies to proposed discretionary projects that require CEQA review. Therefore, the checklist is a critical implementation tool in the City's overall strategy to reduce GHG emissions. Implementation of applicable reduction actions in new development projects will help the City achieve incremental

reductions toward its target. Per the 2030 GHG Reduction Strategy, the City will monitor strategy implementation and make updates, as necessary, to maintain an appropriate trajectory to the 2030 GHG target. Specifically, the purpose of the checklist is to:

- Implement GHG reduction strategies from the 2030 GHGRS to new development projects.
- Provide a streamlined review process for proposed new development projects that are subject to discretionary review and trigger environmental review pursuant to CEQA.

Climate Smart San José

Climate Smart San José is a plan to reduce air pollution, save water, and create a stronger and healthier community. The City approved goals and milestones in February 2018 to ensure the City can substantially reduce GHG emissions through reaching the following goals and milestones.

- All new residential buildings will be Zero Net Carbon Emissions (ZNE) by 2020 and all new commercial buildings will be ZNE by 2030 (Note that ZNE buildings would be all electric with a carbon-free electricity source).
- San José Clean Energy (SJCE) will provide 100-percent carbon-free base power by 2021.
- One gigawatt of solar power will be installed in San José by 2040.
- 61 percent of passenger vehicles will be powered by electricity by 2030.

The California Energy Commission (CEC) updates the California Building Energy Efficiency Standards every three years, in alignment with the California Code of regulations. Title 24 Parts 6 and 11 of the California Building Energy Efficiency Standards and the California Green Building Standards Code (CALGreen) address the need for regulations to improve energy efficiency and combat climate change. The 2019 CAL Green standards include some substantial changes intended to increase the energy efficiency of buildings. For example, the code encourages the installation of solar and heat pump water heaters in low-rise residential buildings. The 2019 California Code went before City Council in October 2019 for approval, with an effective date of January 1, 2020. As part of this action, the City adopted a "reach code" that requires development projects to exceed the minimum Building Energy Efficiency requirements.[22] The City's reach code applies only to new residential and non-residential construction in San José. It incentivizes all-electric construction, requires increased energy efficiency and electrification-readiness for those choosing to maintain the presence of natural gas. The code requires that non-residential construction include solar readiness. It also requires additional EV charging readiness and/or electric vehicle service equipment (EVSE) installation for all development types.

General Plan Policies

In addition to the above, policies in the General Plan have been adopted for the purpose of avoiding or mitigating greenhouse gas emissions impacts from development projects. Policies applicable to the project are presented below.

[22] City of San José Transportation and Environmental Committee, *Building Reach Code for New Construction Memorandum,* August 2019.

Envision San José 2040 Relevant Greenhouse Gas Reduction Policies	
Policy MS-1.2	Continually increase the number and proportion of buildings within San José that make use of green building practices by incorporating those practices into both new construction and retrofit of existing structures.
Policy MS-2.3	Encourage consideration of solar orientation, including building placement, landscaping, design, and construction techniques for new construction to minimize energy consumption.
Policy MS-2.11	Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g. design to maximize cross ventilation and interior daylight) and through site design techniques (e.g. orienting buildings on sites to maximize the effectiveness of passive solar design).
Policy MS-5.5	Maximize recycling and composting from all residents, businesses, and institutions in the City
Policy MS-6.5	Reduce the amount of waste disposed in landfills through waste prevention, reuse, and recycling of materials at venues, facilities, and special events.
Policy MS-6.8	Maximize reuse, recycling, and composting citywide.
Policy MS-14.4	Implement the City's Green Building Policies so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.
Policy LU-5.4	Require new commercial development to facilitate pedestrian and bicycle access through techniques such as minimizing building separation from public sidewalks; providing safe, accessible, convenient, and pleasant pedestrian connections; and including secure and convenient bike storage.
Policy TR-2.18	Provide bicycle storage facilities as identified in the Bicycle Master Plan.
Policy CD-2.5	Integrate Green Building Goals and Policies of this Plan into site design to create healthful environments. Consider factors such as shaded parking areas, pedestrian connections, minimization of impervious surfaces, incorporation of stormwater treatment measures, appropriate building orientations, etc.
Policy CD-3.3	Within new development, create and maintain a pedestrian-friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.
Policy CD-5.1	Design areas to promote pedestrian and bicycle movements and to facilitate interaction between community members and to strengthen the sense of community.

Existing Setting

Various gases in the earth's atmosphere, classified as atmospheric GHGs, play a critical role in determining the earth's surface temperature. Solar radiation enters the atmosphere from space and a portion of the radiation is absorbed by the earth's surface. The earth emits this radiation back toward space, but the properties of the radiation change from high-frequency solar radiation to lower-frequency infrared radiation. Greenhouse gases, which are transparent to solar radiation, are effective

in absorbing infrared radiation. As a result, this radiation that otherwise would have escaped back into space is retained, resulting in a warming of the atmosphere. This phenomenon is known as the greenhouse effect. Among the prominent GHGs contributing to the greenhouse effect, or climate change, are carbon dioxide (CO_2), methane (CH_4), ozone (O_3), water vapor, nitrous oxide (N_2O), and chlorofluorocarbons (CFCs). Human-caused emissions of these GHGs in excess of natural ambient concentrations are responsible for enhancing the greenhouse effect. Climate change is a cumulative effect from local, regional, and global GHG emission contributions. According to the EPA on a Global scale, CARB on a state scale, and BAAQMD on a County scale, the transportation sector is the largest emitter of GHG emissions, followed by electricity generation and the industrial sector.[23],[24] ,[25] The City of San José also has the transportation sector as the largest emitter of GHG emission, but followed by residential and commercial development.[26]

The U.S. EPA reported that in 2020, total gross nationwide GHG emissions were 5,981.4 million metric tons (MMT) carbon dioxide equivalent (CO_2e).[27] These emissions were lower than peak levels of 7,434.8 MMT that were emitted in 2005. CARB updates the statewide GHG emission inventory on an annual basis where the latest inventory includes 2000 through 2019 emissions.[28] In 2019, GHG emissions from statewide emitting activities were 418.2 MMT. The 2020 emissions have decreased by 15 percent since peak levels in 2004 and are 13 MMT below the 1990 emissions level and the State's 2020 GHG limit. Per capita GHG emissions in California have dropped from a 2001 peak of 14.1 MT per person to 10.5 MT per person in 2019. The most recent Bay Area emission inventory was computed for the year 2011.[29] The Bay Area GHG emission were 87 MMT. As a point of comparison, statewide emissions were about 444 MMT in 2011. According to San José's GHGRS, the City's emissions were 5.71 MMT.

The project site consists of two parcels that are currently developed with two existing single-family residences and an accessory structure. The existing GHG emissions generated at the site are from vehicles traveling to and from the site as well as energy usage from natural gas and electricity.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS		Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
8.	GREENHOUSE GAS EMISSIONS. Would the project:					
a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X		1, 3
b)	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X		1, 3

[23] EPA, Inventory of U.S. Greenhouse Gas Emissions and Sinks, 2022.
[24] CARB, Current California GHG Emission Inventory Data, 2022.
[25] BAAQMD, Bay Area Emissions Inventory Summary Report: Greenhouse Gases Base Year 2011, 2015.
[26] City of San José, San José 2030 Greenhouse Gas Reduction Strategy, August 2020.
[27] EPA, Inventory of U.S. Greenhouse Gas Emissions and Sinks, 2022.
[28] CARB, Current California GHG Emission Inventory Data, 2022.
[29] BAAQMD, Bay Area Emissions Inventory Summary Report: Greenhouse Gases Base Year 2011, 2015.

Explanation

a) **Less Than Significant Impact**. Development of the project would generate GHG emissions GHG emissions associated with development would occur over the short-term from construction activities, consisting primarily of emissions from equipment exhaust and worker and vendor trips. Per Appendix A, the metric tons of carbon dioxide equivalent ($MTCO_2e$) from construction are estimated to be 385 $MTCO_2e$ for 2024 and 150 $MTCO_2e$ for 2025. Long-term operational emissions would also be generated from vehicular traffic, energy and water use, and solid waste disposal. However, the GHG generation would be considered less than significant provided the project demonstrates that it is consistent with the City's 2030 GHG Reduction Strategy.

The project is subject to the GHG reduction strategies identified in the City's 2030 GHG Reduction Strategy Compliance Checklist. The project would implement and comply with all relevant GHG reduction measures as determined by the City to reduce the project's GHG emissions.

The GHG Reduction Strategy Compliance Checklist for the project is contained in Appendix E. The proposed project is consistent with the Land Use/Transportation Diagram designation of *Urban Residential*. Pedestrian and bicycle facilities are already in place in the vicinity of the proposed project. In addition, the proposed project would include replacement of existing sidewalks along the project's frontage with new 10-foot wide sidewalks with street trees and planters to buffer pedestrians from vehicles accessing the project site. The GHG Reduction Strategies to be incorporated into the proposed project include the following:

- Implementation of green building measures through construction techniques and architectural design
- Incorporation of energy conservation measures
- Enrollment in SJCE at the GreenSource level
- Installation of rooftop solar panels
- Incorporation of water-efficient landscaping
- Incorporation of appropriate landscaping species

Standard Permit Condition

Proof of Enrollment in SJCE. Prior to issuance of any Certificate of Occupancy for the project, the occupant shall provide to the Director of the Department of Planning, Building, and Code Enforcement (PBCE), or Director's designee, proof of enrollment in the San José Community Energy (SJCE) GreenSource program (approx. 60% renewable energy) assumed in the approved environmental clearance for the project in accordance with the California Environmental Quality Act (CEQA). If it is determined the project's environmental clearance requires enrollment in the TotalGreen program, neither the occupant, nor any future occupant, may opt out of the TotalGreen program.

With implementation of GHG reduction strategies, the project would have a less than significant impact related to GHG emissions.

b) **Less Than Significant Impact**. The City's 2030 GHG Reduction Strategy Compliance Checklist has been completed for the project, as presented in Appendix E. In fulfillment of

GHG Reduction Strategy #1, the project plans to enroll in the SJCE program at the GreenSource level. In addition, the project would include all electrical infrastructure and would not utilize natural gas in fulfillment of GHG Reduction Strategy #2. The project includes the installation of rooftop solar panels, in compliance with GHG Reduction Strategy #3. The project would participate in the City's Zero Waste Strategic plan by providing space and infrastructure for organic waste collection containers per GHG Reduction Strategy #5. The project will include secure short-term and long-term bicycle storage per GHG Reduction Strategy #6. The project would utilize water efficient landscaping species and equipment consistent with GHG Reduction Strategy #7. Finally, the project would be consistent with the existing General Plan land use diagram and would comply with green building ordinances and all applicable energy efficiency measures. Therefore, the project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs, since the project would comply with the City's 2030 GHG Reduction Strategy.

Conclusion: The project would have a less than significant impact related to GHG emissions with incorporation of the identified standard permit condition.

I. HAZARDS AND HAZARDOUS MATERIALS

Partner Engineering and Science, Inc. (Partner) completed a Phase I Environmental Site Assessment to evaluate potential Recognized Environmental Concerns (RECs) at the project site (May 26, 2022). This report is contained in Appendix F. The intent of the Phase I Environmental Site Assessment is to assess environmental conditions related to hazardous materials associated with the property.

Regulatory Framework

Federal

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress in 1980 and is administered by the U.S. EPA. This law created a tax on the chemical and petroleum industries and provided broad Federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. CERCLA established prohibitions and requirements concerning closed and abandoned hazardous waste sites, provided for liability of persons responsible for releases of hazardous waste at these sites; and established a trust fund to provide for cleanup when no responsible party could be identified.

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA) is a Federal law passed by Congress in 1976 to address the increasing problems from the nation's growing volume of municipal and industrial waste. RCRA creates the framework for the proper management of hazardous and non-hazardous solid waste and is administered by the U.S. EPA. RCRA protects communities and resource conservation by enabling the EPA to develop regulations, guidance, and policies that ensure the safe management and cleanup of solid and hazardous waste, and programs that encourage source reduction and beneficial reuse. The term RCRA is often used interchangeably to refer to the law, regulations, and EPA policy and guidance.

State

California Department of Toxic Substances Control

The California Department of Toxic Substances Control (DTSC) is a State agency that protects State citizens and the environment from exposure to hazardous wastes by enforcing hazardous waste laws and regulations. DTSC enforces action against violators; oversees cleanup of hazardous wastes on contaminated properties; makes decisions on permit applications from companies that want to store, treat or dispose of hazardous waste; and protects consumers against toxic ingredients in everyday products.

Cortese List: Section 65692.5(a)

California Code of Regulations Section 65962.5(a) requires that the DTSC compile and update an annual list, known as the Cortese List, of all hazardous waste facilities subject to corrective action,

pursuant to Section 25187.5 of the Health and Safety Code. Facilities are added to the Cortese List are those that have failed to comply with a posted date for taking corrective action for an existing hazard or because DTSC determined that immediate corrective action is necessary to abate an imminent or substantial endangerment.

California Code of Regulations, Title 8 Section 1529 – Asbestos

California Code of Regulations, Title 8, Section 1529 regulates asbestos exposure in all construction work, including structure demolition, removal of asbestos-containing materials, activities involving construction or alteration of existing structures that contain asbestos, installation of asbestos-containing products, emergency cleanup, and other activities. Section 1529 regulates permissible exposure limits for individual employees, standards for demarcation of regulated asbestos work areas, and safety protocol and equipment.

California Code of Regulations, Title 8 Section 1532.1 – Lead

California Code of Regulations, Title 8, Section 1532.1 applies to all construction work where an employee may be occupationally exposed to lead. As defined in this section, an employer shall assure that no employee is exposed to lead at concentrations greater than fifty micrograms per cubic meter of air ($50\mu g/m^3$) averaged over an 8-hour period. Employers are required to identify hazards at existing job sites and provide workers with training and sanitation stations for decontamination. Compliance is regulated by the California Occupational Safety Health Program (CAL/OSHA).

California Accidental Release Prevention Program

The California Accidental Release Prevention (CalARP) program is designed to help prevent the accidental release of substances that pose harm to public health and the environment. CalARP also provides guidance for minimizing damage from spills and requires businesses to develop Risk Management Plans (RMPs) if they handle a certain amount of a regulated substance. RMPs are detailed engineering documents that analyze the potential accident factors and identify mitigation for rapid implementation to reduce accident potential and address any accidental releases. The CalARP program is implemented by Unified Program Agencies (UPAs) at the local government levels. UPAs work directly with businesses to review and approve RMPs, conduct inspections, and provide public-facing data.

California State Water Resources Control Board

The California State Water Resources Control Board (SWRCB) and its nine regional boards are responsible for preserving, enhancing, and restoring the quality of California's water resources and drinking water for the protection of the environment, public health, and all beneficial uses. Through the 1969 Porter-Cologne Act, the State and Regional Water Boards have been entrusted with broad duties and powers to preserve and enhance all beneficial uses of the state's water resources.

Local

Regional Water Quality Control Board

The San Francisco Bay Regional Water Quality Control Board (RWQCB) is the lead agency responsible for identifying, monitoring and remediating leaking underground storage tanks in the Bay Area. Local jurisdictions may take the lead agency role as a Local Oversight Program (LOP) entity, implementing State as well as local policies.

Santa Clara Department of Environmental Health

The County of Santa Clara Department of Environmental Health reviews California Accidental Release Prevention (CalARP) risk management plans as the Certified Unified Program Agency (CUPA) for the City. The CalARP Program aims to prevent accidental releases of regulated hazardous materials that represent a potential hazard beyond property boundaries. Facilities that are required to participate in the CalARP Program use or store specified quantities of toxic and flammable substances (hazardous materials) that can have off-site consequences if accidentally released. A Risk Management Plan (RMP) is required for such facilities. The intents of the RMP are to provide basic information that may be used by first responders in order to prevent or mitigate damage to the public health and safety and to the environment from a release or threatened release of a hazardous material, and to satisfy federal and state Community Right-to-Know laws.

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating hazardous materials impacts from development projects. All future development allowed by the proposed land use designation would be subject to the hazardous materials policies in the General Plan presented below.

Envision San José 2040 Relevant Hazardous Material Policies	
Policy EC-6.6	Address through environmental review for all proposals for new residential, park and recreation, school, day care, hospital, church or other uses that would place a sensitive population in close proximity to sites on which hazardous materials are or are likely to be located, the likelihood of an accidental release, the risks posed to human health and for sensitive populations, and mitigation measures, if needed, to protect human health.
Policy EC-7.1	For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.
Policy EC-7.2	Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, state and federal laws, regulations, guidelines and standards.

Envision San José 2040 Relevant Hazardous Material Policies	
Policy EC-7.4	On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-paint and asbestos-containing materials, shall be implemented in accordance with state and federal laws and regulations.
Policy EC-7.5	In development and redevelopment sites, require all sources of imported fill to have adequate documentation that it is clean and free of contamination and/or acceptable for the proposed land use considering appropriate environmental screening levels for contaminants. Disposal of groundwater from excavations on construction sites shall comply with local, regional, and State requirements.
Action EC-7.8	Where an environmental review process identifies the presence of hazardous materials on a proposed development site, the City will ensure that feasible mitigation measures that will satisfactorily reduce impacts to human health and safety and to the environment are required of or incorporated into the projects. This applies to hazardous materials found in the soil, groundwater, soil vapor, or in existing structures.
Action EC-7.9	Ensure coordination with the County of Santa Clara Department of Environmental Health, Regional Water Quality Control Board, Department of Toxic Substances Control or other applicable regulatory agencies, as appropriate, on projects with contaminated soil and/or groundwater or where historical or active regulatory oversight exists.
Action EC-7.10	Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.
Action EC-7.11	Require sampling for residual agricultural chemicals, based on the history of land use, on sites to be used for any new development or redevelopment to account for worker and community safety during construction. Mitigation to meet appropriate end use such as residential or commercial/industrial shall be provided.
Policy MS-13.2	Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxics control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.

Existing Setting

The project site is currently developed with two single-family homes and an accessory structure that have occupied the site for the past 50+ years. Prior to that, the site may have been used historically for agricultural purposes. If so, it is possible that the site could contain agricultural chemicals, such as residual pesticides. The project site was not identified on the California Department of Toxic Substances Control's EnviroStor database or the State Water Resources Control Board's GeoTracker database.

Records Review

The Phase I investigation for the site included a review of relevant property records, historical record sources, and environmental record sources. Table 9 shows the agencies that were contacted pertaining to possible past development and/or activity at the site.

Table 9 Regulatory Agency Records	
Name of Agency	**Records Reviewed**
California Environmental Protection Agency (CalEPA)	No records on file for the subject property.
Santa Clara County Environmental Health Department (SCCEHD)	According to records reviewed, the subject property identified at 1271 East Julian Street reported a hazardous material incident on January 27, 2020. The hazardous materials incident was described as "caller is reporting the suspected responsible party (SRP) was dumping oil in a hole in the ground at the incident location; caller stated it is in the back yard and has videos to provide; caller stated the SRP is in the process of moving and may not be at that location much longer". The SRP was unknown.
San José Fire Department (SJFD)	No response received.
Bay Area Air Quality Management District (BAAQMD)	No records on file for the subject property.
Regional Water Quality Control Board (RWQCB)	No records on file for the subject property.
California Department of Toxic Substances Control (DTSC)	No records on file for the subject property.
San José Building Division (SJBD)	Several records for permits and reviews related to the subject property were noted, consisting of the following: • 1978. Eurico F. Silva: Building Permit – add 22x28 addition to existing house (1271 E Julian St) • 1982. Pena Julis: Plumbing and/or Gas Piping Permit • 1982. C. Sequeria: Mechanical Permit • 2020: Environmental Review • 2020. Melanie Griswold: Redevelopment Permit - Enhanced Prelim for a mixed-use development of 68 residential units and 3,050 square feet of ground floor commercial would be supported at 1271 & 1279 E Julian Street. • 2020. Melanie Griswold: Preliminary Review - Focused Preliminary Review to demolish the existing residences, merge lots, and construct 38 new rental units • 2021. Yi's First Seed LLC: Environmental Review - General Plan Amendment to change the General Plan Designation from Mixed Use Neighborhood to Urban Residential. • 2021: Conforming Conventional Zoning Notice – Conforming rezoning from R-1-8 to UR on an approximately 0.97-gross acre site • 2021. Yi's First Seed LLC: Transportation Analysis - Special Use Permit to demolish one single family residence and one duplex (2,800 sf) and construct 38 residential units with 6 affordable units, including tandem (alternative) parking and associated landscaping and amenities, and remove 16 ordinance-size trees and 13 non-ordinance trees. A record for a property adjoining the project site were also noted, consisting of the following: • 2000: Hazardous Materials – Underground Tank / Piping System Removal Permit for 321 Wooster Avenue. Case Closed on September 2, 2004. According to records review, the site was equipped with 300-gallon gasoline UST removed on August 4, 2000. One soil sample was collected from the base of tank at the depth of 7 feet bgs. The sample was tested for Total Petroleum

Table 9 Regulatory Agency Records	
Name of Agency	**Records Reviewed**
	Hydrocarbons as gasoline (PTH-g), Total Lead and Volatile Organic Compounds (VOCs). Based on the laboratory test results, no petroleum hydrocarbons were detected. As such, the formerly adjacent UST is not considered a REC.
San José Planning Division (SJPD)	According to records reviewed, the subject property is zoned UR for "Urban Residential" development by the City of San José.
California Geologic Energy Management Division (CalGEM)	No records on file for the subject property.
Santa Clara County Assessor (SCCA)	According to records reviewed, the subject property is identified by Assessor Parcel Numbers (APNs) 249-66-010 and 249-66-009. The subject property is developed with residential homes located on a 0.97-acre lot. No records regarding property ownership, square footage, building and utility information for the subject property was on file with the SCCA.
California Governor's Office Emergency Services (Cal OES)	According to records review, an unknown oil spill was reported for the subject property on January 27, 2020, under Cal OES ID: 20-0551 and NRC ID: 1269685.

In addition, Partner contracted Environmental Risk Information Services (ERIS) to conduct a search of publicly available environmental contamination records sourced from federal, state, and local databases. The results of this records search are provided in Appendix F. As described in Appendix F, the project site is identified as an ERNS and CHMIRS site in the regulatory database report, as described below:

- The subject property, identified as NRC at 1271 East Julian Street, reported an unknown amount of oil release to the grass/soil at the property. According to database, a caller stated that the suspected responsible party (SPR) was dumping oil in a hole in the ground at back of the property. The incident was reported on January 27, 2020, under NRC Report No: 1269685. No other information was available for review. However, based on regulatory oversight and absence of any other listing suggesting the extent of release it appears that the release was in fact minor, as such is not expected to represent significant environmental concern.

Several HAZNET site records were also noted for properties adjoining the site to the northeast, southeast and northwest, as discussed below:

- The property, identified as Del Mutolo & Ruiz Property Management at 329 Wooster Avenue, is located adjoining to the northeast of the project site. According to database, the site was issued EPA ID: CAC002648082 on November 9, 2009, for the hydrocarbon solvents, unspecified solvent mixture, waste oil and mixed oil and other organic solids off-site disposal in 2009. This EPA ID was inactivated on May 9, 2010. Based on current regulatory status, absence of reported spills and/or releases of hazardous substances and absence of violations, this listing is not expected to represent significant environmental concern.

- The property, identified as East Valley Animal Clinic at 1272 East Julian Avenue, is located adjoining to the southeast of the project site. According to database, the site was issued EPA ID: CAL000113807 on August 24, 1993, which was inactivated on June 30, 1996. No manifest data are related with this listing. Based on current regulatory status, absence of reported spills

and/or releases of hazardous substances and absence of violations, this listing is not expected to represent significant environmental concern.

