Initial Study

1921 and 1927 West San Carlos Street Project

File Nos. Burbank 45, C21-034, GP23-001/ H23-005/T23-003/ER23-026

July 2024

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

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Appendices

1.0 INTRODUCTION & PURPOSE

1.1 Project History

This Initial Study has been prepared by the City of San José (City) as the Lead Agency, in conformance with 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. The purpose of this Initial Study is to provide objective information regarding the environmental consequences of the 1921 and 1927 West San Carlos Street Project (Project) to the decision makers who will be reviewing and considering the Project. The Project site is located at 1921 - 1927 West San Carlos Street and 30 – 58 Cleveland Avenue in unincorporated Santa Clara County. The Project site is on the southwest corner of West San Carlos Street and Cleveland Avenue. See **Figure 1-1, Project Vicinity Map**.

While the Project site is in unincorporated Santa Clara County, the Project site is within the sphere of influence for the Envision San José 2040 General Plan (General Plan). The General Plan designates Urban Village Planning Areas, which are specified areas focusing on both residential and jobs-based developments. The Project site is located in the West San Carlos Urban Village, as designated by the General Plan. The West San Carlos Urban Village Plan was adopted on May 8, 2018 as an effort to guide investment and development for the West San Carlos Urban Village in a way that complements and enhances the existing commercial corridor while also preserving the character of surrounding neighborhoods.

Source: Nearmap, 2024

Figure 1-1, Project Vicinity Map

1921 and 1927 West San Carlos Street Project
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80 feet

Kimley»Horn

2.0 PROJECT INFORMATION

2.1 Project Title and File Number

1921 and 1927 West San Carlos Street Project
File Nos. Burbank 45, C21-034, GP23-001/H23-005/T23-003/ER23-026

2.2 Project Location

The 0.56-gross acre Project site is located at 1921 - 1927 West San Carlos Street and 30 - 58 Cleveland Avenue in unincorporated Santa Clara County. The Project site is on the northeast corner of West San Carlos Street and Cleveland Avenue. See **Figure 1-1, Project Vicinity Map** and **Figure 2-1, Regional Map**.

2.3 Lead Agency Contact

City of San José
200 East Santa Clara Street, 3rd Floor
San José, California 95113

Environmental Project Manager: Reema Mahamood
Phone: (408) 535-6872
Email: Reema.Mahamood@sanjoseca.gov

2.4 Property Owner/Project Applicant

Contact: Henry Guan
PATH Ventures
21710 Stevens Creek Boulevard, Suite 200
Cupertino, CA 95014

2.5 Assessor's Parcel Number

APNs 274-17-018, 274-17-019, 274-17-020, 274-17-021, and 274-17-022

2.6 General Plan Land Use Designation and Zoning District

Existing

Envision San José 2040 General Plan Land Use:	Mixed Use Commercial (MUC)
County of Santa Clara Zoning:	Commercial General (CG) and One-Family Residence (R1)