- The property, identified as Green Valla at 1298 Tripp Avenue, is located adjoining to the northwest of the subject property. According to database, the site was issued EPA ID: CAC002714310 on December 13, 2012, for the hydrocarbon asbestos containing waster off-site disposal in 2012. This EPA ID was inactivated on March 4, 2013. Based on current regulatory status, absence of reported spills and/or releases of hazardous substances and absence of violations, this listing is not expected to represent significant environmental concern.

Site Reconnaissance

AEI conducted a reconnaissance of the project site on May 20, 2022. The site reconnaissance did not reveal any environmental contaminants on the project site. A radon and lead building material survey was not conducted as part of this assessment. A limited asbestos containing materials review was conducted, which noted the potential presence of asbestos containing materials. A review of PCB-containing materials was included as part of the assessment. Evidence of PCB-containing materials was not observed.

Summary of Phase I Assessment

The Phase I included a review of local, state, and federal environmental record sources, standard historical sources, aerial photographs, fire insurance maps and physical setting sources. A reconnaissance of the site was completed to review site use and current conditions to check for the storage, use, production, or disposal of hazardous or potentially hazardous materials and to conduct written/oral interviews with persons knowledgeable about current and past site use.

The site reconnaissance and records review did not find documentation or physical evidence of groundwater impairments associated with the use or past use of the project site. Of the single reported petroleum contamination record for the site, no evidence of the spill was found. This spill event was presumed to be minor and does not meet the standard of a Recognized Environmental Condition (REC). A review of regulatory databases maintained by county, state, tribal, and federal agencies found no other documentation of hazardous materials violations or discharge on the property and did not identify contaminated facilities within the appropriate American Society for Testing and Materials (ASTM) search distances that would reasonably be expected to impact the project site.

The Phase I Assessment revealed no evidence of RECs, Controlled Recognized Environmental Conditions (CRECs), or Historical Recognized Environmental Conditions (HRECs) in connection with the site, and the property was found suitable for residential land use. However, due to the age of the existing structures, the Phase I did recommend that the materials of existing structures be analyzed for asbestos-containing materials (ACM) and lead-based paint (LBP) prior to demolition activities to prevent potential exposure to site workers.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
9. HAZARDS AND HAZARDOUS MATERIALS. Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X		1, 2, 13
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?		X			1, 2, 13
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X		1, 2, 13
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X		1, 2, 13
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?			X		1, 2
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X		1, 2
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires				X	1, 2, 17

Explanation

a) **Less Than Significant Impact**. The proposed residential development would not involve the routine transport, use, or disposal of hazardous materials. Residential uses may apply small quantities of miscellaneous household cleaning supplies and other chemicals. These materials would be stored and used in accordance with the manufacturer's specifications.

The project would use fuels, lubricants, paints, and solvents during construction activities. The project would prepare and implement a Storm Water Pollution Prevention Plan and appropriate best management practices to minimize the impact on water quality from release of hazardous materials during construction. In addition, the applicant proposes to implement standard protection measures for the temporary onsite storage of fuel and other hazardous materials used during construction. The proposed project would have a less than significant impact related to the routine use, transport, or disposal of hazardous materials.

b) **Less Than Significant with Mitigation Incorporated**. Based on the findings of the Phase I assessment, no RECs, no historical RECs, and no controlled RECs were identified for the project site. This assessment has revealed no evidence of RECs in connection with the site and found that the property is suitable for residential land use. However, there is a potential to encounter stained or contaminated soil and/or hazardous materials during excavation. This could pose health risks to construction workers, which would be a potentially significant impact.

Impact HAZ-1: Due to reported hazardous materials incident associated with the unauthorized dumping of oil within the ground surface and the evidence of storage/use of hazardous materials, there is a potential to encounter unknown hazardous materials which could expose construction workers to harmful levels of pollutants during grading, earthwork, and trenching.

Mitigation Measures

MM HAZ-1 Prior to issuance of grading permits, a self-directed Site Management Plan (SMP) that includes a Health and Safety Plan (HASP) shall be prepared by a qualified environmental professional to guide activities during demolition, excavation, and construction due to the reported incident associated with dumping of oil in the ground and the evidence of storage/use of hazardous materials on-site. The SMP is intended to provide guidelines and protocols in the event of encountering soil contamination during redevelopment to ensure construction worker safety. Components of the SMP shall include, but shall not be limited to:

- A detailed discussion of the site background;
- Preparation of a Health and Safety Plan (HASP);
- Notification procedures if previously undiscovered significantly impacted soil or free fuel product is encountered during construction;
- On-site soil reuse guidelines based on the California Regional Water Quality Control Board (RWQCB), San Francisco Bay Region's reuse policy;
- Sampling and laboratory analyses of excessive soil requiring disposal at an appropriate off-site waste disposal facility;
- Soil stockpiling protocols; and
- Protocols to manage groundwater that may be encountered during trenching and/or subsurface excavation activities.

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

Asbestos & Lead Based Paint in Demolished Buildings

Development of the project would require the demolition of existing buildings on the site. Due to their age, these structures potentially contain asbestos building materials and/or lead-based paint. In addition, materials potentially containing asbestos were noted during site

reconnaissance. Demolition conducted in conformance with federal, state and local regulations will avoid significant exposure of construction workers and/or the public to asbestos and lead-based paint. As a part of the development permit approval, the project will conform to the following standard permit conditions.

Standard Permit Conditions

- In conformance with State and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of on-site building(s) to determine the presence of asbestos-containing materials (ACMs) and/or lead-based paint (LBP).

- During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Title 8, California Code of Regulations (CCR), Section 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the type of lead being disposed.

- All potentially friable asbestos containing materials (ACMs) shall be removed in accordance with National Emission Standards for Air Pollution (NESHAP) guidelines prior to demolition or renovation activities that may disturb ACMs. All demolition activities shall be undertaken in accordance with Cal/OSHA standards contained in Title 8, CCR, Section 1529, to protect workers from asbestos exposure.

- A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above.

- Materials containing more than one-percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations. Removal of materials containing more than one-percent asbestos shall be completed in accordance with BAAQMD requirements and notifications.

- Based on Cal/OSHA rules and regulations, the following conditions are required to limit impacts to construction workers.
    - Prior to commencement of demolition activities, a building survey, including sampling and testing, shall be completed to identify and quantify building materials containing lead-based paint.
    - During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, CCR, Section 1532.1, including employee training, employee air monitoring and dust control.
    - Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the type of waste being disposed.

With implementation of the standard permit conditions and mitigation measure above, the project would have a less than significant impact related to the release of hazardous materials into the environment.

c) **Less than Significant Impact**. The closest school to the project site is Rocketship Prep Elementary School, located about 440 feet north of the project site. In addition, Sunrise Middle School is located about 830 feet southwest of the project site, the San José Head Start daycare is located 815 feet west of the project site, the Ace Inspire Academy is located 800 feet west of the project site, and San José High School is located about 945 feet southwest of the project site. The proposed project is a residential development and would not involve the use or handling of hazardous materials. During construction, quantities of potentially hazardous materials (such as fuels, lubricants, etc.) would be utilized. However, these materials would be applied and stored in accordance with all manufacturers' recommendations. As described under impact a) above, the applicant proposes to implement standard protection measures for the temporary onsite storage of fuel and other hazardous materials used during construction. Adherence to all manufacturers' recommendations for storage of hazardous materials and implementation of best management practices would reduce the risk of hazardous materials. In the event of an accidental release of hazardous materials during project construction, all spills would be cleaned up according to industry-standard best management practices. As a result, the proposed project would not emit hazardous waste within a ¼ mile of an existing or proposed school. This represents a less than significant impact.

d) **Less Than Significant Impact**. The project is not located on property that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (i.e., Cortese List). This represents a less than significant impact.

e) **Less Than Significant Impact**. The Norman Y. Mineta San José International Airport is located approximately 3.36 miles east of the project site. The project is not located within the Santa Clara County Airport Land Use Commission's adopted Comprehensive Land Use Plan for this airport or any other airports. Therefore, this represents a less than significant impact.

f) **Less Than Significant Impact**. The proposed residential development would not interfere with any adopted emergency or evacuation plans. The project would not create any barriers to emergency or other vehicle movement in the area and would be designed to incorporate all Fire Code requirements. This represents a less than significant impact.

g) **No Impact**. The project would not expose people or structures to risk of loss, injury or death from wildland fires since it is located in a highly urbanized area that is not prone to such events. See also *Section T. Wildfire* of this Initial Study. This represents a less than significant impact.

Conclusion: The project would have a less than significant impact related to hazards and hazardous materials with the incorporation of mitigation measures and standard permit conditions.

J. HYDROLOGY AND WATER QUALITY

Regulatory Framework

The federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws regulating water quality in California. Requirements established by the U.S. Environmental Protection Agency (EPA) and the State Water Resources Control Board (SWRCB) have been developed to fulfill the requirements of this legislation. EPA regulations include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge pollutants into the waters of the United States (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by the Regional Water Quality Control Boards (RWQCBs). The project site is within the jurisdiction of the San Francisco Bay RWQCB.

Federal and State

Clean Water Act – Section 404

The Clean Water Act (CWA) establishes the basic structure for regulating discharges of pollutants into the waters of the United States (waters of the U.S.) and regulating quality standards for surface waters. Its goals are to restore and maintain the chemical, physical, and biological integrity of the nation's waters. Under the CWA, the US EPA has implemented pollution control programs and established water quality standards, and together with the U.S. Army Corps of Engineers, regulates discharge of dredged and fill material into waters of the U.S. under Section 404 of the CWA and its implementing regulations. Waters of the U.S. are defined broadly as waters susceptible to use in commerce (including waters subject to tides, interstate waters, and interstate wetlands) and other waters.

National Flood Insurance Program

FEMA established the National Flood Insurance Program (NFIP) in order to reduce flooding on private and public properties. The program provides subsidized flood insurance to communities that comply with FEMA regulations protecting development in floodplains. As part of the program, FEMA publishes Flood Insurance Rate Maps (FIRM) that identify Special Flood Hazard Areas (SFHA). An SFHA is an area that would be inundated by the one-percent annual chance flood, which is also referred to as the base flood or 100-year flood.

Porter-Cologne Water Quality Act

The Porter-Cologne Act delegates authority to the SWRCB to establish regional water quality control boards. The San Francisco Bay Area RWQCB has authority to use planning, permitting, and enforcement to protect beneficial uses of water resources in the project region. Under the Porter-Cologne Water Quality Control Act (California Water Code Sections 13000-14290), the RWQCB is authorized to regulate the discharge of waste that could affect the quality of the state's waters, including projects that do not require a federal permit through the USACE. To meet RWQCB 401 Certification standards, all hydrologic issues related to a project must be addressed, including the following:

- Wetlands
- Watershed hydrograph modification

- Proposed creek or riverine related modifications
- Long-term post-construction water quality

Any construction or demolition activity that results in land disturbance equal to or greater than one acre must comply with the Construction General Permit (CGP), administered by the SWRCB. The CGP requires the installation and maintenance of BMPs to protect water quality until the site is stabilized. The project is less than an acre and would not require CGP coverage based on area of land disturbed (0.97 acres).

Statewide Construction General Permit

The SWRCB has implemented an NPDES General Construction Permit for the State of California (CGP). For projects disturbing one acre or more, a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) must be prepared by a qualified professional prior to commencement of construction. The CGP includes requirements for training, inspection, record keeping, and for projects of certain risk levels, monitoring. The general purpose of the requirements is to minimize the discharge of pollutants and to protect beneficial uses and receiving waters from the adverse effects of construction-related storm water discharges.

Regional and Local

San Francisco Bay Basin Plan

The San Francisco Bay RWQCB regulates water quality in accordance with the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan). The Basin Plan lists the beneficial uses that the San Francisco Bay RWQCB has identified for local aquifers, streams, marshes, rivers, and the San Francisco Bay, as well as the water quality objectives and criteria that must be met to protect these uses. The San Francisco Bay RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements, including permits for nonpoint sources such as the urban runoff discharged by a City's stormwater drainage system. The Basin Plan also describes watershed management programs and water quality attainment strategies.

Municipal Regional Stormwater Permit

The San Francisco Bay RWQCB has issued a Municipal Regional Stormwater NPDES Permit (MRP) to regulate stormwater discharges from municipalities and local agencies (co-permittees) in Alameda, Contra Costa, San Mateo, and Santa Clara Counties, and the cities of Fairfield, Suisun City, and Vallejo. The City of San José is required to operate under the MRP to discharge stormwater from the City's storm drain system to surface waters. This project is reviewed under MRP 2.0 which, under provision C.3, regulates the following types of development projects:

- Projects that create or replace 10,000 square feet or more of impervious surface.
- Special Land Use Categories that create or replace 5,000 square feet or more of impervious surface.

The MRP requires regulated projects to include Low Impact Development (LID) practices. These include site design features to reduce the amount of runoff requiring treatment and maintain or restore the site's natural hydrologic functions, source control measures to prevent stormwater from pollution,

and stormwater treatment features to clean polluted stormwater runoff prior to discharge into the storm drain system. The MRP requires that stormwater treatment measures are properly installed, operated, and maintained.

City of San José Post-Construction Urban Runoff Management (Policy 6-29)

The City of San José's Policy 6-29 implements the stormwater treatment requirements of Provision C.3 of the Municipal Regional Stormwater NPDES Permit. The City of San José's Policy 6-29 requires all new development and redevelopment projects to implement post-construction BMPs and Treatment Control Measures (TCMs). This policy also establishes specific design standards for post-construction TCM for projects that create, add, or replace 10,000 square feet or more of impervious surfaces.

City of San José Hydromodification Management (Policy 8-14)

The City of San José's Policy No. 8-14 implements the stormwater treatment requirements of Provision C.3 of the MRP. Policy No. 8-14 requires all new and redevelopment projects that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation or other impacts to beneficial uses of local rivers, streams, and creeks. The policy requires these projects to be designed to control project-related hydromodification through a Hydromodification Management Plan (HMP).

Green Stormwater Infrastructure Plan

The City of San José has developed a Green Stormwater Infrastructure Plan (GSI Plan) to lay out the approach, strategies, targets, and tasks needed to transition traditional "gray" infrastructure to include green stormwater infrastructure over the long term and to implement and institutionalize the concepts of GSI into standard municipal engineering, construction, and maintenance practices. The GSI Plan is intended to serve as an implementation guide for reducing the adverse water quality impacts of urbanization and urban runoff on receiving waters over the long term, and a reporting tool to provide reasonable assurance that specific pollutant reductions from discharges to local creeks and San Francisco Bay will be met. The GSI Plan is required by the City's MRP for the discharge of stormwater runoff from the City's storm drain system.

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating hydrology and water quality impacts from development projects. Policies applicable to the project are presented below.

Envision San José 2040 Relevant Hydrology and Water Quality Policies	
Policy IN-3.7	Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.
Policy IN-3.9	Require developers to prepare drainage plans for proposed developments that define needed drainage improvements per City standards.
Policy MS-3.4	Promote the use of green roofs (i.e., roofs with vegetated cover), landscape-based treatment measures, pervious materials for hardscape, and other stormwater management practices to reduce water pollution.

Envision San José 2040 Relevant Hydrology and Water Quality Policies	
Policy ER-8.1	Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.
Policy ER-8.3	Ensure that private development in San José includes adequate measures to treat stormwater runoff.
Policy ER-8.5	Ensure that all development projects in San José maximize opportunities to filter, infiltrate, store and reuse or evaporate stormwater runoff onsite.
Policy EC-4.1	Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and stormwater controls.
Policy EC-5.7	Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risks elsewhere.
Policy EC-5.16	Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.
Policy EC-7.10	Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.

Existing Setting

The project property is an essentially flat lot with a slight slope to the north and an elevation of approximately 91 feet above mean sea level (Google Earth, March 2023). The project site is currently occupied by two single-family residences and an accessory structure. The current runoff from the site is directed into an existing inlet along East Julian Street that discharges to the City's drainage system.

The project site does not contain any natural drainages or waterways. The nearest waterway to the site is the Lower Silver Creek, which is located about 800 feet north of the project site. Other nearby waterways include Miguelita Creek and Coyote Creek. The property is located predominantly in a Federal Emergency Management Agency (FEMA) Flood Zone X, with a small portion of the southeastern portion of the site located on Zone AH.[30]. Zone X is defined as an area determined to be outside the 500-year flood and protected by levee from 100-year flood. Zone AH is defined as an area with a 1% annual chance of shallow flooding, usually in the form of a pond, with an average depth ranging from 1 to 3 feet. The City does not have any floodplain restrictions for development in Zone X. Mandatory flood insurance purchase requirements apply to development in Zone AH.

The City owns and maintains the storm drainage system in the project area. The drainage lines that serve the project site drain into the Lower Silver Creek, located approximately 1,200 miles northeast of the site. No over-land release of stormwater drains directly into any water body from the project site.

The project site is located within the inundation area for the Leroy Anderson Dam, based on the "California Dam Breach Inundation Maps" map provided by the California Department of Water Resources.[31]

[30] Panel # 0251J, Map # 06085C0251J
[31] https://fmds.water.ca.gov/webgis/?appid=dam_prototype_v2

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS		Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
10.	HYDROLOGY AND WATER QUALITY. Would the project:					
a)	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			X		1, 2
b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			X		1, 2
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:					
i)	Result in substantial erosion or siltation on- or off-site;			X		1, 2
ii)	Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;			X		1, 2
iii)	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or			X		1, 2
iv)	Impede or redirect flood flows?			X		1, 2, 14
d)	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			X		1, 2, 14
e)	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X		1, 2

Explanation

a) **Less Than Significant Impact**. The City's National Pollutant Discharge Elimination System (NPDES) Municipal Permit, urban runoff policies, and the Municipal Code are the primary means of enforcing water quality measures through the grading and building permit process. All construction/demolition projects must comply with the City of San José's Grading Ordinance, which requires the use of erosion and sediment controls to protect water quality while the site is under construction. The project site is approximately 0.97-acres in size and would not be subject to Municipal Code Section 20.100.480 (projects disturbing one acre or more). The project is located in an urban environment and operation of the residential project would not utilize materials that would significantly harm the water quality in the area. Furthermore, the project would comply with applicable regulations and laws to ensure proper discharge into the City's stormwater and sanitary infrastructure. The proposed project would have a less than significant impact with respect to violation of any water quality standards or waste discharge requirements, or degradation of surface or groundwater quality.

b) **Less Than Significant Impact**. The project site is located within the Recharge Area of the Santa Clara Valley Basin where groundwater occurs under unconfined conditions.[32] The site is not, however, located within or adjacent to a SCVWD groundwater recharge facility. The project proposes excavation to construct the foundations for the proposed structures. According to the records search conducted by Partner Engineering and Science, Inc., for the Phase I Assessment (Appendix F), groundwater depth in the project area is approximately between 15.29 and 17.61feet below surface. The project would require grading of about 2,700 CY to construct the building foundations, to a depth of 3 feet. This excavation would not encounter groundwater. The project does not propose any wells or groundwater pumping. Thus, the project would have a less than significant impact with respect to decreasing groundwater supplies or interfering substantially with groundwater recharge.

ci) **Less Than Significant Impact**. Construction of the project would require grading activities that could result in a temporary increase in erosion affecting the quality of storm water runoff. This increase in erosion is expected to be minimal, due to the small size and relative flatness of the site. The project site is approximately 0.97-acres in size and would not be subject to Municipal Code Section 20.100.480 (projects disturbing one acre or more). The City's implementation requirements to protect water quality are described below.

Construction Impacts

The construction of the proposed project shall incorporate BMPs to control the discharge of stormwater pollutants including sediments associated with construction activities. Prior to the issuance of a grading permit, the project applicant may be required to submit an Erosion Control Plan to the Department of Public Works. The Erosion Control Plan would include BMPs for reducing impacts on the City's storm drainage system from construction activities.

All projects in the City, including the proposed project are required to comply with the City of San José Grading Ordinance, including erosion and dust control during site preparation, as well as the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction. The following specific BMPs are required to be implemented by all projects in the City as standard permit conditions to prevent stormwater pollution and minimize potential sedimentation during construction. Typical measures that could be implemented to prevent stormwater pollution and minimize potential sedimentation during construction may include but are not limited to:

1. Restriction of grading to the dry season (April 30 through October 1) or meet City requirements for grading during the rainy season;
2. Utilize on-site sediment control BMPs to retain sediment on the project site;
3. Utilize stabilized construction entrances and/or wash racks;
4. Implement damp street sweeping;
5. Provide temporary cover of disturbed surfaces to help control erosion during construction; and
6. Provide permanent cover to stabilize the disturbed surfaces after construction has been completed.

[32] Santa Clara Valley Water District. *Sustainable Groundwater Management*. Accessed July 2021. https://www.valleywater.org/your-water/where-your-water-comes-from/groundwater/groundwater-management.

If construction and grading activities cannot be scheduled outside of the rainy season (October 1st to April 30th), an Erosion Control Plan will be required to perform grading and construction activities during that period.

The project would increase impervious surfaces on the site by 27,822 sf and slightly modify the drainage pattern on the site. Consistent with the regulations and policies described above, the project will follow all standard permit conditions. The following measures are based on RWQCB BMPs and have been included in the project to reduce construction and development-related water quality impacts. These BMPs would be implemented prior to and during earthmoving activities onsite and would continue until the construction is complete and during the post-construction period as appropriate.

Standard Permit Conditions

- 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 required to cover all trucks or 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 knock mud from truck tires prior to entering City streets. A tire wash system may also be employed at the request of 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.

Implementation of the BMPs and standard permit conditions shown above would ensure that the proposed project would have a less than significant impact related to erosion or siltation during construction.

Post-Construction Impacts

The project is required to comply with applicable provisions of the following City Council Policies: Council Policy 6-29 Post-Construction Urban Runoff Management and Council Policy 8-14 Post-Construction Hydromodification Management. For Council Policy 6-29 Post-Construction Urban Runoff Management, the project will be required to implement BMPs, which includes site design measures, source controls, and numerically-sized LID stormwater treatment measures to minimize stormwater pollutant discharges. The project will install flow-through planters to treat impervious surfaces being created or replaced. Additionally, the project meets the Special Project criteria for a transit-oriented development project and will install a media filter system to treat runoff. The project site is not located in a Hydromodification Management (HM) area. However, details of specific Site Design, Pollutant Source Control, and Stormwater Treatment Control Measures demonstrating compliance with Provision C.3 of the MRP (NPDES Permit Number CAS612008), will be included in the project design, to the satisfaction of the Director of Planning, Building and Code Enforcement.

In conclusion, the project would not substantially alter existing drainage patterns or cause alteration of streams or rivers by conforming with the requirements of Council Policy 6-29 and 8-14. The proposed project would have a less than significant impact related to erosion or siltation following construction by complying with the State's Construction Stormwater Permit and the City's Grading Ordinance.

cii) **Less Than Significant Impact**. The project would increase the amount of impervious area on the project site by 27,822 square feet compared to existing conditions. The project would implement a stormwater control plan to manage runoff from the site (see Figure 7). Runoff will be collected in a storm drain system and conveyed within a proposed storm drain system prior to entering into the City's storm drainage system.

A new 12-inch storm drain lateral would be constructed along the property to direct runoff from the site into the City's existing stormwater infrastructure located in East Julian Street. As a result, the proposed project would have a less than significant impact associated with flooding on- or off-site due to increased surface runoff.

ciii) **Less Than Significant Impact**. The project proposes to connect to the City's existing storm drainage system. The project includes a stormwater control plan (Figure 7) to manage surface runoff from the project site. With implementation of the stormwater control plan, the proposed project is not expected to contribute runoff that would exceed the capacity of existing or planned stormwater drainage systems or result in substantial additional sources of polluted runoff, resulting in a less than significant impact. See also ci) above.

civ) **Less Than Significant Impact**. The project site is located predominantly within Flood Zone X defined as the area determined to be outside of the 500-year floodplain. A small portion of the southeastern portion of the project site is located on Zone AH, which is defined as an area with a 1% annual chance of shallow flooding, usually in the form of a pond, with an average depth ranging from 1 to 3 feet. Mandatory flood insurance purchase requirements apply to development in Zone AH. The potential for flooding within Zone X is considered low. Because the potential for flooding is low, the anticipated flooding is shallow, and mandatory flood

insurance purchase requirements apply to development in Zone AH, the project would have a less than significant impact related to significantly impeding or redirecting flood flows.

d) **Less Than Significant Impact**. Based on a review of the California Department of Water Resources' California Dam Breach Inundation Maps, the project site is located within the inundation area for the Anderson Dam. The actual extent and depth of inundation in the event of a failure would depend on the volume of storage in the dam at the time of failure. The risks of failure are reduced by several regulatory inspection programs, and risks to people and property in the inundation area are reduced by local hazard mitigation planning. The California Department of Water Resources, Division of Safety of Dams is responsible for regular inspection of dams in California. DWR and local agencies (e.g., Valley Water) are responsible for minimizing the risks of dam failure, thus diminishing the potential for the release of pollutants due to project inundation. The proposed project is not located in a coastal area and would not be subject to tsunamis. The proposed project would have a less than significant impact with respect to the risk of release of pollutants due to flooding, tsunami, seiche, or inundation from dam failure.

e) **Less Than Significant Impact**. The project consists of development on an approximately 0.97 gross acre site. As described above, grading and construction activities could result in a temporary increase in erosion affecting the quality of storm water runoff. However, construction and operation of the project would not result in significant water quality or groundwater quality impacts since the proposed project would be required to comply with the City of San José Grading Ordinance and implement standard BMPs during construction. Therefore, the project would have a less than significant impact with respect to potentially conflicting with or obstructing implementation of a water quality control plan or sustainable groundwater management plan.

Conclusion: The project would have a less than significant impact on hydrology and water quality with implementation of identified standard permit conditions.

K. LAND USE AND PLANNING

Regulatory Framework

State

The California State Density Bonus Law (California Government Code Section 65915) was adopted in 1979 in recognition of California's acute and growing affordable housing needs. The State Density Bonus Law has been amended multiple times since adoption, in response to evolving housing conditions, to provide clarification on the legislation, to respond to legal and implementation challenges, and to incorporate new or expanded provisions.

Regional and Local

Santa Clara Valley Habitat Plan

As discussed in Section D, Biological Resources, the HCP was developed through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District, Santa Clara Valley Transportation Authority, U.S. Fish and Wildlife Service, and California Department of Fish and Wildlife. As it pertains to issues of land use, the HCP helps public and private entities within the HCP's jurisdiction plan and conduct projects and activities in ways that lessen the impact on natural resources.

Council Policy 6-34: Riparian Corridor Protection and Bird-Safe Design

As discussed in Section D, Biological Resources, the City's Riparian Corridor Policy Study analyzed streams and riparian corridors in the City of San José and addresses how development should protect and preserve these riparian corridors. Furthermore, the City's Riparian Corridor Protection and Bird-Safe Design Policy (Council Policy 6-34) supplements the regulations for riparian corridors and provides guidance for project design that protects and preserves these riparian corridors (City of San José 2016). The Riparian Corridor Policy applies to projects within 300 feet of a riparian corridor's top of bank or edge of vegetation, whichever is greater. The Riparian Corridor Protection and Bird-Safe Design Policy establishes a standard of a 100-foot riparian corridor setback, with an exception for projects where no significant environmental impact will occur.

San José Municipal Code Chapter 20.190 – Affordable Housing Density Bonuses and Incentives

Chapter 20.190 of the City's Municipal Code provides density bonuses for eligible residential development projects within City limits. This section largely contains the mechanism for enforcing the density bonuses mandated at the State level (see discussion of AB 1763, above). This section mandates that density bonuses are ineligible for sites where dwelling units were demolished within the last five years. This section also sets out development standards for affordable units, including requiring concurrent construction with market rate units in the same development and various design standards to ensure that affordable units are constructed in a uniform manner compared to market-rate units constructed as part of the same development.

General Plan Designation

The project site is designated *Urban Residential* in the City's Envision San José 2040 General Plan Land Use/Transportation Diagram.

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating land use impacts from development projects. Policies applicable to the project are presented below.

Envision San José 2040 Relevant Land Use and Planning Policies	
Policy CD-1.1	Require the highest standards of architectural and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
Policy CD-1.8	Create an attractive street presence with pedestrian-scaled building and landscape elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity through the City
Policy CD-4.9	For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).
Policy LU-1.2	Create safe, attractive, and accessible pedestrian connections between developments and to adjacent public streets to minimize vehicular miles traveled.
Policy LU-1.6	With new development or expansion and improvement of existing development or uses, incorporate measures to comply with current Federal, State, and local standards.
Policy LU-9.3	Integrate housing development with our City's transportation system, including transit, roads, and bicycle and pedestrian facilities.
Policy LU-9.7	Ensure that new residential development does not impact the viability of adjacent employment uses that are consistent with the Envision General Plan Land Use / Transportation Diagram.
Policy LU-10.3	Develop residentially- and mixed-use-designated lands adjacent to major transit facilities at high densities to reduce motor vehicle travel by encouraging the use of public transit.
Policy VN-1.7	Use new development within neighborhoods to enhance the public realm, provide for direct and convenient pedestrian access, and visually connect to the surrounding neighborhood. As opportunities arise, improve existing development to meet these objectives as well.
Policy VN-1.11	Protect residential neighborhoods from the encroachment of incompatible activities or land uses which may have a negative impact on the residential living environment.
Policy VN-1.12	Design new public and private development to build upon the vital character and desirable qualities of existing neighborhoods

Existing Setting

The project site is designated *Urban Residential* in the City's Envision San José 2040 General Plan Land Use/Transportation Diagram. The property is currently zoned UR – Urban Residential.

The *Urban Residential* designation allows for medium density residential development and a fairly broad range of commercial uses, including retail, offices, hospitals, and private community gathering facilities, within identified Urban Villages, in other areas within the City that have existing residential development built at this density, within Specific Plan areas, or in areas in close proximity to an Urban Village or transit facility where intensification will support those facilities. The *Urban Residential* designation allows a density of up to 95 du/ac and an FAR up to 4.0 at heights of 3 to 12 stories.

The UR - Urban Residential district is intended to implement the Urban Residential general plan land use designation. The site consists of two lots that are developed with two single-family residences and an accessory structure.

The project is located in a neighborhood of predominantly residential uses. Land uses surrounding the site are listed below and are identified in the aerial photo in Figure 3.

- North: residential, Tripp Avenue
- South: East Julian Street, commercial
- East: residential
- West: residential, North 26th Street

The project is located about 3.36 miles west of the Norman Y. Mineta San José International Airport. The project site is located outside the Santa Clara County Airport Land Use Commission's adopted Airport Influence Area for the airport. This is further described in *Section H. Hazards and Hazardous Materials* of this Initial Study.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
11. LAND USE AND PLANNING. Would the project:					
a) Physically divide an established community?				X	1, 2, 3
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			X		1, 3

Explanation

a) **No Impact**. The project site is located in an urbanized area surrounded primarily by residential development. Emergency vehicle access to the proposed project would be provided via East

Julian Street. Regional access to and from the surrounding roadway network would not be affected by the project.

The project proposes to construct a seven-story multi-family residential structure. The proposed project would be consistent in use with its existing surrounding uses (i.e., residential) and would not necessitate major physical factors that would physically divide a community. The project would be subject to further review for development permits to ensure compliance with design standards. No impact would occur.

b) **Less Than Significant Impact**. The project site is located within the UR - Urban Residential Zoning District. The UR Urban Zoning District is intended to implement the Urban Residential General Plan land use designation.

The project site is designated *Urban Residential* in the General Plan, which is intended to facilitate medium density residential development and a fairly broad range of commercial uses, including retail, offices, hospitals, and private community gathering facilities, within identified Urban Villages, in other areas within the City that have existing residential development built at this density, within Specific Plan areas, or in areas in close proximity to an Urban Village or transit facility where intensification will support those facilities. The *Urban Residential* designation allows a density of up to 95 du/ac and an FAR up to 4.0 at heights of 3 to 12 stories. The project proposes an infill residential development consisting of 140 multi-family units in a 7-story structure on an approximately 0.97 acre site. The project proposes a density of approximately 144 du/ac (140 DU over a 0.97 acre-site), which would exceed the maximum density allowed under the *Urban Residential* General Plan Designation. The project includes a density bonus under California Government Code Section 65915, by providing 14 affordable housing units under the "very low income" category.[33] The maximum allowable density with implementation of this density bonus would be 144 du/ac. With implementation of the density bonus, the proposed project would be consistent with the *Urban Residential Neighborhood* designation.

In terms of physical impacts on the environment, this Initial Study analyzes the environmental impacts of the project within each resource section of the document and provides measures and conditions to reduce the physical impacts of the project. The project's compliance with the City's riparian corridor policy is discussed under impacts b) and d) in *Section D. Biological Resources*. Therefore, the project would have a less than significant impact related to conflicts with land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Conclusion: The project would have a less than significant impact on land use and planning.

[33] California Government Code Section 65915 governs granting density bonuses for new residential development in California. The proposed project is eligible for a density bonus under California Government Code Section 65915 as it would reserve a total of 14 of the provided units as affordable housing at the "Very Low Income" category (10% of total units) per California Government Code Section 65915(b)(1)(A).

L. MINERAL RESOURCES

Regulatory Framework

State

Surface Mining and Reclamation Act

Under the Surface Mining and Reclamation Act of 1975 (SMARA), the State Mining and Geology Board has designated only the Communications Hill Area of San José as containing mineral deposits of regional significance for aggregate (Sector EE). There are no mineral resources in the project area. Neither the State Geologist nor the State Mining and Geology Board has classified any other areas in San José as containing mineral deposits that are of statewide significance or for which the significance requires further evaluation. Other than the Communications Hill area cited above, San José does not have mineral deposits subject to SMARA.

Existing Setting

There are no mineral resources in the project area. Neither the State Geologist nor the State Mining and Geology Board has classified any other areas in San José as containing mineral deposits that are of statewide significance or for which the significance requires further evaluation. Other than the Communications Hill area cited above, San José does not have mineral deposits subject to SMARA. The project site lies outside of the Communications Hill area.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
12. MINERAL RESOURCES. Would the project:					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X	1, 2
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X	1, 2

Explanation

a), b) **No Impact**. The project site is located 4.25 miles north of the Communications Hill area, the only area in San José containing mineral deposits subject to SMARA. The proposed project would not result in a significant impact from the loss of availability of any known mineral resource.

Conclusion: The project will have no impact on mineral resources.

M. NOISE & VIBRATION

A noise and vibration assessment has been prepared for the project by Illingworth & Rodkin, Inc. (September 15, 2023), which is contained in Appendix G. The following discussion summarizes the results of this assessment.

Regulatory Setting

Federal

Federal Highway Administration Roadway Construction Noise Model

The Federal Highway Administration (FHWA) Roadway Construction Noise Model (RNCM) is the national model for prediction of noise generated by construction projects. Since construction frequently occurs near residences and businesses, the FHWA developed the RNCM in an effort to control and monitor construction noise to avoid impacts on surrounding communities and neighborhoods. The RNCM provides a federally-recognized construction noise screening tool to reliably and easily predict construction noise levels and to determine compliance with noise limits for construction projects of varying types.

State

California Building Code

The 2019 California Building Code (CBC) requires interior noise levels attributable to exterior environmental noise sources to be limited to a level not exceeding 45 dBA DNL/CNEL in any habitable room. The State of California established exterior sound transmission control standards for new non-residential buildings as set forth in the California Green Building Standards Code (Section 5.507.4.1 and 5.507.4.2). These sections identify the standards, such as Sound Transmission Class ratings,[34] that project building materials and assemblies need to comply with based on the noise environment.

Local

San José General Plan Noise Compatibility Guidelines

The City's General Plan includes goals and policies pertaining to noise and vibration. Community Noise Levels and Land Use Compatibility (commonly referred to as the Noise Element) of the General Plan utilizes the DNL descriptor and identifies interior and exterior noise standards for residential uses. The General Plan include the following criteria for land use compatibility and acceptable exterior noise levels in the City based on land use types.

General Plan

The City's General Plan includes goals and policies pertaining to noise and vibration. Community Noise Levels and Land Use Compatibility (commonly referred to as the Noise Element) of the General Plan utilizes the DNL descriptor and identifies interior and exterior noise standards for residential uses.

[34] Sound Transmission Class (STC) is a single figure rating designed to give an estimate of the sound insulation properties of a partition. Numerically, STC represents the number of decibels of speech sound reduction from one side of the partition to the other.

The General Plan include the following criteria for land use compatibility and acceptable exterior noise levels in the City based on land use types.

EXTERIOR NOISE EXPOSURE (DNL IN DECIBELS DBA) FROM GENERAL PLAN TABLE EC-1: Land Use Compatibility Guidelines for Community Noise in San José							
Land Use Category	**Exterior DNL Value In Decibels**						
	55	**60**	**65**	**70**	**75**	**80**	
1. Residential, Hotels and Motels, Hospitals and Residential Care							
2. Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds							
3. Schools, Libraries, Museums, Meeting Halls, and Churches							
4. Office Buildings, Business Commercial, and Professional Offices							
5. Sports Arenas, Outdoor Spectator Sports							
6. Public and Quasi-Public Auditoriums, Concert Halls, and Amphitheaters							
	Normally Acceptable: Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.						
	Conditionally Acceptable: Specified land use may be permitted only after detailed analysis of the noise reduction requirements and noise mitigation features included in the design.						
	Unacceptable: New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies. (Development will only be considered when technically feasible mitigation is identified that is also compatible with relevant design guidelines.)						

Additionally, policies in the General Plan have been adopted for the purpose of avoiding or mitigating noise and vibration impacts from development projects. Policies applicable to the project are presented below.

Envision San José 2040 Relevant Noise and Vibration Policies	
Policy EC-1.1	Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include: Interior Noise Levels • The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected *Envision General Plan* traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan. Exterior Noise Levels • The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (refer to Table EC-1 in the General

Envision San José 2040 Relevant Noise and Vibration Policies	
	Plan. Residential uses are considered "normally acceptable" with exterior noise exposures of up to 60 dBA DNL and "conditionally compatible" where the exterior noise exposure is between 60 and 75 dBA DNL such that the specified land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features are included in the design.
Policy EC-1.2	Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Land Use Categories 1, 2, 3 and 6 in Table EC-1 in the General Plan by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would: • Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable"; or • Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.
Policy EC-1.3	Mitigate noise generation of new nonresidential land uses to 55 dBA DNL at the property line when located adjacent to existing or planned noise-sensitive residential and public/quasi-public land uses.
Policy EC-1.6	Regulate the effects of operational noise from existing and new industrial and commercial development on adjacent uses through noise standards in the City's Municipal Code.
Policy EC-1.7	Require construction operations within San José to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City's Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would: • Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months. For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.
Policy EC-2.3	Require new development to minimize continuous vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, including ruins and ancient monuments or buildings that are documented to be structurally weakened, a continuous vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A continuous vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction. Avoid use of impact pile drivers within 125 feet of any buildings, and within 300 feet of a historical building, or building in poor condition. On a project-specific basis, this distance of 300 feet may be reduced where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction.

San José Municipal Code

Per the San José Municipal Code Title 20 (Zoning Ordinance) Noise Performance Standards, the sound pressure level generated by any use or combination of uses on a property shall not exceed the decibel levels indicated in the table below at any property line, except upon issuance and in compliance with a Special Use permit or Conditional Use Permit as provided in Chapter 20.100.

City of San José Zoning Ordinance Noise Standards	
Land Use Types	**Maximum Noise Levels in Decibels at Property Line**
Residential, open space, industrial or commercial uses adjacent to a property used or zoned for residential purposes	55
Open space, commercial, or industrial use adjacent to a property used for zoned for commercial purposes or other non-residential uses	60
Industrial use adjacent to a property used or zoned for industrial use or other use other than commercial or residential purposes	70

Chapter 20.100.450 of the Municipal Code establishes allowable hours of construction within 500 feet of a residential unit between 7:00 AM and 7:00 PM Monday through Friday unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence.

Existing Setting

Noise Fundamentals

Noise is measured in decibels (dB) and is typically characterized using the A-weighted sound level or dBA. This scale gives greater weight to the frequencies to which the human ear is most sensitive. The City's Envision San José 2040 General Plan applies the Day-Night Level (DNL) descriptor in evaluating noise conditions. The DNL represents the average noise level over a 24-hour period and penalizes noise occurring between the hours of 10 PM and 7 AM by 10 dB.

Vibration Fundamentals

Several different methods are typically used to quantify vibration amplitude. One method, used by the City, is Peak Particle Velocity (PPV). The PPV is defined as the maximum instantaneous positive or negative peak of the vibration wave. For this analysis, the PPV descriptor with units of mm/sec or in/sec is used to evaluate construction generated vibration for building damage and human annoyance.

Existing Noise Environment

The project site is located at 1271 and 1279 East Julian Street in the City of San José. The site is bound by existing residential uses to the north, east, and west. Residential land uses to the north are planned for redevelopment with a new multi-family project.

The noise environment at the site and in the surrounding area results primarily from local vehicular traffic along the nearby East Julian Street overcrossing and Highway 101, which is located about 900 feet to the east. Other local roadway traffic and intermittent jet aircraft associated with San José Mineta International Airport also contribute to the noise environment.

A noise monitoring survey consisting of one long-term (LT-1) and two short-term (ST-1 and ST-2) noise measurements was conducted between Wednesday, March 15, 2023, and Friday, March 17, 2023. All measurement locations are shown in Figure 15.

Long-term noise measurement LT-1 was made approximately 60 feet north of the centerline of East Julian Street and approximately 15 feet north of the East Julian Street residential access road. Hourly average noise levels at LT-1 typically ranged from 65 to 74 dBA L_{eq} during daytime hours (7:00 a.m. and 10:00 p.m.) and from 58 to 68 dBA L_{eq} during nighttime hours (10:00 p.m. and 7:00 a.m.). The day-night average noise level during the 24-hour measurement period on Thursday, March 16, 2023, was 71 dBA DNL.

Short-term noise measurements ST-1 and ST-2 were made on Wednesday, March 15, 2023, between 10:50 a.m. and 11:30 a.m. Table 10 summarizes the noise measurement results measured at each site.

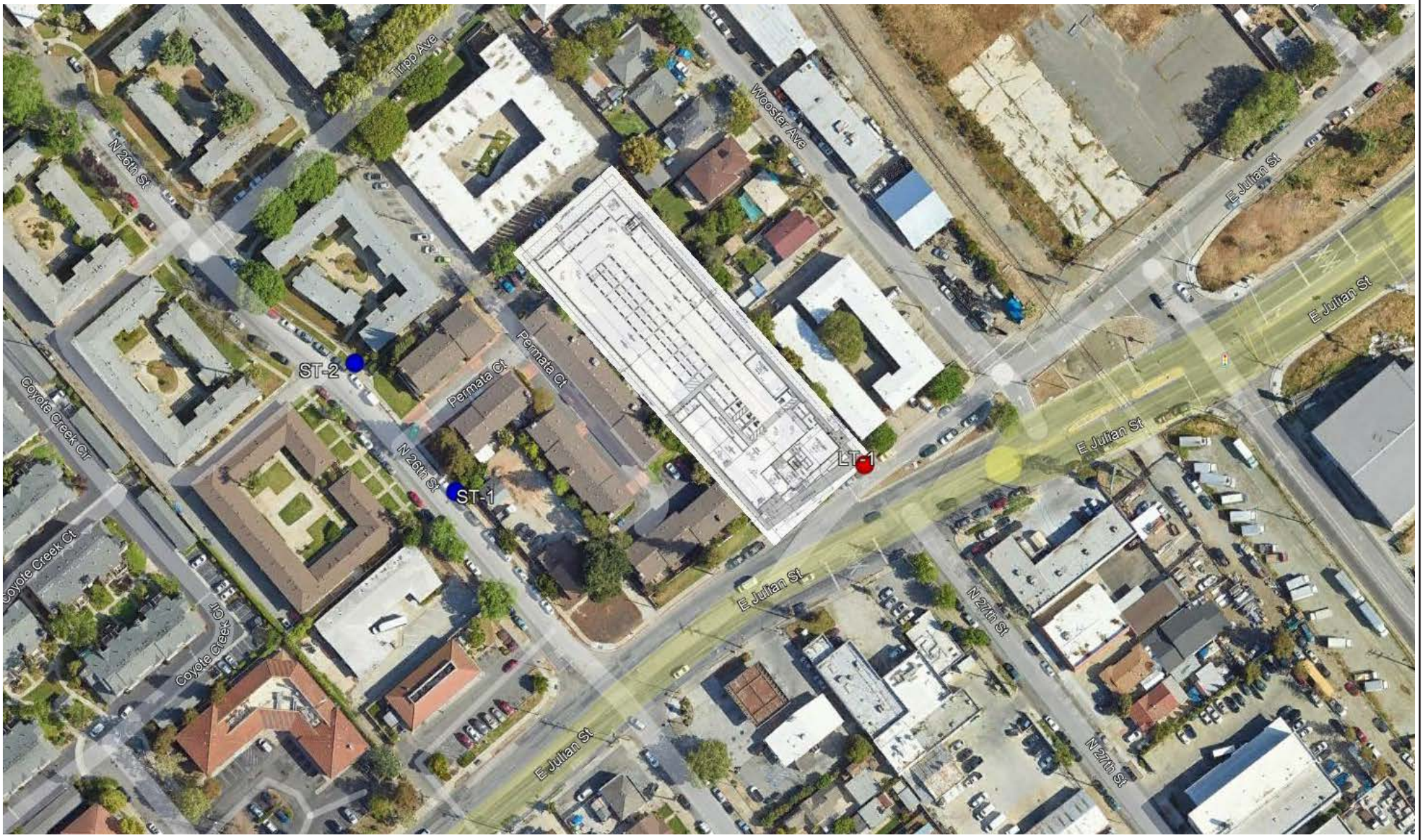
Table 10
Summary of Short-Term Noise Measurements (dBA)

Noise Measurement Location	Date, Time	Measured Noise Level, dBA					
		L_{max}	$L_{(1)}$	$L_{(10)}$	$L_{(50)}$	$L_{(90)}$	L_{eq}
ST-1: represents existing noise environment at the center of the project site	3/15/2023, 10:50-11:00 a.m.	59	57	54	51	49	51
ST-2: represents existing noise environment at the rear of the project site	3/15/2023, 11:20-11:30 a.m.	59	56	50	48	47	49

ST-1 was made from the sidewalk east of North 26th Street, approximately 235 feet north of the centerline of East Julian Street. In the absence of local traffic along North 26th Street, ST-1 represents the existing noise levels at the center of the project site. Traffic noise along East Julian Street ranged from 47 to 56 dBA at ST-1. Noise levels from general aviation ranged from 58 to 59 dBA, and jets generated noise levels of 51 to 57 dBA. The 10-minute L_{eq} measured at ST-1 was 51 dBA.

ST-2 was made from the sidewalk east of North 26th Street, approximately 390 feet north of the centerline of East Julian Street. In the absence of local traffic along North 26th Street, ST-2 represents the existing noise levels at the rear of the project site. Traffic noise along East Julian Street ranged from 46 to 50 dBA at ST-2. Other observed noise sources at ST-2 included jets (49 to 52 dBA), distant car doors shutting (51 dBA), birds chirping (50 to 59 dBA), and a distant leaf blower (48 dBA). The 10-minute L_{eq} measured at ST-2 was 49 dBA.