Proposed

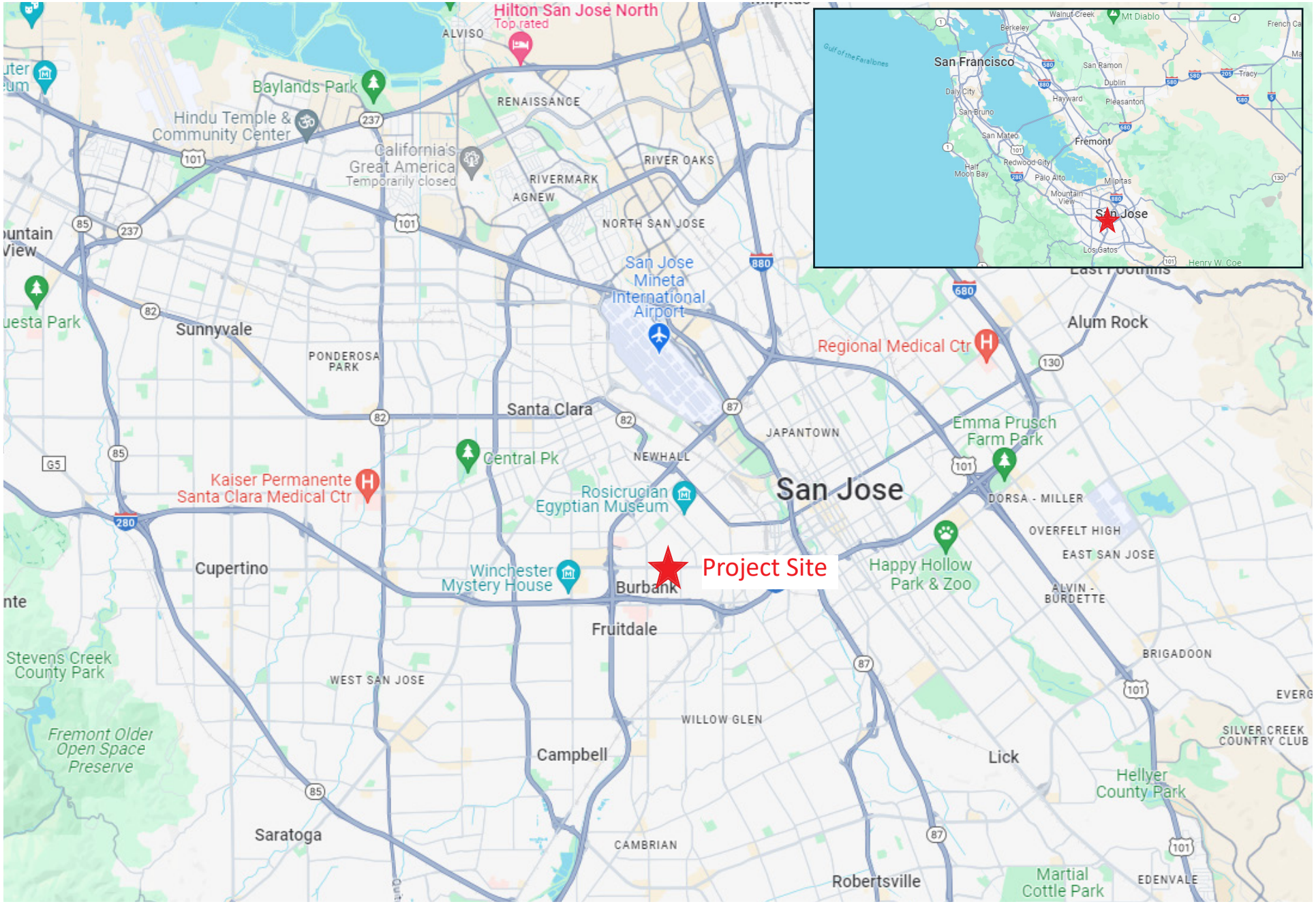
Envision San José 2040 General Plan Land Use:	Urban Village (UV)
City of San José Zoning:	Urban Village (UV)

2.7 Habitat Plan Designation

Land Cover Designation:	*Urban-Suburban*
Development Zone:	*Urban Development greater than two acres covered*
Fee Zone:	*Urban Area*
Owl Conservation Zone:	*N/A*

2.8 Project-Related Approvals, Agreements and Permits

Site Development Permit
Density Bonus Incentives and Waivers
Annexation and Pre-zoning
General Plan Amendment
Vesting Tentative Map



Source: Google Earth, 2024

Figure 2-1, Regional Map

1921 and 1927 West San Carlos Street Project
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3.0 DESCRIPTION OF PROJECT

3.1 Existing Conditions

Existing Project Site

The approximately 0.56-gross-acre Project site is comprised of five parcels (APNs: 274-17-018, 274-17-019, 274-17-020, 274-17-021, and 274-17-022) located at 1921 - 1927 West San Carlos Street and 30 - 58 Cleveland Avenue in unincorporated Santa Clara County. The Project site is located on the northeast corner of West San Carlos Street and Cleveland Avenue, surrounded by the City to the south and east, and unincorporated Santa Clara County to the north and west. Currently, the existing Project site is developed as commercial use, historically occupied by an automobile tire sales and repair store, mobile wall repair store, piano store, and storage buildings. There is no existing landscaping to the immediate south of the Project site along West San Carlos Street and sparse landscaping along Cleveland Avenue to the west. The Project site also has existing light fixtures along West San Carlos Street.