The noise survey results establish existing conditions for receptors near the ground. Measured noise from Highway 101 affecting the project site and vicinity is shielded by the soundwall along the highway, the intervening houses, and the East Julian Street/McKee Street overcrossing. The noise study completed for the Envision San José 2040 General Plan Comprehensive Update EIR includes noise exposure contours for major roadways and highways. These contours, that do not account for acoustical shielding, show that the existing noise exposure in the vicinity of the project site is about 63 dBA DNL, representing the existing noise exposure that would affect the upper floors of the proposed project nearest to the highway.



Source: Illingworth & Rodkin, March 2023

Noise Measurement Locations

1271 & 1279 E. Julian St. Multi-Family Residential
Initial Study

Figure
15

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
13. NOISE. Would the project result in					
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X		15
b) Generation of excessive groundborne vibration or groundborne noise levels?			X		15
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			X		15

Explanation

Significance Criteria

The following criteria were used to evaluate the significance of environmental noise resulting from the project:

- A significant noise impact would be identified if the project would generate a substantial temporary or permanent noise level increase over ambient noise levels at existing noise-sensitive receptors surrounding the project site and that would exceed applicable noise standards presented in the General Plan or Municipal Code at existing noise-sensitive receptors surrounding the project site.
    - A significant noise impact would be identified if construction-related noise would temporarily increase ambient noise levels at sensitive receptors. The City of San José considers large or complex projects involving substantial noise-generating activities and lasting more than 12 months significant when within 500 feet of residential land uses or within 200 feet of commercial land uses or offices.
    - A significant permanent noise level increase would occur if project-generated traffic would result in: a) a noise level increase of 5 dBA DNL or greater, with a future noise level of less than 60 dBA DNL, or b) a noise level increase of 3 dBA DNL or greater, with a future noise level of 60 dBA DNL or greater.
    - A significant noise impact would be identified if the project would expose persons to or generate noise levels that would exceed applicable noise standards presented in the General Plan.

- A significant impact would be identified if the construction of the project would generate excessive vibration levels surrounding receptors. Groundborne vibration levels exceeding 0.2 in/sec PPV would have the potential to result in cosmetic damage to normal buildings. For sensitive historic structures, a continuous vibration limit of 0.08 in/sec PPV is used to determine the impact significance.

- A significant noise impact would be identified if the project would expose people residing or working in the project area to excessive aircraft noise levels.

a) **Less Than Significant with Mitigation**. The following addresses the temporary and permanent increase in ambient noise levels in the vicinity of the project in excess of applicable standards. The noise and vibration effects associated with the project are described below based on the results of the noise and vibration study (see Appendix G).

Project-Generated Noise Impacts During Construction

Noise impacts resulting from construction depend upon the noise generated by various pieces of construction equipment, the timing and duration of noise-generating activities, and the distance between construction noise sources and noise-sensitive areas. Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (e.g., early morning, evening, or nighttime hours), the construction occurs in areas immediately adjoining noise-sensitive land uses, or when construction lasts over extended periods of time.

Policy EC-1.7 of the City's General Plan requires that all construction operations within the City to use best available noise suppression devices and techniques and to limit construction hours near residential uses per the Municipal Code allowable hours, which are between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday when construction occurs within 500 feet of a residential land use. Further, the City considers significant construction noise impacts to occur if a project that is located within 500 feet of residential uses or 200 feet of commercial or office uses would involve substantial noise-generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months.

Construction activities generate considerable amounts of noise, especially during earth-moving activities when heavy equipment is used. The hauling of excavated materials and construction materials would generate truck trips on local roadways as well. For the proposed project, pile driving, which generates excessive noise levels, is not expected. The typical range of maximum instantaneous noise levels for the proposed project would be 70 to 90 dBA L_{max} at a distance of 50 feet from the equipment. Table 11 shows the hourly average noise level ranges, by construction phase, typical for various types of projects. Hourly average noise levels generated by construction are about 72 to 88 dBA L_{eq} for residential buildings, measured at a distance of 50 feet from the center of a busy construction site. Construction-generated noise levels drop off at a rate of about 6 dBA per doubling of the distance between the source and receptor. Shielding by buildings or terrain often results in lower construction noise levels at more distant receptors.

Table 11 Typical Ranges of Construction Noise Levels at 50 Feet, L_{eq} (dBA)								
	Domestic Housing		**Office Building, Hotel, Hospital, School, Public Works**		**Industrial Parking Garage, Religious Amusement & Recreations, Store, Service Station**		**Public Works Roads & Highways, Sewers, and Trenches**	
	I	**II**	**I**	**II**	**I**	**II**	**I**	**II**
Ground Clearing	83	83	84	84	84	83	84	84
Excavation	88	75	89	79	89	71	88	78
Foundations	81	81	78	78	77	77	88	88
Erection	81	65	87	75	84	72	79	78
Finishing	88	72	89	75	89	74	84	84
I - All pertinent equipment present at site. **II** - Minimum required equipment present at site. Source: U.S.E.P.A., Legal Compilation on Noise, Vol. 1, p. 2-104, 1973.								

Equipment expected to be used in each construction stage are summarized in Table 12, along with the quantity of each type of equipment and the reference noise level at 50 feet, assuming the operation of the two loudest pieces of construction equipment for each construction phase.

Federal Highway Administration's (FHWA's) Roadway Construction Noise Model (RCNM) was used to calculate the hourly average noise levels for each phase of construction, assuming the two loudest pieces of equipment would operate simultaneously, as recommended by the FTA for construction noise evaluations. This construction noise model includes representative sound levels for the most common types of construction equipment and the approximate usage factors of such equipment that were developed based on an extensive database of information gathered during the construction of the Central Artery/Tunnel Project in Boston, Massachusetts (CA/T Project or "Big Dig"). The usage factors represent the percentage of time that the equipment would be operating at full power. Table 12 also summarizes the construction noise levels for the two loudest pieces of equipment propagated to the surrounding receiving land uses.

To assess construction noise impacts at the receiving property lines of existing noise-sensitive receptors, the worst-case hourly average noise level, which is calculated by combining all pieces of equipment per phase, was propagated from the geometrical center of the project site to the nearest property lines of the surrounding land uses. These noise level estimates are shown in Table 13. Noise levels in Table 13 do not assume reductions due to intervening buildings or existing barriers.

Table 12 Estimated Construction Noise Levels for the Proposed Project at a Distance of 50 Feet			
Phase of Construction	**Number of Workdays**	**Construction Equipment (Quantity)**	**Estimated Construction Noise Level at 50 feet**
Demolition	16	Concrete/Industrial Saw (1)[a] Excavator (1) Rubber-Tired Dozer (1) Tractor/Loader/Backhoe (1)	85 dBA L_{eq}
Site Preparation	10	Grader (1)[a] Rubber-Tired Dozer (1) Tractor/Loader/Backhoe (1)[a]	84 dBA L_{eq}
Grading/Excavation – Above Grade	21	Grader (1)[a] Tractor/Loader/Backhoe (2)[a]	84 dBA L_{eq}
Building – Structure	145	Cement Truck (264[b])[a] Crane (1) Forklift (1) Generator Set (1) [a] Welder (1)	79 dBA L_{eq}
Building – Interior/Architectural Coating	180	Air Compressor (5) [a] Man Lift (1)	75 dBA L_{eq}
Off-Site/On-Site Improvements/Trenching	56	Cement and Mortar Mixer (2) Paving Equipment (1)[a] Skid Steer Loader (2) Trencher (2)[a]	84 dBA L_{eq}
a Denotes two loudest pieces of construction equipment per phase. b. All 264 cement trucks would not be operating simultaneously. For purposes of this study, it is assumed that up to six trucks would operate simultaneously at any give time during this phase.			

As shown in Tables 12 and 13, construction noise levels would intermittently range from 75 to 85 dBA L_{eq} when activities occur 50 to 60 feet from nearby receptors. When focused near the center of the project site, construction noise levels would typically range from 70 to 75 dBA L_{eq} at the future residential land uses north of the site and from 67 to 72 dBA L_{eq} at the nearest commercial uses south of the site. Construction noise levels would exceed the exterior threshold of 80 dBA L_{eq} at residential land uses but is not expected to exceed the 85 dBA L_{eq} threshold at the nearest commercial land use.[35] The project site is located within 500 feet of existing residential uses and within 200 feet of existing nonresidential uses. Additionally, total construction is expected to last for a period of more than one year. This is a potentially significant impact.

[35]The aforementioned "thresholds" refer to quantitative thresholds established by the FTA, not local thresholds adopted by the City (I.E., those identified in the Transit Noise and Vibration Impact Assessment Manual).

Table 13
Estimated Construction Noise Levels for the Proposed Project at the Receiving Property Lines in the Project Vicinity

Phase of Construction	Calculated Hourly Average Noise Levels, L_{eq} (dBA)			
	East Residences (60 ft)	Future North Residences (180 ft)	West Residences (60 ft)	South Commercial & Light Industrial (255 ft)
Demolition	84	75	84	72
Site Preparation	83	73	83	70
Grading/Excavation – Above Grade	84	74	84	71
Building Structure	83[a]	73	83[a]	70
Building – Interior/Architectural Coating	79[a]	70	79[a]	67
Off-Site/On-Site Improvements/Trenching	85[a]	75	85[a]	72

[a] These construction noise levels are louder than the noise levels at 50 feet since the propagated noise levels in this table reflect all construction equipment per phase while the noise levels in Table 7 reflect the two loudest pieces of equipment only.

Impact NSE-1: The proposed project would exceed the exterior threshold of 80 dBA L_{eq} at nearby residential land uses and would take place over a period of greater than one year, representing a significant noise impact.

Mitigation Measures

MM NSE-1: **Construction Noise Logistics Plan.** Prior to the issuance of any grading or building permits, the project applicant shall submit and implement a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses. The noise logistic plan shall be submitted to the Director of Planning, Building and Code Enforcement or Director's designee prior to the issuance of any grading or demolition permits. Project construction operations shall use best available noise suppression devices and techniques including, but not limited to the following:

- Limit construction hours to between 7:00 a.m. and 7:00 p.m., Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence. 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 PBCE that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.

- Construct solid plywood fences around ground level construction site adjacent to operational businesses, residences, or other noise-sensitive land uses. A temporary 8-foot noise barrier would provide 5 dBA attenuation for adjacent residential land uses when construction activities occur at the ground level.

- 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.

- 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.

With implementation of the mitigation measure identified above, as well as adherence to GP Policy EC-1.7 construction noise levels during the first year would be reduced to less than 80 dBA L_{eq} at the nearest sensitive residential receptors. Once construction activities move indoors, the building itself would provide additional attenuation for the surrounding sensitive land uses, potentially exposing the surrounding land uses to temporary construction noise levels of more than 80 dBA L_{eq} for less than one year. The proposed project would have a less than significant impact related to temporary increases in noise with incorporation of identified mitigation.

Project-Generated Noise Impacts During Operation

According to Policy EC-1.2 of the City's General Plan, a significant permanent noise increase would occur if the project would increase noise levels at noise-sensitive receptors by 3 dBA DNL or more where ambient noise levels exceed the "normally acceptable" noise level standard. Where ambient noise levels are at or below the "normally acceptable" noise level standard, noise level increases of 5 dBA DNL or more would be considered significant. The City's General Plan defines the "normally acceptable" outdoor noise level standard for the nearby residential land uses to be 60 dBA DNL. Existing ambient levels, based on the measurements made in the project vicinity, exceed 60 dBA DNL. Therefore, a significant impact would occur if traffic due to the proposed project would permanently increase ambient levels by 3 dBA DNL.

While the City's General Plan does not include thresholds for residential buildings, the City's Municipal Code has noise limits of 55 dBA at receiving residential uses and 60 dBA at receiving commercial uses. Exceeding these limits would not be considered a significant impact under CEQA; however, it is recommended that these limits be considered for design features in the proposed building.

Project Traffic Increase

The traffic study (Appendix H) included peak hour turning movements for existing traffic volumes and project trips at four intersections in the vicinity of the project site. The project

trips were added to the existing volumes to estimated existing plus project traffic volumes. By comparing the existing plus project volumes to the existing volumes, the project's contribution to the overall noise increase is calculated. The project's contribution would be less than 1 dBA DNL along all segments in the project vicinity (Appendix G). The project would not result in a permanent noise increase of 3 dBA DNL or more at noise-sensitive receptors in the project vicinity. This is a less-than-significant impact.

Mechanical Equipment

A transformer room and an electrical room are shown on the ground level, and a mechanical equipment room is shown on the second level. While noise generated from the electrical and mechanical rooms would not be audible at the property lines, transformers up to 1,000 kVA typically generate noise levels up to 64 dB, as measured at 1 meter (3.28 feet). Assuming the transformer runs continuously during daytime and nighttime hours, the day-night average noise level would be 70 dBA DNL at a distance of 1 meter (3.28 feet). The transformer room is located along the southern façade, and the building façades would provide a minimum 20 dBA attenuation for existing and future residences to the east, to the west, and to the north. Additionally, the nearest commercial use would be 135 feet opposite East Julian Street from the transformer room. At this distance, hourly average noise levels would be below 40 dBA L_{eq}, and the day-night average noise level would be below 40 dBA DNL. Therefore, noise levels generated by the second-floor transformer would not exceed ambient conditions or the City's Municipal Code thresholds at receiving residential and commercial uses. For all existing receptors, the noise level increase due to mechanical equipment noise would not be measurable or detectable (0 dBA DNL increase).

Heating, ventilation, and air conditioning (HVAC) units are typically part of multi-family residential buildings. These types of units typically cycle on and off continuously throughout a 24-hour period. This means that, at any given time, multiple units could be operating simultaneously in a relatively small vicinity of the rooftop. Typical heating pumps would generate noise ranging from 56 to 66 dBA at a distance of 3 feet. Additionally, air handling units for buildings of this size typically generate noise levels up to 62 dBA at a distance of 20 feet. Assuming up to three air handling units and three heat pumps would operate simultaneously at any given time, noise levels generated by the air handling units would be up to 84 dBA L_{eq} at 3 feet, and the combined day-night average noise level would be 90 dBA DNL at 3 feet.

The applicant has indicated the location of the HVAC units would be along the eastern edge of the rooftop. While specific locations and quantities are not available at this time, it is assumed that the rooftop equipment would be located at least 10 feet from the building's edges. Under this assumption and considering the height of the roof is 77 feet above the ground, the residential land uses to the east and west would have a minimum noise attenuation of 20 dBA. The commercial and light industrial uses to the south, however, would have minimum attenuation of 15 dBA due to the distance of the receptors from the nearest building façade. The future residential building adjoining the site to the north would include receptors at upper floors, which could have direct line-of-sight to the proposed building's rooftop. Therefore, attenuation is not assumed for these future receptors. Assuming applicable attenuations, Table 14 summarizes the rooftop equipment noise levels estimated at the property lines of each surrounding land use.

Table 14 Estimated Operational Noise Levels for Rooftop Equipment				
Receptor	**Distance from Nearest HVAC Equipment**	**Hourly L_{eq}, dBA**	**DNL, dBA**	**Noise Level Increase, dBA DNL**
East Residences	15 feet	50[a]	56[a]	0
Future North Residences	45 feet	60	66	N/A[c]
West Residences	75 feet	36[a]	42[a]	0
South Commercial & Light Industrial	115 feet	37[b]	43[b]	0
a A conservative attenuation of 20 dBA is assumed for these receptors due to the elevation of the rooftop equipment. b A conservative attenuation of 15 dBA is assumed for these receptors due to the elevation of the rooftop equipment and distance from the proposed building façade. c Future receptors would not be exposed to the existing ambient noise environment; therefore, these future receptors would not be subject to a permanent noise level increase.				

Based on the estimated noise levels in Table 14, mechanical equipment noise levels would potentially exceed the City's Municipal Code threshold of 55 dBA DNL at receiving existing and future residential uses to the east and to the north. While this would not result in a significant CEQA impact, additional measures should be analyzed for reducing operational noise levels at the adjoining residential uses.

For all existing receptors, the noise level increase due to mechanical equipment noise would not be measurable or detectable (0 dBA DNL increase).

The available site plan for the proposed project shows three potential areas on the rooftop for solar panels, which would not generate audible noise levels at the property lines. General Plan thresholds would not be exceeded at the shared property lines. For all existing receptors, the noise level increase due to mechanical equipment noise would not be measurable or detectable (0 dBA DNL increase).

Parking Structure

The first and second levels of the proposed building would include a parking structure. While most of the parking structure activities would be enclosed, the site plan indicates some exposure to the surrounding land uses.

Noise sources in a parking structure include car doors opening and closing, engines starting, car horns, vehicle circulation, etc. Each floor of the parking structure would have 63 to 69 parking spaces. For parking structures of this size, typical hourly average noise levels would be up to 54 dBA L_{eq} during nighttime hours and up to 64 dBA L_{eq} during daytime hours when measured at the edge of the structure. Assuming 54 dBA L_{eq} during each hour between 10:00 p.m. and 7:00 a.m. and 64 dBA L_{eq} during each hour between 7:00 a.m. and 10:00 p.m., day-night average noise levels at the edge of the parking structure would be 64 dBA DNL, which would represent the worst-case scenario. A conservative attenuation of 5 dBA is assumed for all surrounding land uses due to partial shielding provided by the structure. Table 15 summarizes the estimated hourly average L_{eq} and day-night average noise levels estimated at the receiving property lines.

Table 15 Estimated Parking Structure Noise Levels				
Receptor	**Distance from Edge of the Parking Structure**	**Hourly L_{eq}, dBA**	**DNL, dBA**	**Noise Level Increase, dBA DNL**
East Residences	10 feet	43[a]	53[a]	0
Future North Residences	10 feet	43[a]	53[a]	N/A[c]
West Residences	10 feet	43[a]	53[a]	0
South Commercial & Light Industrial	130 feet	21[a]	31[a]	0
[a] A conservative attenuation of 5 dBA is assumed for these receptors due to the partial shielding provided by the building façade.				

Parking lot noise from the proposed parking structure would not exceed the City's Municipal Code threshold of 55 dBA DNL at receiving existing and future residential uses surrounding the site or the City's 60 dBA DNL threshold at the nearest commercial uses. For all existing receptors, the noise level increase due to parking lot noise would not be measurable or detectable (0 dBA DNL increase).

Total Combined Project-Generated Noise

The operational noise levels produced by the proposed project combined (i.e., traffic, mechanical equipment, parking lot) would result in an increase of less than 1 dBA DNL at all existing noise-sensitive receptors in the project vicinity. Therefore, the proposed project would not result in a substantial increase over ambient noise levels in the project vicinity. Operational noise levels due to mechanical equipment at the proposed residential development would potentially exceed 55 dBA DNL at the existing and future residential receptors adjoining the site. Since the proposed project is a residential development, the thresholds established in the General Plan policies, which restrict noise levels generated at nonresidential buildings, would not be exceeded. The City of San José does not consider exceeding the Municipal Code thresholds a significant impact.

The final design plans must be reviewed by a qualified acoustical consultant to address any potential conflicts with the General Plan or Municipal Code. The following mitigation measure shall be implemented for the proposed project.

Impact NSE-2: The project could result in operational noise from increased traffic and rooftop ventilation equipment that exceeds the threshold of 55 dBA L_{eq} at existing and future residential receptors adjoining the site.

Mitigation Measure

MM NSE-2: Detailed Acoustical Study. Prior to the issuance of any building permits and during final building design, the project applicant shall retain a qualified acoustical professional to prepare a detailed acoustical study to evaluate the potential noise generated by building mechanical equipment and demonstrate the necessary noise control to meet the City's 55 dBA DNL goal. Noise control features such as sound attenuators, baffles, and barriers shall be identified and evaluated to demonstrate that mechanical equipment noise would not exceed 55 dBA DNL at noise-sensitive locations around the project site. The noise

control features identified by the study shall be incorporated into the project prior to issuance of a building permit. A copy of the acoustical study shall be submitted to the Director of Planning, Building and Code Enforcement or Director's designee for review and approval prior to the issuance of any building permits.

Implementation of Mitigation Measure NSE-2 would reduce noise levels originating from the project site to a less-than-significant level.

Cumulative Impacts

Cumulative noise impacts would include either cumulative traffic noise increases under future conditions or temporary construction noise from cumulative construction projects. A significant cumulative traffic noise increase would occur if two criteria are met: 1) if the cumulative traffic noise level increase was 3 dBA DNL or greater for future levels exceeding 60 dBA DNL or was 5 dBA DNL or greater for future levels at or below 60 dBA DNL; and 2) if the project would make a "cumulatively considerable" contribution to the overall traffic noise increase. A "cumulatively considerable" contribution would be defined as an increase of 1 dBA DNL or more attributable solely to the proposed project.

The traffic study included peak hour turning movements for project trips and the cumulative (no project) scenario at four intersections in the vicinity of the project site. The project trips were added to the cumulative (no project) volumes to estimate the cumulative plus project scenario. Table 16 summarizes the noise level difference calculated by comparing both the cumulative (no project) and cumulative plus project traffic scenarios to the existing scenario. As shown in Table 16, all roadway segments would result in a noise level increase of 1 dBA DNL or less under both scenarios. Therefore, the project would not result in a significant cumulative traffic noise increase. This is a less-than-significant impact.

Based on a review of the City's website,[36] the nearest planned or approved project would be the following three project sites:

- Casa Inclusiva Project – this project site is located at 1347 East Julian Street and would consist of a six-story mixed-use building.
- Residencias Ariana – this project site is located at 1298 Tripp Avenue and would consist of two six-story residential buildings. This site adjoins the proposed project site to the north and has been treated as a sensitive receptor in this analysis.
- Vila De Camila Project – this project site is located at 1325 E. Julian Street and would consist of four 10-story mixed-use buildings.

[36] https://csj.maps.arcgis.com/apps/Shortlist/index.html?appid=c4051ffa5efb4f4dbf8b6d8ec29cfabd

Table 16
Estimated Noise Level Increases of Cumulative and Cumulative Plus Project Traffic Volumes Over Existing Volumes at Receptors in the Project Vicinity

Roadway	Segment	Estimated Noise Level Increase Over Existing Volumes		Project's Contribution
		Cumulative	Cumulative Plus Project	
East Julian Street	West of North 24th Street	0 dBA DNL	0 dBA DNL	0 dBA DNL
	North 24th Street to North 28th Street	0 dBA DNL	0 dBA DNL	0 dBA DNL
	North 28th Street to U.S. Highway 101 SB ramps	1 dBA DNL	1 dBA DNL	0 dBA DNL
	U.S. Highway 101 SB ramps to U.S. Highway 101 NB ramps	1 dBA DNL	1 dBA DNL	0 dBA DNL
	East of U.S. Highway 101 NB ramps	0 dBA DNL	0 dBA DNL	0 dBA DNL
North 24th Street	South of East Julian Street	0 dBA DNL	0 dBA DNL	0 dBA DNL
North 28th Street	North of East Julian Street	1 dBA DNL	1 dBA DNL	0 dBA DNL
	South of East Julian Street	0 dBA DNL	0 dBA DNL	0 dBA DNL
U.S. Highway 101 SB ramps	South of East Julian Street	0 dBA DNL	0 dBA DNL	0 dBA DNL
U.S. Highway 101 NB ramps	North of East Julian Street	0 dBA DNL	0 dBA DNL	0 dBA DNL
	South of East Julian Street	0 dBA DNL	0 dBA DNL	0 dBA DNL

These three sites make up one project and would be constructed simultaneously over approximately three years. The residential receptors to the east and to the west of the project site would be subject to multiple construction projects simultaneously or consecutively. However, due to the size of the proposed project site, compared to the other nearby sites, the implementation of mitigation measures recommended in both projects would minimize temporary construction noise exposure at the surrounding receptors to the extent feasible. Therefore, the potential cumulative construction impact would be reduced to less than significant.

b) **Less Than Significant Impact**. The construction of the project may generate perceptible vibration when heavy equipment or impact tools (e.g., jackhammers, hoe rams) are used. Construction activities would include demolition, site preparation work, foundation work, and new building framing and finishing. Pile driving equipment, which can cause excessive vibration, is not expected for the project.

According to Policy EC-2.3 of the City of San José General Plan, a vibration limit of 0.08 in/sec PPV shall be used to minimize the potential for cosmetic damage to sensitive historical structures, and a vibration limit of 0.20 in/sec PPV shall be used to minimize damage at buildings of normal conventional construction. The vibration limits contained in this policy are conservative and designed to provide the ultimate level of protection for existing buildings in San José. As discussed in detail below, vibration levels exceeding these thresholds would be capable of cosmetically damaging adjacent buildings. Cosmetic damage (also known as threshold damage) is defined as hairline cracking in plaster, the opening of old cracks, the loosening of paint or the dislodging of loose objects. Minor damage is defined as hairline cracking in masonry or the loosening of plaster. Major structural damage is defined as wide cracking or the shifting of foundation or bearing walls.

Table 17 presents typical vibration levels that could be expected from construction equipment at a distance of 25 feet. Project construction activities, such as drilling, the use of jackhammers, rock drills and other high-power or vibratory tools, and rolling stock equipment (tracked vehicles, compactors, etc.), may generate substantial vibration in the immediate vicinity. Jackhammers typically generate vibration levels of 0.035 in/sec PPV, and drilling typically generates vibration levels of 0.09 in/sec PPV at a distance of 25 feet.

Vibration levels would vary depending on soil conditions, construction methods, and equipment used. Table 17 also summarizes the distances to the 0.08 in/sec PPV threshold for historical buildings and to the 0.2 in/sec PPV threshold for all other buildings. According to the City's Historic Resource Inventory,4 the nearest historical structure is located at 275 North 24th Street, which is over 900 feet from the proposed project site. At this distance, construction vibration levels would have no impact on the historical structure. Historical buildings are not discussed further in this impact discussion.

Table 17
Vibration Source Levels for Construction Equipment

Equipment		PPV at 25 ft. (in/sec)	Minimum Distance to Meet 0.08 in/sec PPV (feet)	Minimum Distance to Meet 0.2 in/sec PPV (feet)
Clam shovel drop		0.202	59	26
	In soil	0.008	4	2

Table 17 Vibration Source Levels for Construction Equipment				
Equipment		**PPV at 25 ft. (in/sec)**	**Minimum Distance to Meet 0.08 in/sec PPV (feet)**	**Minimum Distance to Meet 0.2 in/sec PPV (feet)**
Hydromill (slurry wall)	In rock	0.017	7	3
Vibratory Roller		0.210	61	27
Hoe Ram		0.089	28	13
Large Bulldozer		0.089	28	13
Caisson drilling		0.089	28	13
Loaded trucks		0.076	24	11
Jackhammer		0.035	12	6
Small bulldozer		0.003	2	<1
Source: Transit Noise and Vibration Impact Assessment Manual, Federal Transit Administration, Office of Planning and Environment, U.S. Department of Transportation, September 2018, as modified by Illingworth & Rodkin, Inc., January 2023.				

Table 18 summarizes the vibration levels at nearest surrounding buildings in the project vicinity. While construction noise levels increase based on the cumulative equipment in use simultaneously, construction vibration levels would be dependent on the location of individual pieces of equipment. That is, equipment scattered throughout the site would not generate a collective vibration level, but a vibratory roller, for instance, operating near the project site boundary would generate the worst-case vibration levels for the receptor sharing that property line. Further, construction vibration impacts are assessed based on damage to buildings on receiving land uses, not receptors at the nearest property lines. Therefore, the distances used to propagate construction vibration levels (as shown in Table 18), which are different than the distances used to propagate construction noise levels, were estimated under the assumption that each piece of equipment from Table 18 was operating along the nearest boundary of the project site, which would represent the worst-case scenario.

Table 18 Vibration Levels for Construction Equipment at Nearby Receptors					
Equipment		**PPV (in/sec)**			
		East Residences (10ft)	**North Residences – Existing & Future (35ft)**	**West Residences (10 ft)**	**Nearest Commercial (110 ft)**
Clam shovel drop		**0.553**	0.140	**0.553**	0.040
Hydromill (Slurry wall)	In soil	0.022	0.022	0.022	0.002
	In rock	0.047	0.047	0.047	0.003
Vibratory Roller		**0.575**	0.145	**0.575**	0.041
Hoe Ram		**0.244**	0.061	**0.244**	0.017
Large Bulldozer		**0.244**	0.061	**0.244**	0.017
Caisson Drilling		**0.244**	0.061	**0.244**	0.017
Loaded Trucks		**0.208**	0.052	**0.208**	0.015
Jackhammer		0.096	0.024	0.096	0.007
Small Bulldozer		0.008	0.002	0.008	0.001
Source: Transit Noise and Vibration Impact Assessment Manual, Federal Transit Administration, Office of Planning and Environment, U.S. Department of Transportation, September 2018, as modified by Illingworth & Rodkin, Inc., January 2023.					

Project construction activities would potentially generate vibration levels up to 0.6 in/sec PPV at the buildings located to the east and to the west. A study completed by the US Bureau of Mines analyzed the effects of blast-induced vibration on buildings in USBM RI 8507. [37] The findings of this study have been applied to buildings affected by construction-generated vibrations.[38] Maximum vibration levels of 0.6 in/sec PPV or lower would result in less than 8% chance of cosmetic damage. No minor or major damage would be expected at the buildings immediately adjoining the project site.

Neither cosmetic, minor, or major damage would occur at buildings located 30 feet or more from the project site. At these locations, and in other surrounding areas where vibration would not be expected to cause cosmetic damage, vibration levels may still be perceptible. However, as with any type of construction, this would not be considered significant given the intermittent and short duration of the phases that have the highest potential of producing vibration (use of jackhammers and other high-power tools). By use of administrative controls, such as notifying neighbors of scheduled construction activities and scheduling construction activities with the highest potential to produce perceptible vibration during hours with the least potential to affect nearby businesses, perceptible vibration can be kept to a minimum.

Impact NSE-3: Construction of the project would potentially generate vibration levels exceeding the General Plan threshold of 0.2 in/sec PPV at conventional buildings adjoining the project site, which represents a potentially significant impact.

Mitigation Measure

MM NSE-3: The project applicant shall implement a Construction Vibration Monitoring Plan to reduce vibration levels due to construction activities to at or below 0.2 in/sec PPV. All plan tasks shall be in accordance with industry-accepted standard methods. The construction vibration monitoring plan shall include, but not be limited to, the following measures:

- A list of all heavy construction equipment to be used for this project known to produce high vibration levels (e.g., tracked vehicles, vibratory compaction, jackhammers, hoe rams, clam shovel drop, and vibratory roller, etc.) shall be submitted to the City by the contractor. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort for reducing vibration levels below the thresholds.

- Place operating equipment on the construction site at least 10 feet from the project site boundaries shared with existing buildings to the east, to the west, and to the north.

- Smaller equipment to minimize vibration levels to below 0.2 in/sec PPV shall be used at the property lines adjoining adjacent buildings. For

[37] Siskind, D.E., M.S. Stagg, J.W. Kopp, and C.H. Dowding, Structure Response and Damage Produced by Ground Vibration form Surface Mine Blasting, RI 8507, Bureau of Mines Report of Investigations, U.S. Department of the Interior Bureau of Mines, Washington, D.C., 1980.
[38] Dowding, C.H., Construction Vibrations, Prentice Hall, Upper Saddle River, 1996.

example, a smaller vibratory roller, such as the Caterpillar model CP433E vibratory compactor, could be used when compacting materials within 30 feet of the adjacent conventional building.

- Avoid using vibratory rollers and clam shovel drops within 30 feet of the adjacent conventional buildings.
- Select demolition methods not involving impact tools.
- Avoid dropping heavy equipment and use alternative methods for breaking up existing pavement, such as a pavement grinder, instead of dropping heavy objects, within 30 feet of the adjacent conventional buildings.
- Designate a Disturbance Coordinator responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.

With implementation of the mitigation measure above, the proposed project would have a less than significant impact related to generating groundborne vibration in exceedance of applicable thresholds at nearby sensitive land uses.

c) **Less Than Significant Impact**. Norman Y. Mineta San José International Airport is a public-use airport located approximately 2.3 miles northwest of the project site. The project site lies outside of the 60 dBA CNEL 2037 noise contour of the airport, according to the Norman Y. Mineta San José International 2020 Airport Master Plan EIR.[39] Assuming standard construction materials for aircraft noise below 60 dBA DNL, the future interior noise levels resulting from aircraft would below 45 dBA DNL. As a result, the project would not be subjected to significant amounts of noise from aircraft landing or taking from the airport and would be compatible with the City's interior noise standards for aircraft noise. This represents a less than significant impact.

Non-CEQA Effects

In December 2015, the California Supreme Court issued an opinion in the California Building Industry Association vs. Bay Area Air Quality Management District (*CBIA vs. BAAQMD*) case that CEQA is primarily concerned with the impacts of a project on the environment, not the effects of the existing environment on a project. In light of this ruling, the effect of existing ambient noise on future users or residents of the project would not be considered an impact under CEQA. However, General Plan Policy EC-1.1 requires that existing ambient noise levels be analyzed for new residences, hotels, motels, residential care facilities, hospitals, and other institutional facilities, and that noise attenuation be incorporated into the project in order to reduce interior and exterior noise levels to acceptable limits. The exterior noise threshold established in the City's General Plan for new residential projects is 60 dBA DNL at usable outdoor activity areas, excluding balconies and porches. The City requires that interior noise levels be maintained at 45 dBA DNL or less for residential land uses, and the Cal Green Code applies to the non-residential components of the proposed mixed-use project.

[39] The 2027 Aircraft Noise Contours were superseded by the 2037 noise contours for the Airport's 2020 Amended Master Plan EIR. Located at https://www.flysanjose.com/sites/default/files/noise/2037_CNEL.pdf. There are no changes to the relationship between the project site and the 60dBA contour.

Future Exterior Noise Environment

The site plan for the proposed project shows two courtyards and a patio on the third floor and a courtyard on the fourth floor. The courtyards located on the third and fourth floors would be surrounded by the proposed building on the north, south, and east sides and would be open to the west. Due to the orientation of these courtyards, there would be adequate shielding from Highway 101 and East Julian Street. Future exterior noise levels at all three courtyards would be at or below 60 dBA DNL.

The third-level patio would be located in the southwestern corner of the building. The center of the patio would be approximately 95 feet from the centerline of East Julian Street. The elevation of the patio (approximately 22 feet above the ground) and the northern building façade would partially shield receptors from East Julian Street and Highway 101. Future exterior noise levels at center of the third-floor patio would be 67 dBA DNL. While this would exceed the City's normally acceptable threshold, the future exterior noise levels would fall within the conditionally acceptable threshold. The City could permit the proposed project without additional noise control measures under conditionally acceptable conditions. To meet the normally acceptable threshold, however, incorporation of noise control features to reduce future exterior noise levels to meet the 60 dBA DNL threshold would be required.

Recommended Noise Control Measures to Reduce Exterior Noise Levels

Methods available to reduce exterior noise levels include site planning alternatives (e.g., increased setbacks and using the proposed buildings as noise barriers), the construction of noise barriers, or a combination of the above. Assuming design options, such as relocating the patio farther from East Julian Street or in a location where the building would provide additional shielding from the roadway are not feasible, the optimal measure for the proposed project would be to construct a barrier along the perimeter of the patio capable of reducing noise levels by up to 7 dBA.

The noise barrier would need to break the line-of-sight from the third-floor patio occupants to East Julian Street to be effective. The minimum height required would be eight feet, as measured from base floor of the patio. The proposed barrier should be continuous from grade to top, with no cracks or gaps, and have a minimum surface density of three pounds per square foot. To maintain aesthetic appeal, 0.5-inch laminated glass would be recommended for this patio.

The final recommendation for noise attenuation shall be confirmed when detailed site plans and elevations are available during final design of the project. A qualified acoustical consultant shall be retained to study the final plans and confirm final recommendations capable of reducing future exterior noise levels to 60 dBA DNL or below at the center of the third-floor patio.

Future Interior Noise Environment

Standard residential construction provides approximately 15 dBA of exterior-to-interior noise reduction, assuming the windows are partially open for ventilation. Standard construction with the windows closed provides approximately 20 to 25 dBA of noise reduction in interior spaces. Where exterior noise levels range from 60 to 65 dBA DNL, the inclusion of adequate forced-air mechanical ventilation is often the method selected to reduce interior noise levels to acceptable levels by closing the windows to control noise. Where noise levels exceed 65 dBA DNL, forced-air mechanical ventilation systems and sound-rated construction methods are normally required. Such methods or materials may include a combination of smaller window and door sizes as a percentage of the total

building façade facing the noise source, sound-rated windows and doors, sound rated exterior wall assemblies, and mechanical ventilation so windows may be kept closed at the occupant's discretion.

The southern façade facing East Julian Street would be set back from the centerline of the roadway approximately 60 to 70 feet. At these distances, the residential units nearest to the roadway would be exposed to future exterior noise levels up to 72 dBA DNL. Assuming windows to be partially open, future interior noise levels in these units would be up to 57 dBA DNL.

While the lower levels would be partially shielded from Highway 101 traffic noise by intervening building, the upper levels would have some direct exposure to the highway and the elevated Julian Street overpass. The setbacks of the eastern building façade would be 965 to 990 feet from the centerline of the nearest through lane along southbound Highway 101. Residential units located on the eastern façade would, therefore, be exposed to future exterior noise levels up to 64 dBA DNL. Assuming windows to be partially open, future interior noise levels in these rooms would be below 49 dBA DNL.

To meet the interior noise requirements set forth by the City of San José of 45 dBA DNL, implementation of noise insulation features would be required.

Recommended Noise Control Measures to Reduce Interior Noise Levels

The following condition of approval shall be incorporated into the proposed project to reduce interior noise levels to 45 dBA DNL or less at residential interiors.

Condition of Approval

The project shall require the following noise insulation features be incorporated to reduce interior noise levels to 45 dBA DNL or less at residential interiors:

- Provide a suitable form of forced-air mechanical ventilation, as determined by the local building official, for all residential units on the project site, so that windows can be kept closed at the occupant's discretion to control interior noise and achieve the interior noise standards.

- Preliminary calculations indicate that residential units located along the southern façade of the proposed building would require windows and doors with a minimum rating of 31 to 35 STC with adequate forced-air mechanical ventilation to meet the interior noise threshold of 45 dBA DNL.

- Units located along the eastern façade would require standard construction materials with the incorporation of a suitable form of forced-air mechanical ventilation to meet the 45 dBA DNL threshold.

The implementation of this condition of approval, as well as the standard permit condition identified below, would reduce interior noise levels to 45 dBA DNL or less at residential uses.

Standard Permit Condition

- **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.

Conclusion: The project would have a less than significant impact related to noise and vibration with incorporation of identified mitigation measures and standard permit conditions.

N. POPULATION AND HOUSING

Regulatory Framework

State

Housing-Element Law

State requirements mandating that housing be included as an element of each jurisdiction's general plan is known as housing-element law. The Regional Housing Need Allocation (RHNA) is the state mandated process to identify the total number of housing units (by affordability level) that each jurisdiction must accommodate in its housing element. California housing-element law requires cities to: 1) zone adequate lands to accommodate its RHNA; 2) produce an inventory of sites that can accommodate its share of the RHNA; 3) identify governmental and non-governmental constraints to residential development; 4) develop strategies and a work plan to mitigate or eliminate those constraints; and 5) adopt a housing element and update it on a regular basis.[40] The City of San José Housing Element and related land use policies were last updated in January 2015.

Regional and Local

Plan Bay Area 2040

Plan Bay Area 2040 is a long-range transportation, land-use, and housing plan intended support a growing economy, provide more housing and transportation choices, and reduce transportation related pollution and greenhouse gas (GHG) emissions in the Bay Area. Plan Bay Area 2040 promotes compact, mixed-use residential and commercial neighborhoods near transit, particularly within identified Priority Development Areas (PDAs).[41]

The Association of Bay Area Governments (ABAG) allocates regional housing needs to each city and county within the nine-county San Francisco Bay Area, based on statewide goals. ABAG also develops forecasts for population, households, and economic activity in the Bay Area. ABAG, the Metropolitan Transportation Commission (MTC), and local jurisdiction planning staff created the Regional Forecast of Jobs, Population, and Housing, which is an integrated land use and transportation plan through the year 2040 (upon which Plan Bay Area 2040 is based).

General Plan

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating population and housing impacts from development projects. Policies applicable to the project are presented below.

[40] California Department of Housing and Community Development. "Regional Housing Needs Allocation and Housing Elements" Accessed April 27, 2018. http://hcd.ca.gov/community-development/housingelement/index.shtml
[41] Association of Bay Area Governments and Metropolitan Transportation Commission. "Project Mapper." http://projectmapper.planbayarea.org/

Envision San José 2040 Relevant Population and Housing Policies	
Policy CD-1.9	Give the greatest priority to developing high-quality pedestrian facilities in areas that will most promote transit use and bicycle and pedestrian activity. In pedestrian oriented areas such as Downtown, Urban Villages, or along Main Streets, place commercial and mixed-use building frontages at or near the street-facing property line with entrances directly to the public sidewalk, provide high-quality pedestrian facilities that promote pedestrian activity, including adequate sidewalk dimensions for both circulation and outdoor activities related to adjacent land uses, a continuous tree canopy, and other pedestrian amenities. In these areas, strongly discourage parking areas located between the front of buildings and the street to promote a safe and attractive street facade and pedestrian access to buildings

Existing Setting

Based on information from the State Department of Finance, the City of San José's population was estimated to be 976,482 in January 2022 and had an estimated total of 344,112 housing units, with an average of 2.91 persons per household.[42] ABAG projects that the City's population will reach 1,377,145 with 448,310 households by 2040.[43]

A project can induce substantial population growth by: 1) proposing new housing beyond projected or planned development levels, 2) generating demand for housing as a result of new businesses, 3) extending roads or other infrastructure to previously undeveloped areas, or 4) removing obstacles to population growth (e.g., expanding capacity of a wastewater treatment plant beyond that necessary to serve planned growth). The General Plan EIR concluded that the potential for direct growth inducing impacts from buildout of the General Plan would be minimal because planned growth would consist entirely of development within the City's existing Urban Growth Boundary and Urban Service Area.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
14. POPULATION AND HOUSING. Would the project:					
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X		1, 2, 3
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?			X		1, 2

[42] California Department of Finance, E-5 Population and Housing Estimates for Cities, Counties, and the State, 2021.
[43] Association of Bay Area Governments and Metropolitan Transportation Commission, Plan Bay Area 2040 Projections 2040, 2022.

Explanation

a) **Less Than Significant Impact**. The project proposes 140 residential units with total future population at the proposed project site estimated at 407 individuals (based on 2.91 persons per household). The development is proposed to accommodate the growing demand for housing within San José. While the *Urban Residential* General Plan Designation allows for a maximum of 95 du/ac, the proposed project includes a density bonus to allow for the increased development density of 140 du/ac. With implementation of the density bonus, the development is consistent with the project site's General Plan land use designation and, therefore, would not add growth beyond what was anticipated from buildout of the General Plan. This represents a less than significant impact.

b) **Less Than Significant Impact**. The project consists of the demolition of two existing single-family residences and an accessory structure, and the construction of a 7-story multi-family residential building with a total of 140 units in 1-bedroom, 2-bedroom, and 3-bedroom configurations. Both of the existing units are occupied and are presumed to be "very low income" units. The proposed demolition of two existing single-family residences would not constitute a substantial amount of reduced housing availability when combined with the 140 multi-family residential units proposed for development on the site. The proposed project would replace the two existing very low-income units with deed restricted very low-income units with the same bedroom count. The project would not displace a substantial amount existing housing or require the construction of replacement housing. This represents a less than significant impact.

Conclusion: The project would have a less than significant impact on population and housing.

O. PUBLIC SERVICES

Regulatory Framework

State

California Government Code Section 65996

California Government Code Section 65996 stipulates that an acceptable method of offsetting a project's effect on the adequacy of school facilities is the payment of a school impact fee prior to issuance of a building permit. The legislation states that payments of school impact fees "are hereby deemed to provide full and complete school facilities mitigation" under CEQA [§65996(b)]. The school district is responsible for implementing the specific methods of school impact mitigation under the Government Code. The CEQA documents must identify that school impact fees and the school districts' methods of implementing measures specified by Government Code 65996 would adequately mitigate project-related increases in student enrollment.

Quimby Act – California Code Sections 66475-66478

The Quimby Act (California Government Code Sections 66475-66478) was approved by the California legislature to preserve open space and parkland in the State. The Quimby Act authorizes local governments to establish ordinances requiring developers of new subdivisions to dedicate parks, pay an in-lieu fee, or perform a combination of the two. As described below, the City has adopted a Parkland Dedication Ordinance and a Park Impact Ordinance, consistent with the Quimby Act.

Local

Parkland Dedication Ordinance and Park Impact Ordinance

The City of San José has adopted the Parkland Dedication Ordinance (PDO, Municipal Code Chapter 19.38) and Park Impact Ordinance (PIO, Municipal Code Chapter 14.25), requiring new residential development to either dedicate sufficient land to serve new residents or pay fees to offset the increased costs of providing new park facilities for new development. Under the PDO and PIO, a project can satisfy half of its total parkland obligation by providing private recreational facilities onsite. For projects exceeding 50 units, the City decides whether the project will dedicate land for a new public park site or provide a fee in-lieu of land dedication. The acreage of parkland required is based on the minimum acreage dedication formula outlined in the PDO.

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating public service impacts from development projects. Policies applicable to the project are presented below.

Envision San José 2040 Relevant Public Service Policies	
Policy CD-5.5	Include design elements during the development review process that address security, aesthetics, and safety. Safety issues include, but are not limited to, minimum clearances around buildings, fire protection measures such as peak load water requirements, construction techniques, and minimum standards for vehicular

Envision San José 2040 Relevant Public Service Policies	
	and pedestrian facilities and other standards set forth in local, state, and federal regulations.
Policy FS-5.6	When reviewing major land use or policy changes, consider the availability of police and fire protection, parks and recreation and library services to the affected area as well as the potential impacts of the project on existing service levels.
Policy ES-2.2	Construct and maintain architecturally attractive, durable, resource-efficient, and environmentally healthful library facilities to minimize operating costs, foster learning, and express in built form the significant civic functions and spaces that libraries provide for the San José community. Library design should anticipate and build in flexibility to accommodate evolving community needs and evolving methods for providing the community with access to information sources. Provide at least 0.59 SF of space per capita in library facilities.
Policy ES-3.1	Provide rapid and timely Level of Service (LOS) response time to all emergencies: 1. For police protection, use as a goal a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls. 2. For fire protection, use as a goal a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents.
Policy ES-3.9	Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publicly-visible and accessible spaces.
Policy ES-3.11	Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects. PR-1.1 Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.
Policy PR-1.1	Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.
Policy PR-1.2	Provide 7.5 acres per 1,000 population of citywide /regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.
Policy PR-1.12	Regularly update and utilize San José's Parkland Dedication Ordinance/Parkland Impact Ordinance (PDO/PIO) to implement quality facilities.
Policy PR-2.4	To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend Park Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) fees for neighborhood serving elements (such as playgrounds/tot-lots, basketball courts, etc.) within a ¾ mile radius of the project site that generates the funds.
Policy PR-2.5	Spend, as appropriate, PDO/PIO fees for community serving elements (such as soccer fields, community gardens, community centers, etc.) within a 3-mile radius of the residential development that generates the PDO/PIO funds.

Existing Setting

Fire Protection: Fire protection services are provided to the project site by the San José Fire Department (SJFD). The closest fire station to the project site is Station #34, located about 0.54 miles northeast of the site at 1634 Las Plumas Avenue.

Police Protection: Police protection services are provided to the project site by the San José Police Department (SJPD) headquartered at 201 West Mission Street. The City has four patrol divisions and 16 patrol districts. Patrols are dispatched from police headquarters and the patrol districts consist of 83 patrol beats, which include 357 patrol beat building blocks.

Parks: Parks and recreation facilities within the project area are provided by the City of San José. The closest park facility to the project site is Hacienda Park, an 0.3-acre City neighborhood park located 0.2 miles north of the project site. It contains a youth playground, picnic areas, and a parking lot.

Schools: Schools in the project area are located within the San José Unified School District and are presented below.

Schools in Project Area		
Elementary	**Middle**	**High**
Empire Gardens Elementary School 1060 East Empire Street San José, CA 95112	Muwekma Ohlone Middle School 805 North 2nd Street San José, CA 95112	San José High School 275 North 24th Street San José, CA 95116

State law (Government Code §65996) identifies the payment of school impact fees as an acceptable method of offsetting a project's impact on school facilities. In San José, developers can either negotiate directly with the affected school district or make a payment per square foot of multi-family units and new commercial uses, prior to issuance of a building permit. The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code.

Libraries: The City of San José is served by the San José Public Library System. The San José Public Library System consists of one main library (Dr. Martin Luther King Jr.) and 22 branch libraries. The nearest public library is East San José Carnegie Branch Library, approximately 0.42 miles south of the project site.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
15. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
a) Fire protection?			X		1, 2, 3
b) Police protection?			X		1, 2, 3
c) Schools?			X		1, 2, 3
d) Parks?			X		1, 2, 3
e) Other public facilities?			X		1, 2, 3

Explanation

a) **Less Than Significant Impact**. The project proposes to redevelop the site with 138 net new residential units, which would slightly intensify the use of the site and generate additional occupants in the area. This would result in an incremental increase in the demand for fire protection services. The project site, however, is currently served by the SJFD and the amount of proposed development represents a small fraction of the total growth identified in the General Plan. The project, by itself, would not preclude the SJFD from meeting their service goals and would not require the construction of new or expanded fire facilities. In addition, the proposed project would be constructed in accordance with current building and Fire codes and would be required to be maintained in accordance with applicable City policies to promote public and property safety. Therefore, the proposed residential development would have a less than significant impact with respect to impacting fire protection services or requiring the construction of new or remodeled fire protection facilities.

b) **Less Than Significant Impact**. The project proposes to redevelop the site, which would intensify the use of the site and generate additional occupants in the area. This would result in an incremental increase in the demand for police protection services. The project site, however, is currently served by the SJPD and the amount of proposed development represents a small fraction of the total growth identified in the General Plan. The project, by itself, would not preclude the SJPD from meeting their service goals and would not require the construction of new or expanded police facilities. In addition, the proposed project would be constructed in accordance with current building codes and would be required to be maintained in accordance with applicable City policies to promote public and property safety. Therefore, the proposed residential development would have a less than significant impact with respect to impacting policing services or requiring the construction of new or remodeled police facilities.

c) **Less Than Significant Impact**. The proposed residential development would generate additional new students. The project would be subject to school impact fee to accommodate the incremental demand on school services, including the state-mandated school district impact fee, to compensate for any impacts to school services. San José Unified School District's current development fee for residential developments is $4.79 per square foot. Payment of all applicable development fees would offset impacts on schools serving the project site. This represents a less than significant impact.

d) **Less Than Significant Impact**. The proposed residential development would generate some additional park users. While future residents of the site may utilize nearby parks, they are unlikely to place a major physical burden on these facilities. The proposed project includes common space outdoor areas for residents in the form of three courtyards and one patio space, which would lessen the demand on neighborhood parks. In addition, the City's Parkland Dedication Ordinance and Park Impact Ordinance require residential developers to dedicate public park land or pay in-lieu fees (or both) to compensate for the increase in demand for neighborhood parks. With adherence to the City's Parkland Dedication Ordinance and Park Impact Ordinance, the proposed project would have a less than significant impact on existing parks or requiring the construction of new park facilities.

e) **Less Than Significant Impact.** The proposed residential development could have an incremental increase in the demand for other public services, including library services. However, the General Plan FEIR concluded that development allowed under the General Plan would be adequately served by existing and planned library facilities. The proposed project is consistent with the existing General Plan Designation on the site. This represents a less than significant impact.

Conclusion: The project would have a less than significant impact on public services.

P. RECREATION

Regulatory Framework

State

Assembly Bill 1359 – Quimby Act

The Quimby Act, which is within the Subdivision Map Act, authorizes the legislative body of a city or county to require the dedication of land or impose fees for park or recreational purposes as a condition to the approval of a tentative or parcel subdivision map, if specified requirements are met. On September 28th, 2013 Governor Brown signed the AB 1359, the purpose of which was to amend the existing Quimby Act to authorize local governments to spend Quimby Act funds beyond parks that serve the development from where the funds were sourced. To reallocate the funds in this manner, AB 1359 requires the legislative body to hold a public hearing before using fees as prescribed in the bill.

Local

Parkland Dedication Ordinance and Park Impact Ordinance

The City of San José has adopted the Parkland Dedication Ordinance and Park Impact Ordinance, which require residential developers to dedicate public park land or pay in-lieu fees (or both) to compensate for the increase in demand for neighborhood parks. See *Section O. Public Services* for additional discussion.

Activate SJ Strategic Plan

The Activate SJ Strategic Plan was developed by the City of San José as an update to the Greenprint 2009 Plan. The Plan serves as an outline of goals and policies of the City's Department of Parks, Recreation, and Neighborhood Services, and is intended to act as a 20-year strategic plan in alignment with the Envision San José 2040 General Plan. The Activate SJ Strategic Plan will be updated at five-year intervals. The Plan identifies five major guiding principles, Stewardship, Nature, Equity & Access, Identity, and Public Life, to achieve the City's goal of connecting people through parks, recreation, and neighborhood services.

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating recreation impacts from development projects. Policies applicable to the proposed project are presented below.

Envision San José 2040 Relevant Recreation Policies	
Policy PR-1.1	Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.
Policy PR-1.2	Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.
Policy PR-1.3	Provide 500 SF per 1,000 population of community center space.

Envision San José 2040 Relevant Recreation Policies	
Policy PR-2.4	To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend Park Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) fees for neighborhood serving elements (such as playgrounds/tot-lots, basketball courts, etc.) within a 3/4 mile radius of the project site that generates the funds.
Policy PR-2.5	Spend, as appropriate, PDO/PIO fees for community serving elements (such as soccer fields, dog parks, sport fields, community gardens, community centers, etc.) within a 3-mile radius of the residential development that generates the PDO/PIO funds.

Existing Setting

The City of San José owns and maintains approximately 3,617 acres of parkland, including neighborhood parks, community parks, and regional parks, for a total of 210 public parks. The City has 47 community centers and over 63 miles of trails. The City's Department of Parks, Recreation, and Neighborhood Services is responsible for development, operation, and maintenance of all City park facilities.

Hacienda Park, a 0.3-acre City neighborhood park, is located to the north of the site at Julian Street and West Court. It contains a youth playground, picnic areas, and a parking lot. In addition, Roosevelt Park is located about 0.4 miles southwest of the project site. The City of San José has adopted the Parkland Dedication Ordinance and Park Impact Ordinance, which require residential developers to dedicate public park land or pay in-lieu fees (or both) to compensate for the increase in demand for neighborhood parks.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
16. RECREATION. Would the project:					
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X		1, 2
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X		1, 2

Explanation

a), b) **Less Than Significant Impact**. The project proposes 140 residential units generating a future population at the site of about 407 individuals (based on 2.91 persons per household). This would incrementally increase the demands on nearby recreational facilities. The City of San José has adopted the Parkland Dedication Ordinance and Park Impact Ordinance, which require residential developers to dedicate public park land or pay in-lieu fees (or both) to compensate

for the increase in demand for neighborhood parks (see *Section O, Public Services*). The project would be required to comply with the City's park ordinances, which would offset impacts to park/recreation facilities. This represents a less than significant impact.

Conclusion: The project would have a less than significant impact on recreational facilities.

Q. TRANSPORTATION

The following discussion is based on a transportation analysis prepared for the project by Hexagon Transportation Consultants (July 12, 2023). This study is contained in Appendix H. The transportation analysis was conducted to determine the potential transportation impacts related of the project based on the standards and methodologies set forth by the City of San José and included an evaluation of vehicle miles traveled (VMT) and a local transportation analysis (LTA).

Regulatory Framework

State

Regional Transportation Plan

The MTC is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted Plan Bay Area 2040 in July 2017, which includes a Regional Transportation Plan to guide regional transportation investment for revenues from federal, state, regional and local sources through 2040.

Senate Bill 743

SB 743 establishes criteria for determining the significance of transportation impacts using a vehicle miles traveled metric intended to promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses. Specifically, SB 743 requires the replacement of automobile delay—described solely by level of service or similar measures of vehicular capacity or traffic congestion—with VMT as the recommended metric for determining the significance of transportation impacts. The Governor's Office of Planning and Research (OPR) approved the CEQA Guidelines implementing SB 743 on December 28, 2018. Local jurisdictions were required to implement a VMT policy by July 1, 2020. SB 743 did not authorize OPR to set specific VMT impact thresholds, but it did direct OPR to develop guidelines for jurisdictions to utilize. CEQA Guidelines Section 15064.3(b)(1) describes factors that might indicate whether a development project's VMT may be significant. Projects located within 0.50 mile of transit are generally be considered to have a less than significant transportation impact based on OPR guidance.

Regional and Local

Final Plan Bay Area 2040

The Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) adopted the Final Plan Bay Area 2040 in July 2017. The Final Plan Bay Area 2040 is an updated long-range Regional Transportation Plan and Sustainable Communities Strategy for the nine-county San Francisco Bay Area. This plan focuses on the following strategies:

- Forecasting transportation needs through the year 2040.
- Preserving the character of our diverse communities.
- Adapting to the challenges of future population growth.

This effort grew out of the California Sustainable Communities and Climate Protection Act of 2008 (California Senate Bill 375, Steinberg), which requires each of the state's 18 metropolitan areas – including the Bay Area – to reduce greenhouse gas emissions from cars and light trucks. Plan Bay Area 2040 is a limited and focused update of the region's previous integrated transportation and land use plan, Plan Bay Area, adopted in 2013.

Santa Clara County Congestion Management Program

In accordance with California Statute (Government Code 65088), Santa Clara County has established a Congestion Management Program (CMP). The intent of the CMP legislation is to develop a comprehensive transportation improvement program among local jurisdictions to reduce traffic congestion and improve land use decision-making and air quality. VTA serves as the Congestion Management Agency (CMA) for Santa Clara County and maintains the County's CMP.

Council Policy 5-1 Transportation Analysis

In alignment with SB 743 and the City's goals in the Envision San José 2040 General Plan, the City has adopted a new "Transportation Analysis Policy" (Council Policy 5-1) to replace the former Transportation Level of Service Policy (Council Policy 5-3). The new policy establishes the thresholds for transportation impacts under CEQA based on vehicle miles traveled (VMT) rather than intersection level of service (LOS). VMT is the total miles of travel by personal motorized vehicles from a project in a day. The intent of this change in policy is to shift the focus of transportation analysis under CEQA from vehicle delay and roadway capacity to a reduction in vehicle emissions and the creation of multimodal networks that support integrated land uses.[44] According to the policy, an employment facility (e.g., office, R & D) or a residential project's transportation impact would be less than significant if the project VMT is 15 percent or more below the existing average regional VMT per employee, or the existing average citywide or regional per capita VMT respectively. For industrial projects (e.g., warehouse, manufacturing, distribution), the impact would be less than significant if the project VMT is equal to or less than existing average regional VMT per employee. The threshold for a retail project is whether it generates net new regional VMT, as new retail typically redistributes existing trips and miles traveled as opposed to inducing new travel. If a project's VMT does not meet the established thresholds, mitigation measures would be required, where feasible.

The policy also requires preparation of a Local Transportation Analysis (LTA) to analyze non-CEQA transportation issues, including local transportation operations, intersection level of service, and site access and circulation. The LTA also addresses CEQA issues related to pedestrian, bicycle access, and transit.

Screening criteria have been established to determine which projects require a detailed VMT analysis. If a project meets the relevant screening criteria, it is considered to a have a less than significant VMT impact. Under Policy 5-1, the screening criteria are as follows:

[44] The new policy took effect on March 29, 2018.

1. Small Infill Projects,
2. Local-Serving Retail,
3. Local-Serving Public Facilities,
4. Transit Supportive Projects in Planned Growth Areas with Low VMT and High-Quality Transit,
5. Restricted Affordable, Transit Supportive Residential Projects in Planned Growth Areas with High Quality Transit, and
6. Transportation Projects that reduce or do not increase VMT.

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating transportation impacts from development projects. Policies applicable to the proposed project are presented below.

Envision San José 2040 Relevant Transportation Policies	
Policy TR-1.1	Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).
Policy TR-1.2	Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
Policy TR-1.4	Through the entitlement process for new development, projects shall be required to fund or construct needed transportation improvements for all transportation modes giving first consideration to improvement of bicycling, walking and transit facilities and services that encourage reduced vehicle travel demand. • Development proposals shall be reviewed for their impacts on all transportation modes through the study of Vehicle Miles Traveled (VMT), Envision San José 2040 General Plan policies, and other measures enumerated in the City Council Transportation Analysis Policy and its Local Transportation Analysis. Projects shall fund or construct proportional fair share mitigations and improvements to address their impacts on the transportation systems. • The City Council may consider adoption of a statement of overriding considerations, as part of an EIR, for projects unable to mitigate their VMT impacts to a less than significant level. At the discretion of the City Council, based on CEQA Guidelines Section 15021, projects that include overriding benefits, in accordance with Public Resources Code Section 21081 and are consistent with the General Plan and the Transportation Analysis Policy 5-1 may be considered for approval. The City Council will only consider a statement of overriding considerations for (i) market-rate housing located within General Plan Urban Villages; (ii) commercial or industrial projects; and (iii) 100% deed-restricted affordable housing as defined in General Plan Policy IP-5.12. Such projects shall fund or construct multimodal improvements, which may include improvements to transit, bicycle, or pedestrian facilities, consistent with the City Council Transportation Analysis Policy 5-1. • Area Development Policy. An "area development policy" may be adopted by the City Council to establish special transportation standards that identifies development impacts and mitigation measures for a specific geographic area. These policies may take other names or forms to accomplish the same purpose.

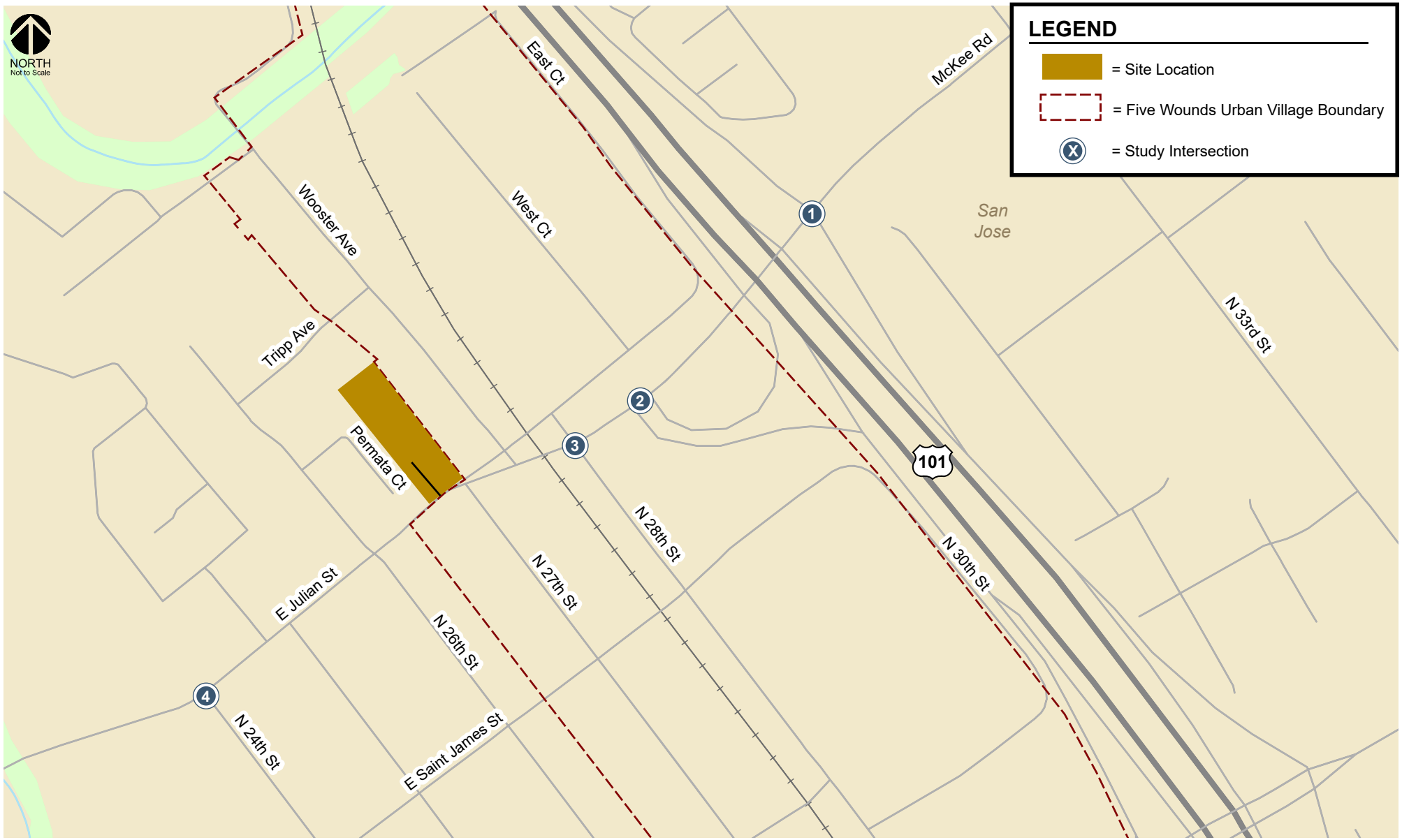
Envision San José 2040 Relevant Transportation Policies	
Policy TR-1.5	Design, construct, operate, and maintain public streets to enable safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.
Policy TR-1.6	Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.
Policy TR-2.8	Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.
Policy TR-3.3	As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute towards transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.
Policy TR-5.3	Development projects' effects on the transportation network will be evaluated during the entitlement process and will be required to fund or construct improvements in proportion to their impacts on the transportation system. Improvements will prioritize multimodal improvements that reduce VMT over automobile network improvements. • Downtown. Downtown San José exemplifies low-VMT with integrated land use and transportation development. In recognition of the unique position of the Downtown as the transit hub of Santa Clara County, and as the center for financial, business, institutional and cultural activities, Downtown projects shall support the long-term development of a world class urban transportation network.
Policy TR-8.4	Discourage, as part of the entitlement process, the provision of parking spaces significantly above the number of spaces required by code for a given use.
Policy TR-9.1	Enhance, expand and maintain facilities for walking and bicycling, particularly to connect with and ensure access to transit and to provide a safe and complete alternative transportation network that facilitates non-automobile trips.
Policy CD-3.3	Within new development, create a pedestrian friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.

Existing Setting

Existing Roadway Network

Regional access to the project site is provided via US 101. Local access to the project site is provided via Julian Street, McKee Road, 24th Street, 26th Street, 27th Street, and 28th Street, as shown in Figure 16. These facilities are described below.

US 101 is an eight-lane freeway (three mixed-flow lanes and one HOV lane in each direction) in the vicinity of the site. US 101 extends northward through San Francisco and southward through Gilroy. Access to and from the development site is provided via the Julian Street/McKee Road interchange.



Source: Hexagon, March 2023

Roadway Network & Study Intersections

1271 & 1279 E. Julian St. Multi-Family Residential
Initial Study

Figure
16

Julian Street is an east-west Local Connector Street that extends from US 101 westward through Downtown San José. Julian Street has two lanes west of N. 24th Street and four lanes between N. 24th Street and US 101. East of US 101, Julian Street becomes McKee Road. Julian Street has sidewalks on both sides of the street but has no bicycle facilities. Julian Street has a posted speed limit of 35 mph where it is four lanes and 25 mph where it is two lanes. Julian Street provides direct access to the project site.

McKee Road is an east-west City Connector Street that extends eastward from US 101 to Alum Rock Avenue in the East Foothills of San José. McKee Road consists of four travel lanes between US 101 and King Road. East of King Road, McKee Road widens to six lanes and has striped bike lanes. McKee Road has a posted speed limit of 35 mph and has sidewalks on both sides of the street.

24th Street is a two-lane north-south local street with a posted speed limit of 25 mph. It extends from East Julian Street southward to William Street, where it becomes McLaughlin Avenue. McLaughlin Avenue is a four-lane north-south City Connector Street (south of I-280) that provides partial access to I-280 and terminates just south of Yerba Buena Road. In the study area, 24th Street has sidewalks on both sides of the street and is a designated bike route (has sharrows). 24th Street provides access to the project site via its intersection with East Julian Street.

26th Street is a two-lane undivided local street that runs north to south between San Antonio Street and Tripp Avenue. 26th Street has a posted speed limit of 25 mph and curb parking is allowed on both sides of the street. 26th Street has sidewalks on both sides of the street but has no bicycle facilities. North 26th Street provides access to the project site via its intersection with East Julian Street.

27th Street is a two-lane undivided local street that runs north to south between Santa Clara Street and Julian Street. 27th Street has a posted speed limit of 25 mph and curb parking is allowed on both sides of the street. 27th Street has sidewalks on both sides of the street but has no bicycle facilities. North 27th Street provides access to the project site via its intersection with East Julian Street.

28th Street is a two-lane undivided local street that runs north to south between San Antonio Street and Julian Street. 28th Street has a posted speed limit of 25 mph and curb parking is allowed on both sides of the street. 28th Street has sidewalk on the east side of the street south of Five Wounds Lane only and has no bicycle facilities. North 28th Street provides access to the project site via its intersection with East Julian Street.

Public Transit

Existing bus service in the project vicinity is provided by the Santa Clara Valley Transportation Authority (VTA). The project area is served by frequent bus routes 22, 23, 64A, 64B, and Rapid 522. Bus routes 64A and 64B stop near the project site on East Julian Street. The two existing bus stops within walking distance of the project site on East Julian Street include benches but no shelters. Bus routes 22, 23 and 522 stop along East Santa Clara Street less than a half-mile walk from the project site.

Local Route 22 provides service between the Palo Alto Transit Center and the Eastridge Transit Center. Route 22 operates along Santa Clara Street in the project study area, with 15-minute headways during the weekday peak commute hours. Bus stops are located on Santa Clara Street at 26th Street, 27th Street, and 28th Street.

Local Route 23 provides service between De Anza College and the Alum Rock Transit Center. Route 23 operates along Santa Clara Street in the project study area, with 15-minute headways during the weekday peak commute hours. Bus stops are located on Santa Clara Street at 26th Street, 27th Street, and 28th Street.

Local Route 64A provides service between the Ohlone-Chynoweth LRT Station and the McKee Road/White Road intersection. Route 64A operates along Julian Street/McKee Road in the project study area, with 30-minute headways during the weekday commute hours. Bus stops are located within walking distance (less than ¼-mile) of the project site at the Julian Street/26th Street intersection.

Local Route 64B provides service between the Almaden Expressway/Camden Avenue intersection and the McKee Road/White Road intersection. Route 64B operates along Julian Street/McKee Road in the project study area, with 30-minute headways during the weekday commute hours. Bus stops are located within walking distance (less than ¼-mile) of the project site at the Julian Street/26th Street intersection.

Rapid Route 522 provides Bus Rapid Transit (BRT) service between the Palo Alto Transit Center and the Eastridge Transit Center. East of US 101, Route 522 runs within the median transit lanes along Alum Rock Avenue, with 15-minute headways during the weekday peak commute hours. The closest bus stops are located at the 24th Street/Santa Clara Street intersection, about ½-mile from the site.

Bicycle and Pedestrian Facilities

Pedestrian facilities in the project area consist of sidewalks along the streets and crosswalks with pedestrian signal heads at intersections. The existing network of sidewalks and crosswalks provides adequate connectivity for pedestrians between the project site and other surrounding land uses and transit stops. Sidewalks are found along all the roadways in the study area, although the East Julian Street frontage road has no sidewalk along the south side of the street. Crosswalks with pedestrian signal heads and push buttons are located at all the signalized intersections in the study area. Curb ramps with truncated domes are also provided at all the signalized intersections near the site, as well as some unsignalized intersections. Truncated domes are the standard ADA design requirement for detectable warnings which enable people with visual disabilities to determine the boundary between the sidewalk and the street. Additionally, the project will provide a voluntary in-lieu contribution towards a future Class IV protected bike lane along the East Julian Street frontage or construct the Class IV protected bike lane improvements.

The only Class II striped bike lanes in the study area are on 21st Street north of East Julian Street. Class III bike routes (Sharrows) exist on 24th Street and 33rd Street south of Julian Street (see Appendix H, Figure 5).

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS		Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
17.	TRANSPORTATION. Would the project:					
a)	Conflict with program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			X		1, 2, 16
b)	Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?			X		1, 2, 16
c)	Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X		1, 2
d)	Result in inadequate emergency access?			X		1, 2

Explanation

a) **Less Than Significant Impact**. The results of the transportation study related to bicycle, pedestrian, and transit facilities are summarized below.

Bicycle, Pedestrian, and Transit Facilities

Pedestrian Facilities. A complete network of sidewalks and crosswalks is found within the project area. Crosswalks with pedestrian signal heads are located at all the signalized intersections in the area. Sidewalks are found along the roadways in the immediate vicinity of the project site. Curb ramps with truncated domes are also provided at all the signalized intersections near the site, as well as some unsignalized intersections in the area. The existing pedestrian facilities provide adequate connectivity between the project site and nearby bus stops and other points of interest.

The sidewalk and curb along the project frontage on East Julian Street would be reconstructed. The site plan shows a 10-foot-wide attached sidewalk with tree wells. The new sidewalk would provide direct access to the residential lobby, elevators, stairwell, and mail room. The project's pedestrian improvements would be consistent with the planned East Julian Street design. The East Julian Street design would significantly improve pedestrian circulation in the study area and would improve pedestrian access to the future 28th Street/Little Portugal BART station.

Bicycle Facilities. The project site is located in an area where existing bicycle facilities are limited. The only Class II striped bike lanes in the study area are on 21st Street north of East Julian Street. Class III bike routes with shared lane markings (Sharrows) exist on 24th Street and 33rd Street south of Julian Street. The proposed project includes bicycle racks, with room for up to 16 bicycles, adjacent to the residential lobby on the southeast corner of the site (see Figure 5a). A secure bike room with 90 long-term bicycle parking spaces would be provided on the second parking level with access provided via the residential lobby, elevators, and stairs (see Figure 5b).

The future Five Wounds Creek trail will be situated near the project site. The north-south multi-use trail would provide bicyclists and pedestrians with a paved path that is separated from motor vehicles. Local access to the trail would be provided via an entrance near the intersection of North 28th Street and East Julian Street. An additional access point would potentially be provided from Wooster Avenue, just north of the Rocketship Discovery Prep school. The project would include a voluntary, in-lieu contribution towards a future Class IV bicycle lane along the project's frontage on East Julian Street.

Transit Services. The project site is served by VTA. Existing bus routes serving the project area include VTA bus route 22, 23, 64A, and 64B, as well as Rapid 552. Of these, VTA bus routes 64A and 64B most directly serve the project site, with existing bus stops located within walking distance (as close as 130 feet south of the project site) on East Julian Street. In addition, bus routes 22, 23 and 522 stop along East Santa Clara Street less than a half-mile walk from the project site.

The future 28th Street/Little Portugal BART station would be situated on the east side of North 28th Street between East St. James Street and Five Wounds Lane. Currently, no sidewalks exist on North 28th Street between East Julian Street and Five Wounds Lane. However, the BART station design and Five Wounds Urban Village Plan include new pedestrian facilities along North 28th Street to enhance station access.

Since the proposed project would be served by multiple bus routes and a future BART station, it is estimated that the increased transit demand generated by the proposed project could be accommodated by the current available and future planned ridership capacities of the transit services in the study area.

The project site is located within one mile of seven schools. Safe pedestrian access to all seven schools is provided via a continuous network of sidewalks in the study area. Crosswalks with pedestrian signal heads are provided at all the signalized intersections, and some signalized and unsignalized intersections near the schools have high visibility crosswalks. Curb ramps are provided at all intersections along the routes between the project site and the schools, though not all meet current ADA design standards.

In conclusion, based on the discussion above the project would have a less than significant impact related to conflicting with any program plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.

b) **Less Than Significant Impact**. As described above, City Council Policy 5-1 establishes the thresholds for transportation impacts under CEQA based on VMT. The project would be consistent with CEQA Guidelines Section 15064.3 (b), which calls for evaluation of a project's transportation impacts based on VMT, since this was the metric used for the transportation analysis.

Project VMT Analysis

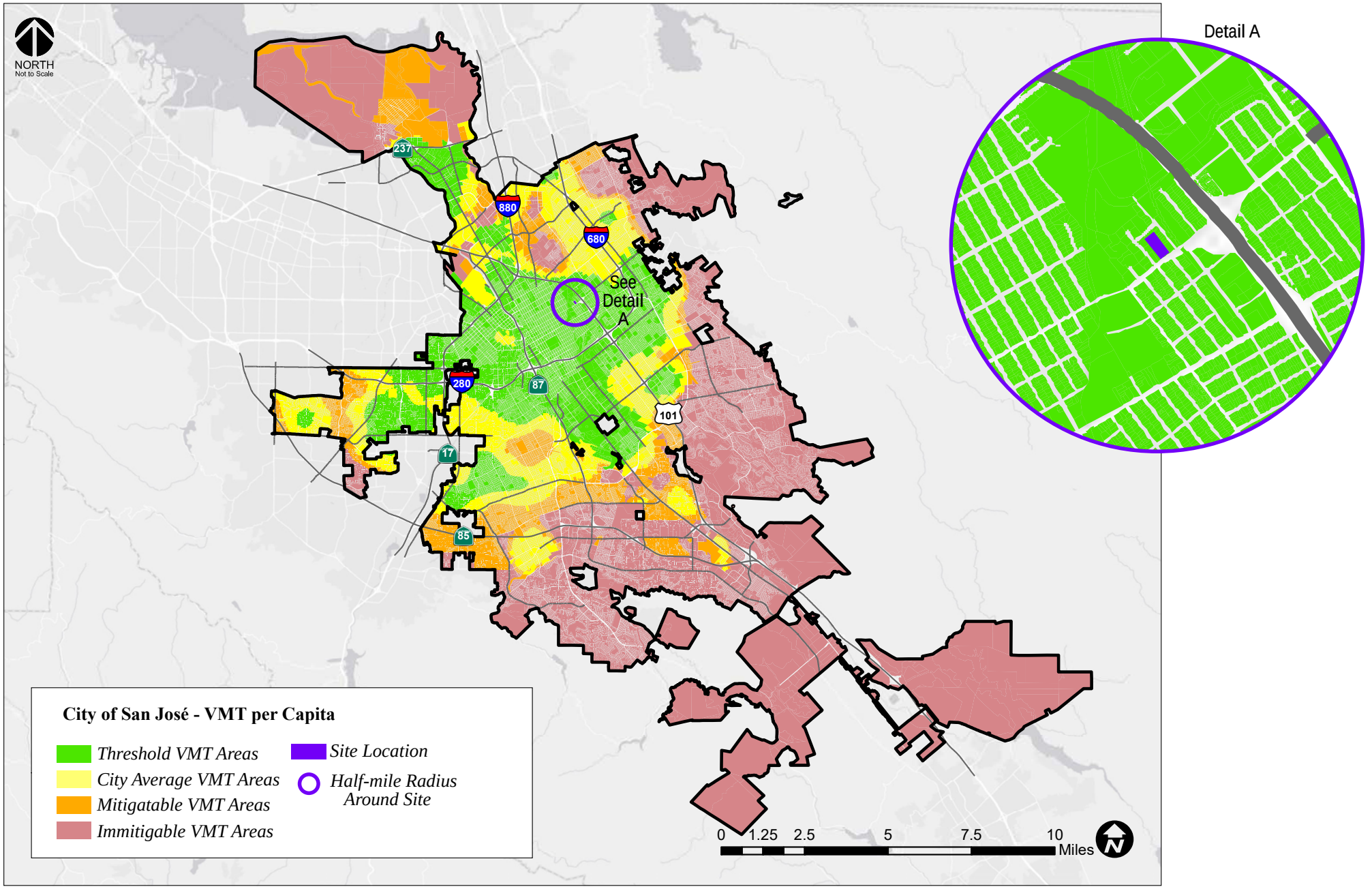
The San José VMT Evaluation Tool is used to estimate the project VMT based on the project location (APN), type of development, project description, and proposed trip reduction measures. The VMT heat map is shown in Figure 17. The VMT threshold of significance for residential uses was used for the VMT analysis. The VMT threshold for residential uses is the existing citywide average daily VMT level (11.91 daily VMT per capita) minus 15 percent, or 10.12 daily VMT per capita. The project VMT estimated by the City's VMT Evaluation Tool is 7.11 daily VMT per capita, which is below the threshold of 10.12 daily VMT per capita. Therefore, the project would result in a less than significant VMT impact.

Cumulative VMT Analysis

Projects must demonstrate consistency with the Envision San José 2040 General Plan to address cumulative impacts. Consistency with the City's General Plan is based on the project's density, design, and conformance to the General Plan goals and policies. If a project is determined to be inconsistent with the General Plan, a cumulative impact analysis is required as part of the City's Transportation Analysis Handbook.

The project site (both parcels) is designated *Urban Residential* on the Land Use/Transportation Diagram of the Envision San José 2040 General Plan. This designation allows for medium density residential development (30-95 du/ac) and a fairly broad range of commercial uses (e.g., retail, office, hospitals, etc.) within identified Urban Villages, within other areas of the City that have existing residential development built at the same medium density, or areas within close proximity to an Urban Village or transit facility where intensification will support those facilities. The proposed project consists of a high-density transit-oriented residential development, including an affordable housing component (approximately 10% affordable units). The project site is also situated adjacent to the western boundary of the Five Wounds Urban Village and is within walking distance of the future 28th Street/Little Portugal BART station. The residential development density for the site is 144 du/ac (140 du / 0.97 ac = 144 du/ac) and is greater than the maximum allowable density of 95 du/ac for sites designated as *Urban Residential* in the City's General Plan. To allow for the increased density, the proposed project includes a density bonus under California Government Code Section 65915 to allow the greater development density on the site.

With implementation of the proposed density bonus, the proposed project would conform to the General Plan. The residential project would be considered part of the cumulative solution to meet the General Plan's long-range transportation goals and would result in a less than significant cumulative VMT impact.



Source: Hexagon, March 2023

VMT Heat Map

1271 & 1279 E. Julian St. Multi-Family Residential
Initial Study

Figure
17

c) **Less Than Significant Impact**. The project would not substantially increase hazards due to a geometric design feature or incompatible uses. The project would be access by inbound and outbound vehicular traffic from a gated driveway accessed via East Julian Street. During the development review process, vehicle circulation on the project site is reviewed by City staff to assure that the project complies with the City's regulations and policies. The proposed project would have a less than significant impact related to substantially increasing hazards due to a geometric design feature or incompatible uses.

d) **Less Than Significant Impact**. The City of San José Fire Department requires that all portions of the buildings be within 150 feet of a fire department access road and requires a minimum of 6 feet clearance from the property line along all sides of the buildings. The project would meet these emergency vehicle access (EVA) requirements. The proposed project would have a less than significant impact related to inadequate emergency access for the project site.

Non-CEQA Effects

Senate Bill 743, the revised 2019 CEQA Guidelines, and Council Policy 5-1 promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. Due to these requirements, the vehicle miles traveled (VMT) metric promotes those statutory purposes better than level of service and was determined to be the significance metric under CEQA. An LTA was prepared for the project to address transportation operational issues of the project, and the effects of the project on transportation, access, circulation, and safety elements in the project area. These operational issues are provided for informational purposes only.

Trip Generation

Trips generated by any new development are typically estimated based on counts of existing developments of the same land use type. A compilation of typical trip generation rates can be found in the Institute of Transportation Engineers' (ITE) *Trip Generation Manual*. Project trip generation was estimated by applying to the sizes and uses of the three proposed developments the appropriate trip generation rates obtained from the ITE *Trip Generation Manual*, 11th Edition (2021).

After applying the ITE trip rates to the proposed project and applying the appropriate trip reductions, the project would generate 560 new daily vehicle trips, with 38 new trips (14 inbound and 24 outbound) occurring during the AM peak hour and 34 new trips (22 inbound and 12 outbound) occurring during the PM peak hour (see Table 19).

This project is subject to the City's US-101/Oakland/Mabury Transportation Development Policy (TDP). The US-101/Oakland/Mabury TDP requires new residential and commercial developments that generate vehicular trips at either of the Policy Interchanges to pay a Traffic Impact Fee (TIF) towards the upgrade of US-101/Oakland Interchange and construction of US-101/Mabury Interchange.

Table 19 Project Trip Generation Estimates											
Land Use	**Size**	**Daily Rate**	**Daily Trips**	**AM Peak Hour**				**PM Peak Hour**			
				Ph-Hr Rate	**In**	**Out**	**Total**	**Ph-Hr Rate**	**In**	**Out**	**Total**
Multifamily Housing Mid-Rise (5 stories)[1]	140 DU	4.75	665	0.32	16	29	45	0.29	27	14	41
Location-Based Vehicle Mode Share (13%) [2]			*(86)*		*(2)*	*(4)*	*(6)*		*(4)*	*(2)*	*(6)*
Project-Specific Trip Reduction (3.27%)[3]			*(19)*		*0*	*(1)*	*(1)*		*(1)*	*0*	*(1)*
Net New Trips:			**560**		**14**	**24**	**38**		**22**	**12**	**34**

[1] Trip Generation based on average rates contained in the *ITE Trip Generation Manual, 11th Edition*, for Multifamily Housing (Mid-Rise) Close to Rail Transit (Land Use 221) located in a General Urban/Suburban setting. Rates are expressed in trips per dwelling unit (DU).
[2] A 13% reduction was applied based on the location-based vehicle mode share percentage outputs (Table 6 of TA Handbook) produced from the San José Travel Demand Model for the place type "Urban Low Transit".
[3] A 3.27% reduction was applied based on the external trip adjustments obtained from the City's VMT Evaluation Tool due to the proposed integrated affordable housing (approximately 10% affordable) and overall development density.

Intersection LOS Evaluation

An intersection LOS analysis was performed for the following four intersections:

- US 101 NB Ramps & McKee Road
- US 101 SB Ramps & East Julian Street
- North 28th Street and East Julian Street
- North 24th Street and East Julian Street

The residential trip distribution pattern for the project was estimated based on existing travel patterns on the surrounding roadway network that reflect typical weekday AM and PM commute patterns, the locations of complementary land uses, and freeway access points. The peak hour vehicle trips generated by the project were assigned to the roadway network in accordance with the residential trip distribution pattern.

The City of San José has defined significant intersection adverse effects as follows. The project is said to create a significant adverse impact on traffic conditions at a signalized intersection in the City of San José if for either peak hour:

1. The level of service at the intersection degrades from an acceptable LOS D or better under background conditions to an unacceptable LOS E or F under background plus project conditions, or

2. The level of service at the intersection is an unacceptable LOS E or F under background conditions and the addition of project trips cause both the critical-movement delay at the intersection to increase by four (4) or more seconds and the volume-to-capacity ratio (V/C) to increase by one percent (.01) or more.

An exception to rule #2 above applies when the addition of project trips reduces the amount of average delay for critical movements (i.e., the change in average delay for critical movements is negative). In this case, the threshold of significance is an increase in the critical V/C value by .01 or more. A

significant adverse effect by City of San José standards is said to be satisfactorily mitigated when measures are implemented that would restore intersection level of service to background conditions or better.

The results of the analysis show that all of the signalized study intersections are currently operating at acceptable levels of service (LOS D or better) during the AM and PM peak hours of traffic and would continue to operate acceptably under background, background plus project, and cumulative conditions (see Table 20). The proposed project would not result in significant adverse effects at nearby signalized intersections.

Table 20
Intersection Level of Service Summary

ID	Signalized Intersection	Peak Hour	Count Date	Existing		Background		Background Plus Project				Cumulative	
				Avg. Delay (sec)	LOS	Avg. Delay (sec)	LOS	Avg. Delay (sec)	LOS	Incr. In Crit. Delay (sec)	Incr. In Crit. V/C	Avg. Delay (sec)	LOS
1	US 101 NB Ramps & McKee Road	AM	10/9/2014	16.4	C	17.0	C	17.2	C	0.3	0.005	18.2	C
		PM	10/9/2014	20.3	C	20.5	C	20.5	C	0.1	0.002	21.2	C
2	US 101 SB Ramps & East Julian Street	AM	9/20/2018	26.5	C	28.2	C	28.4	C	0.3	0.006	29.9	C
		PM	9/20/2018	31.0	C	33.2	C	33.5	C	0.6	0.004	35.6	D
3	North 28th Street & East Julian Street	AM	4/9/2015	27.1	C	27.1	C	27.2	C	0.0	0.002	30.2	C
		PM	4/9/2015	15.2	B	15.2	B	15.2	B	-0.1	0.002	19.8	B
4	North 24th Street & East Julian Street	AM	5/9/2019	12.3	B	12.4	B	12.4	B	0.1	0.003	12.6	B
		PM	5/9/2019	11.7	B	11.9	B	12.0	B	0.1	0.003	12.5	B

Notes: * An annual growth rate of 1% was applied to the historical count data.

Conclusion: The project would have a less than significant impact on transportation.

R. TRIBAL CULTURAL RESOURCES

Regulatory Framework

State

Assembly Bill 52

Assembly Bill (AB) 52, effective July of 2015, established a new category of resources for consideration by public agencies when approving discretionary projects under CEQA, called Tribal Cultural Resources (TCRs). AB 52 requires lead agencies to provide notice of projects to tribes that are traditionally and culturally affiliated with the geographic area if they have requested to be notified. Where a project may have a significant impact on a tribal cultural resource, consultation is required until the parties agree to measures to mitigate or avoid a significant effect on a tribal cultural resource or when it is concluded that mutual agreement cannot be reached. Under AB 52, TCRs are defined as follows:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are also either:
    - Included or determined to be eligible for inclusion in the California Register of Historic Resources,[45] or
    - Included in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).
- Resources determined by the lead agency to be TCRs.

AB 52 notification and consultation applies to projects for which a Notice of Intent or Notice of Availability is issued after the effective date of AB 52 in 2015. Notification and consultation are not required for projects covered by a prior EIR or Mitigated Negative Declaration (MND) that either predates AB 52 or that has already complied with AB 52.

The Native American Heritage Commission

The Native American Heritage Commission (NAHC) was created by statute in 1976, is a nine-member body appointed by the Governor to identify and catalog cultural resources (i.e., places of special religious or social significance to Native Americans and known graves and cemeteries of Native Americans on private lands) in California. The Commission is responsible for preserving and ensuring accessibility of sacred sites and burials, the disposition of Native American human remains and burial items, maintaining an inventory of Native American sacred sites located on public lands, and reviewing current administrative and statutory protections related to these sacred sites.

[45] See Public Resources Code section 5024.1. The State Historical Resources Commission oversees the administration of the CRHR and is a nine-member state review board that is appointed by the Governor, with responsibilities for the identification, registration, and preservation of California's cultural heritage. The CRHR "shall include historical resources determined by the commission, according adopted procedures, to be significant and to meet the criteria in subdivision (c) (Public Resources Code, Section 5024.1 (a)(b)).

Senate Bill 18

The intent of SB 18 is to aid in the protection of traditional tribal cultural places through local land use planning by requiring city governments to consult with California Native American tribes on projects which include adoption or amendment of general plans (defined in Government Code Section 65300 et seq.) and specific plans (defined in Government Code Section 65450 et seq.). SB 18 requires local governments to consult with tribes prior to making certain planning decisions and to provide notice to tribes at certain key points in the planning process.

General Plan

The Envision San José 2040 General Plan includes the following tribal cultural resource policies applicable to the Proposed Project:

Envision San José 2040 Relevant Tribal Cultural Resources Policies	
Policy ER-10.1	For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.
Policy ER-10.2	Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced
Policy ER-10.3	Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.

Environmental Setting

Assembly Bill (AB) 52, effective July of 2015, established a new category of resources for consideration by public agencies when approving discretionary projects under CEQA, called Tribal Cultural Resources (TCRs). AB 52 requires lead agencies to provide notice of projects to tribes that are traditionally and culturally affiliated with the geographic area if they have requested to be notified. See additional discussion under "Regulatory Framework" above.

The City sent an AB 52 Notification Letters to Tamien Nation on April 17, 2023 and the Indian Canyon Band of Costanoan Ohlone People on June 1st, 2023, notifying them of the proposed project and giving an opportunity for the tribes to request consultation under AB 52. On May 5, 2023, the City received a request for AB 52 consultation from Tamien Nation. No response was received from the Indian Canyon Band of Costanoan Ohlone People.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
18.	TRIBAL CULTURAL RESOURCES. Would the project:					
a)	Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and, and that is: i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.			X		1, 2

Explanation

a) i, ii **Less Than Significant Impact**. Tribal cultural resources consider the value of a resource to tribal cultural tradition, heritage, and identity, in order to establish potential mitigation and to recognize that California Native American tribes have expertise concerning their tribal history and practices. No tribal cultural resources have been listed or determined eligible for listing in the California Register or a local register of historical resources.

AB 52 requires lead agencies to conduct formal consultations with California Native American tribes during the CEQA process to identify tribal cultural resources that may be subject to significant impacts by a project. Where a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. This consultation requirement applies only if the tribes have sent written requests for notification of projects to the lead agency.

The City sent an AB 52 Notification Letters to Tamien Nation on April 17th, 2023 and the Indian Canyon Band of Costanoan Ohlone People on June 1st, 2023, notifying them of the proposed project and giving an opportunity for the tribes to request consultation under AB 52. The City received a response from Tamien Nation on May 5th, 2023 requesting formal consultation on the project under AB 52. No response was received from the Indian Canyon Band of Costanoan Ohlone People. On June 15th, 2023, the City met with Tamien Nation during a virtual consultation meeting for the project. At this meeting, staff presented the proposed project and described its location and requested any feedback from Tamien Nation's Representative. The Tribal Representative confirmed that the project site is sensitive for tribal

cultural resources and requested that a Tribal Monitor be retained, and that Tribal sensitivity training be conducted during ground disturbance activities. The recommendations are consistent with Mitigation Measures CR-1.1 through CR-1.4. Staff sent an email summary and conclusion of AB 52 consultation on November 2nd, 2023.

The proposed project will implement Mitigation Measures CR-1.1 through CR-1.4 to prevent impacts to subsurface cultural resources, including tribal cultural resources. Implementation of these mitigation measures will ensure that Native American involvement is central in the development of cultural sensitivity training, on-site monitoring for sub-surface cultural resources, and evaluation of any finds.

Conclusion: With inclusion of the mitigation measures identified above, the project would have a less than significant impact on tribal resources.

S. UTILITIES AND SERVICE SYSTEMS

Regulatory Framework

State

Assembly Bill 939

California AB 939 established the California Integrated Waste Management Board (CalRecycle), which required all California counties to prepare Integrated Waste Management Plans. In addition, AB 939 required all municipalities to divert 50 percent of their waste stream by the year 2000.

Assembly Bill 341 (2011)

California AB 341 sets forth the requirements of the statewide mandatory commercial recycling program for businesses that generate four or more cubic yards of commercial solid waste per week and multi-family dwellings with five or more units in California. AB 341 sets a statewide goal for 75 percent disposal reduction by the year 2020.

Assembly Bill 1826 (2014)

California AB 1826 sets forth the requirements of the statewide mandatory commercial organics recycling program for businesses and multi-family dwellings with five or more units that generate two or more cubic yards of commercial solid waste per week. AB 1826 sets a statewide goal for 50 percent reduction in organic waste disposal by the year 2020.

Senate Bill 1383 (2016)

SB 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The bill grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that at least 20 percent of currently disposed edible food is recovered for human consumption by 2025.

California Green Building Standards Code Compliance for Construction, Waste Reduction, Disposal, and Recycling

In January 2017, California adopted the most recent version of the California Green Building Standards Code, which establishes mandatory green building standards for new and remodeled structures in California. These standards include a mandatory set of guidelines and more stringent voluntary measures for new construction projects, in order to achieve specific green building performance levels as follows:

- Reduce indoor water use by 20 percent;
- Reduce wastewater by 20 percent;
- Recycling and/or salvaging 65 percent of nonhazardous construction and demolition ("C&D") debris, or meeting the local construction and demolition waste management ordinance,

whichever is more stringent (see San José-specific CALGreen building code requirements in the local regulatory framework section below); and
- Provide readily accessible areas for recycling by occupant.

Local

Climate Smart San José

Climate Smart San José provides a comprehensive approach to achieving sustainability through new technology and innovation. The Zero Waste Strategic Plan outlines policies to help the City of San José foster a healthier community and achieve its Climate Smart San José goals, including 75 percent diversion of waste from the landfill by 2013 and zero waste by 2022. Climate Smart San José also includes ambitious goals for economic growth, environmental sustainability, and enhanced quality of life for San José residents and businesses.

Construction and Demolition Diversion Deposit Program

The Construction and Demolition Diversion Deposit Program (CDDD) requires projects to divert at least 50% of total projected project waste to be refunded the deposit. Permit holders pay this fully refundable deposit upon application for the construction permit with the City if the project is a demolition, alteration, renovation, or a certain type of tenant improvement. The minimum project valuation for a deposit is $2,000 for an alteration-renovation residential project and $5,000 for a non-residential project. There is no minimum valuation for a demolition project and no square footage limit for the deposit applicability. The deposit is fully refundable if construction and demolition materials were reused, donated, or recycled at a City-certified processing facility. Reuse and donation require acceptable documentation, such as photographs, estimated weight quantities, and receipts from donations centers stating materials and quantities.

Though not a requirement, the permit holder may want to consider conducting an inventory of the existing building(s), determining the material types and quantities to recover, and salvaging materials during deconstruction.

California Green Building Standards Code Compliance for Construction, Waste Reduction, Disposal and Recycling

The City of San José requires 75 percent diversion of nonhazardous construction and demolition debris for projects that quality under CALGreen, which is more stringent than the state requirement of 65 percent (San José Municipal Code Section 9.10.2480).

San José Zero Waste Strategic Plan/Green Vision

The City's Green Vision provides a comprehensive approach to achieving sustainability through technology and innovation. The Zero Waste Strategic Plan outlines policies to help the City of San José facilitate a healthier community and achieve its Green Vision goals, including 75 percent waste diversion by 2013, which has been achieved, and zero waste by 2022.

Council Policy 8-13 Green Building Policy

Council Policy 8-13 "Green Building Policy" for private sector new construction encourages building owners, architects, developers, and contractors to incorporate sustainable building goals early in the building design process. This policy establishes baseline green building standards for new private construction projects and provides a framework for the implementation of these standards. The Policy is also intended to enhance the public health, safety, and welfare of the City's residents, workers, and visitors by encouraging design, construction, and maintenance practices that minimize the use and waste of energy, water, and other resources in the City.

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating utilities and service system impacts from development projects. Policies applicable to the proposed project are presented below.

Envision San José 2040 Relevant Utilities and Service System Policies	
Policy MS-1.4	Foster awareness in San José's business and residential communities of the economic and environmental benefits of green building practices. Encourage design and construction of environmentally responsible commercial and residential buildings that are also operated and maintained to reduce waste, conserve water, and meet other environmental objectives.
Policy MS-3.1	Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation needs or other area functions.
Policy MS-3.2	Promote use of green building technology or techniques that can help to reduce the depletion of the City's potable water supply as building codes permit.
Policy MS-3.3	Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.
Policy MS-19.3	Expand the use of recycled water to benefit the community and the environment.
Policy MS-19.4	Require the use of recycled water wherever feasible and cost-effective to serve existing and new development.
Action EC-5.16	Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.
Policy IN-3.3	Meet the water supply, sanitary sewer and storm drainage level of service objectives through an orderly process of ensuring that, before development occurs, there is adequate capacity. Coordinate with water and sewer providers to prioritize service needs for approved affordable housing projects.
Policy IN-3.5	Require development which will have the potential to reduce downstream LOS to lower than "D", or development which would be served by downstream lines already operating at a LOS lower than "D", to provide mitigation measures to improve the LOS to "D" or better, either acting independently or jointly with other developments in the same area or in coordination with the City's Sanitary Sewer Capital Improvement Program.
Policy IN-3.7	Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.
Policy IN-3.9	Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.

Envision San José 2040 Relevant Utilities and Service System Policies	
Policy IN-3.10	Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City's National Pollutant Discharge Elimination System (NPDES) permit.

Existing Setting

Utilities and services are furnished to the project site by the following providers:

- Wastewater Treatment: treatment and disposal provided by the San José/Santa Clara Water Regional Wastewater Facility (RWF); sanitary sewer lines maintained by the City of San José
- Water Service: San Jose Water Company
- Storm Drainage: City of San José
- Solid Waste: Garden City Sanitation (garbage), California Waste Solutions (recycling), and Greenwaste Recovery (yard trimmings)
- Natural Gas & Electricity: PG&E

Existing Water Supply System

Water service to the project site is provided by San José Water Company (SJWC). The project applicant would be required to acquire a "will serve" letter from SJWC to assure adequate water is available to serve the proposed residential uses.

Groundwater

SJWC draws water from the Santa Clara Valley Subbasin in the north part of Santa Clara County. The basin is 22 miles long and 15 miles wide with an operational storage capacity estimated to be 350,000 acre-feet. Groundwater is a substantial source of water for SJWC. In 2014, groundwater accounted for about 57 percent of SJW's total potable supply.

Surface Water

SJWC has "pre-1914 surface water rights" to raw water in Los Gatos Creek and local watersheds in the Santa Cruz Mountains. Prior to 1872, appropriative water rights could be acquired by simply taking and beneficially using water. In 1914, the Water Code was adopted, grandfathering in all existing water entitlements to license holders. SJWC filed for a license in 1947, and in 1976 was granted a license allowing it to draw 6,240 acre-feet per year (AFY) from Los Gatos Creek. SJWC has since upgraded the collection and treatment system that draws water from this watershed, which has increased the capacity of this entitlement to approximately 11,200 AFY for an average rain year.

Recycled Water

South Bay Water Recycling (SBWR) has been serving Silicon Valley communities since 1993. In 1997, SJWC entered into a Wholesaler-Retailer Agreement with the City of San José to provide recycled water to SJWC's existing and new customers near SBWR recycling water distribution facilities. In accordance with the terms of this agreement, SJWC allowed SBWR to construct recycled water pipelines in its service area; SJWC would only own the recycled water meters while SBWR would own, operate, and maintain the recycled water distribution system. In 2010, the Wholesaler-

Retailer Agreement was amended to allow SJWC to construct recycled water infrastructure that would be owned, operated, and maintained by SJWC. In 2012, the agreement was again amended to allow SJWC to construct additional recycled water infrastructure.

Wastewater/Sanitary Sewer System

The City's sanitary sewer/wastewater treatment system has two distinct components: 1) a network of sewer mains/pipes that conveys effluent from its source to the treatment plant; and 2) the water pollution control plant that treats the effluent, including a system of mains/pipes that transports a portion of the treated wastewater for non-potable uses (e.g., irrigation of landscaping, agricultural irrigation, dust suppression during construction, etc.).

Sanitary sewer lines in the project area are owned and maintained by the City of San José. Wastewater generated on the project site would be discharged via a new 6-inch sewer lateral to the existing 6-inch vitrified clay pipe (VCP) sanitary sewer line located in East Julian Street.

Wastewater treatment service for the project area is provided by the City of San José through the San José-Santa Clara Regional Wastewater Facility (RWF). The RWF is located in Alviso and serves over 1,500,000 people in San José, Santa Clara, Milpitas, Campbell, Cupertino, Los Gatos, Saratoga, and Monte Sereno. The RWF treats approximately 110 million gallons per day (mgd) of sewage during dry weather flow, and has a capacity of 167 mgd.[46] The City of San José generates approximately 69.8 mgd of dry weather average flow.[47] Fresh water flow from the RWF is discharged to the South San Francisco Bay or delivered to the South Bay Water Recycling Project for distribution.

Existing Solid Waste Disposal System

Santa Clara County's Integrated Waste Management Plan (IWMP) was approved by the California Integrated Waste Management Board (CIWMB) in 1996 and was reviewed in 2004, 2007, 2011, and 2016. Each jurisdiction in the county has a diversion requirement of 50 percent for 2000 and each year thereafter. Each jurisdiction in the County has a landfill diversion requirement of 50 percent per year. According to the IWMP, the County has adequate disposal capacity beyond 2030.[48] In 2019, there were approximately 600,000 tons of material generated in San José that was disposed in various landfills throughout the State. Newby Island, however, only received approximately 290,000 of that tonnage.

Existing Storm Drainage System

Runoff from the project area is directed to the existing storm inlet at the corner of Lincoln Avenue and Dean Avenue. There are no existing storm drain mains along the project frontage.

Electricity and Natural Gas

SJCE is the electricity provider for residents and businesses in the City of San José. SJCE sources electricity, and PG&E delivers it to customers using existing PG&E utility lines. SJCE buys its power from a number of suppliers. Sources of renewable and carbon-free power include California wind,

[46] City of San José. "San José/Santa Clara Regional Wastewater Facility." https://www.sanjoseca.gov/your-government/environment/water-utilities/regional-wastewater-facility.
[47] City of San José. *Envision San José 2040 General Plan FEIR.* September 2011. Page 648.
[48] Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report.* June 2016.

solar, and geothermal; Colorado wind; and hydroelectric power from the Pacific Northwest. SJCE customers are automatically enrolled in the GreenSource program, which provides 80 percent GHG emission-free electricity. Customers can enroll in the TotalGreen program through SJCE and receive 100 percent GHG-free electricity from entirely renewable resources. It is assumed that, once operational, the project would utilize SJCE.

PG&E also furnishes natural gas for residential, commercial, industrial, and municipal uses. In 2018, natural gas facilities provided 15 percent of PG&E's electricity delivered to retail customers; nuclear plants provided 34 percent; hydroelectric operations provided 13 percent; renewable energy facilities including solar, geothermal, and biomass provided 39 percent, and two percent was unspecified.[49] Natural gas infrastructure is prohibited for new residential development within the City of San José.

Total energy usage in California was approximately 7,881 trillion Btu in the year 2017, the most recent year for which this data was available. In 2017, California was ranked second in total energy consumption in the nation, and 48th in energy consumption per capita. The breakdown by sector was approximately 18 percent (1,416 trillion Btu) for residential uses, 19 percent (1,473 trillion Btu) for commercial uses, 23 percent (1,818 trillion Btu) for industrial uses, and 40 percent (3,175 trillion Btu) for transportation. This energy is mainly supplied by natural gas, petroleum, nuclear electric power, and hydroelectric power.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
19. UTILITIES AND SERVICE SYSTEMS. Would the project:					
a) Require or result in the relocation or construction of new or expanded water, or wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			X		1, 2, 3
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X		1, 2, 3
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X		1, 2, 3
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			X		1, 2, 3
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X		1, 2, 3

[49] PG&E, Delivering low-emission energy. Available at: https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page

Explanation

a) **Less Than Significant Impact**. The project would incrementally increase demands on utility services. Given the small scale of the project (140 residential units), the increase in utility demand is expected to be minor, since it represents a small fraction of the total growth identified in the City's General Plan. The project includes a density bonus and does not propose any changes to the land use designations on the site.

Water service to the site would be supplied by the San Jose Water Company (SJWC), a private entity that obtains water from a variety of groundwater and surface water sources. The project applicant would be required to acquire a "will serve" letter from SJWC to assure adequate water is available to serve the proposed residential uses.

The City of San José owns and maintains the sanitary sewer drain system in the project area. Existing 6-inch sewer mains extend along East Julian Street in the vicinity of the project. The proposed project would connect to the existing sewer.

As described in *Section J. Hydrology and Water Quality*, the project would not significantly impact storm drainage facilities. While the project would result in an increase in the amount of impervious surfaces on the site; the resulting increase in runoff from the site would be managed and treated in accordance with City policies, which includes implementation of a stormwater control plan. The project would construct a minimum 15" RCP storm drain main extension along East Julian Street from the project frontage to the storm manhole at the intersection of North 26th Street. The construction of the main extension would not cause significant environmental effects.

As described in *Section F. Energy,* the project would have a less than significant impact related to electricity use (among other energy sources). The provision/relocation of telecommunication facilities would be coordinated between the project applicant and telecommunication provider and no significant environmental effects are anticipated as a result of this infill project.

For the reasons presented above, the project is not expected to require or result in the relocation or construction of new or expanded water, wastewater treatment, storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. This represents a less than significant impact.

b) **Less Than Significant Impact**. As described above, the project site would be served by SJWC. SJWC would confirm that adequate local and imported water supplies are available to serve proposed residential development (during normal, dry and multiple dry years).[50] This would be verified by issuance of a can and will serve letter that would be required for approval of the proposed project. This represents a less than significant impact.

c) **Less Than Significant Impact**. Wastewater from the City of San José is treated at the RWF. The RWF has the capacity to provide tertiary treatment of up to 167 million gallons of wastewater per day (mgd) but is limited to a 120 mgd dry weather effluent flow by the State and Regional Water Quality Control Boards. Based on the General Plan EIR, the City's average

[50] San José, City of, Water Supply, Available at: https://www.sanjoseca.gov/your-government/environment/water-utilities/drinking-water/water-supply

dry weather flow is approximately 69.8 million gallons per day and the City's capacity allocation is approximately 108.6 mgd, leaving the City with approximately 38.8 mgd of excess treatment capacity. Given the small scale of the proposed project, it is not expected to exceed the City's allocated capacity at the RWF; therefore, development of the project would have a less than significant impact on wastewater treatment capacity.

d) **Less Than Significant Impact**. The project would result in an incremental increase in solid waste generation. According to Santa Clara County's IWMP, Santa Clara County has adequate disposal capacity beyond 2022. In October 2007, the San José City Council adopted a Zero Waste Resolution that set a goal of 75 percent waste diversion by 2013 and zero waste (at least 90 percent waste diversion) by 2022. The City generates approximately 700,000 tons per year of solid waste that is disposed of in landfills, including 578,000 tons per year at landfills in San José. The total permitted landfill capacity of the five operating landfills in the City is approximately 5.3 million tons per year.

The project would generate approximately 20.4 tons per year of solid waste.[51] The City's General Plan EIR concluded that growth identified in the General Plan would not exceed the capacity of existing landfills serving the City of San José. The project does not propose changes to the General Plan designation on the site and was included in the growth evaluated in the General Plan EIR. The Waste Strategic Plan in combination with existing regulations and programs, would ensure that the project would not result in significant impacts on solid waste generation, disposal capacity, or otherwise impair the attainment of solid waste reduction goals. Furthermore, with the implementation of City policies to reduce waste the project would comply with all federal, state, and local statutes and regulations related to solid waste.

e) **Less Than Significant Impact**. Final project design would be required to comply with all federal, State, and local statutes and regulations related to solid waste disposal. This represents a less than significant impact.

Conclusion: The project would have a less than significant impact on utilities and service systems.

[51] Based on a rate of 4 pounds/dwelling/day for "multi-family residential" for 140 residential units from CalRecycle's Estimated Solid Waste Generation Rates, accessed online at www2.calrecycle.ca.gov/WasteCharacterization/General/Rates

T. WILDFIRE

Regulatory Framework

State

Public Resources Code Section 4201 – 4204

Sections 4201 through 4204 of the California Public Resources Code direct Cal Fire to map Fire Hazard Severity Zones (FHSZ) within State Responsibility Areas (SRA), based on relevant factors such as fuels, terrain, and weather. Mitigation strategies and building code requirements to reduce wildland fire risks to buildings within SRAs are based on these zone designations.

Government Code Section 51175 – 51189

Sections 51175 through 51189 of the California Government Code directs Cal Fire to recommend FHSZs within Local Responsibility Areas (LRA). Local agencies are required to designate VHFHSZs in their jurisdiction within 120 days of receiving recommendations from Cal Fire, and may include additional areas not identified by Cal Fire as VHFHSZs.

California Fire Code

The 2016 California Fire Code Chapter 49 establishes the requirements for development within wildland-urban interface areas, including regulations for wildfire protection building construction, hazardous vegetation and fuel management, and defensible space maintained around buildings and structures.

Local

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating wildfire impacts from development projects. Relevant policies applicable to the project are presented below.

Envision San José 2040 Relevant Wildfire Policies	
Policy EC-8.1	Minimize development in very high fire hazard zone areas. Plan and construct permitted development so as to reduce exposure to fire hazards and to facilitate fire suppression efforts in the event of a wildfire.
Policy EC-8.2	Avoid actions which increase fire risk, such as increasing public access roads in very high fire hazard areas, because of the great environmental damage and economic loss associated with a large wildfire.
Policy EC-8.3	For development proposed on parcels located within a very high fire hazard severity zone or wildland-urban interface area, implement requirements for building materials and assemblies to provide a reasonable level of exterior wildfire exposure protection in accordance with City-adopted requirements in the California Building Code.
Policy EC-8.4	Require use of defensible space vegetation management best practices to protect structures at and near the urban/wildland interface.

Existing Setting

The project site, located in an urbanized part of the City, is surrounded by residential development and is not located within a Very-High Fire Hazard Severity Zone (VHFHSZ) for wildland fires, as designated by the California Department of Forestry and Fire Protection (Cal Fire, Fire Hazard Severity Maps, 2007, 2008). The project is also not located within the wildland-urban interface area as identified by the City.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
20.	WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:					
a)	Substantially impair an adopted emergency response plan or emergency evacuation plan?			X		1, 2, 3, 17
b)	Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?			X		1, 2, 3, 17
c)	Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?			X		1, 2, 3, 17
d)	Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?			X		1, 2, 3, 17

Explanation

a) **Less Than Significant Impact**. The project would not substantially impair an adopted emergency response plan or emergency evacuation plan. As stated above in *Section J. Hazards and Hazardous Materials*, the project would not create any barriers to emergency or other vehicle movement in the area and final design would incorporate all Fire Code requirements. The proposed project would have a less than significant impact with respect to impairment of an adopted emergency response plan or emergency evacuation plan.

b) **Less Than Significant Impact**. The project would not exacerbate wildfire risks due to slope, prevailing winds, and other factors due to the project's urbanized location away from natural areas susceptible to wildfire. The project site is not located within an area of moderate, high, or very high Fire Hazard Severity for the Local Responsibility Area nor does it contain any areas of moderate, high, or very high Fire Hazard Severity for the State Responsibility Area. As a result, the project would have a less than significant impact with respect to increasing the risk of wildfire or exacerbating the spread of wildfire.

c) **Less Than Significant Impact**. Due to the project's urbanized location and lack of interface with any natural areas susceptible to wildfire, the project would not require the installation or maintenance of associated fire suppression or related infrastructure. The proposed project

would have a less than significant impact with respect to exacerbating fire risk due to the installation or maintenance of infrastructure.

d) **Less Than Significant Impact**. See above discussion. The project would not expose people or structures to significant wildfire risks given its highly urban location away from natural areas susceptible to wildfire. As a result, the proposed project would have a less than significant impact with respect to exposing people to risk from downslope/downstream flooding or landslides.

Conclusion: The project would result in a less than significant impact related to wildfire.

U. MANDATORY FINDINGS OF SIGNIFICANCE

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
21. MANDATORY FINDINGS OF SIGNIFICANCE.					
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X			1-17
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?		X			1-17
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X		1-17

Explanation

a) **Less Than Significant with Mitigation Incorporated**. Based on the analysis provided in this Initial Study, the proposed project would not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. Mitigation measures and standard permit conditions are identified for potential impacts of the project on special status species (nesting birds) and potential disturbance to cultural resources (buried archaeological resources) to reduce these effects to less than significant.

b) **Less Than Significant with Mitigation Incorporated**. Based on the analysis provided in this Initial Study, the proposed project will not significantly contribute to cumulative impacts. The project would result in potential impacts in the following areas: 1) impacts to air quality from TAC emissions during construction, 2) impacts on biological resources during construction from disturbance to nesting birds, 3) potential impacts to buried archaeological resources during excavation, 4) hazardous materials from soil contamination, and 5) noise and vibration impacts during construction. These impacts would be minimized by implementation of identified mitigation measures (MM AQ-1, MM BIO-1, MMs CR-1.1 through 1.4, MM HAZ-1, and MMs NSE-1 and NSE-2) and standard permit conditions and would not significantly contribute to cumulative impacts in these areas.

c) **Less Than Significant Impact**. Based on the analysis provided in this Initial Study, the proposed project would not result in environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly, with implementation of identified mitigation measures and standard permit conditions.

Conclusion: The project would have a less than significant impact on the CEQA mandatory findings of significance with the incorporation of mitigation measures, standard permit conditions, and General Plan policies identified in this document.

Chapter 4. References

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3. 2040 Envision San José General Plan & EIR
4. 2014 Santa Clara County Important Farmlands Map
5. BAAQMD 2017 CAP
6. BAAQMD CEQA Guidelines, 2017
7. Air Quality Assessment, 2023
8. Tree Inventory, 2022
9. Santa Clara Valley Habitat Plan
10. Santa Clara Valley Habitat Agency Geobrowser
11. Historic Assessment (DPR Forms), 2021
12. Archaeological Review, 2021
13. Phase I Assessment, 2022
14. FEMA FIRM Maps

15. Noise & Vibration Assessment, 2023
16. Transportation Analysis, 2023
17. Cal Fire, Fire Hazard Severity Zone Viewer, 2023

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