The existing commercial uses have available street parking along West San Carlos Street and Cleveland Avenue. Vehicles exiting the Project site onto West San Carlos Street from Cleveland Avenue can only make a right turn onto West San Carlos Street. There are existing utility connections (water, sewer, electricity, gas) to the Project site.

Project Site Vicinity

The Project site is located in an urban area with a mix of surrounding uses including commercial, office, and residential. The Project site is bound by a retail building to the east, West San Carlos Street to the south, Cleveland Avenue to the west, and single-family residential housing immediately to the north.

Interstate 280 (I-280) is located approximately 0.45 mile south of the Project site and Interstate 880 (I-880) is located approximately 0.47 mile west of the Project site. The Project site is within 0.5 mile of Valley Transportation Authority (VTA) bus stops for Routes 23, 61, and 523. Route 23 has 55 bus stops, with the nearest Route 23 bus stop located approximately 400 feet southwest of the Project site on the corner of West San Carlos Street and Laswell Avenue. Route 61 has 55 bus stops, with the nearest Route 61 bus stop located approximately 860 feet northwest of the Project site on North Bascom Avenue. Route 523 has 26 bus stops, with the nearest Route 523 bus stop located approximately 400 feet southwest of the Project site on the corner of West San Carlos Street and Laswell Avenue. These routes provide access to destinations such as De Anza College, the Westfield Mall, Good Samaritan Hospital, the Berryessa Bay Area Rapid Transit Station, Stevens Creek Central Shopping Center, and Civic Center Station. The Metropolitan Transportation Commission (MTC) defines West San Carlos Street as a high-quality transit corridor. This is a corridor with fixed route bus services with service intervals no longer than 15 minutes during peak commute hours. The San Carlos Street and Bascom Avenue bus stop, located approximately 400 feet southwest from the Project site, is within the high-quality transit corridor and qualifies as a major

transit stop as it serves two major bus routes, routes 61 and 23, with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.[1]

3.2 Proposed Project

The Project includes the following actions which are evaluated throughout the environmental analysis in Section 4.0, Environmental Analysis, of this document.

Annexation

The Project would require annexation of the Project site and the immediately adjacent section of Cleveland Avenue to the City of San José to extend applicability of City regulations and services to the Project site. The annexation boundaries are depicted on **Figure 3-1, Tentative Map.**

General Plan Amendment and Pre-Zoning

While the Project site is located within unincorporated Santa Clara County, it is located within the City's sphere of influence. As such, the General Plan designates the Project site as part of the West San Carlos Urban Village Plan area. The existing General Plan Land Use designation for the Project site is Mixed Use Commercial (MUC). The Project would require a General Plan Amendment (GPA) to change the land use designation from MUC to UV. A summary of the requirements of the UV land use designation and UV zoning district compared to the Project can be seen in **Table 3-1: Land Use Designation and Zoning District Requirement Comparison**.

The current Santa Clara County zoning for the Project site is General Commercial (CG), on parcels 274-17-018 and 274-17-019, and One-Family Residential (R1) on parcels 274-17-020, 247-17-021, and 274-17-022. The Santa Clara County Zoning Ordinance describes the purpose of CG zoning to provide a wide variety of retail, service, and administrative establishments at readily accessible locations. The existing R1 zoning district allows for single-family dwelling units. The Project includes pre-zoning the Project site as UV, in anticipation of annexation into the City.

[1] California Public Resources Code Section 21064.3. https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PRC&division=13.&title=&part=&chapter=2.5.&article=. Accessed December 2023.

Table 3-1: Land Use Designation and Zoning District Requirement Comparison

Development Requirements	Existing				Proposed			
	Land Use Designation		Zoning District		Land Use Designation		Zoning District	Project
	General Plan	West San Carlos Urban Village Plan	Santa Clara County (APNs: 274-17-018 and -19)	Santa Clara County (APNs: 274-17-020, -021, and -022)	General Plan	West San Carlos Urban Village Plan	City of San José	
	Mixed Use Commercial (MUC)	Mixed Use Commercial (MUC)	Commercial General (CG)	One-Family Residence (R1)	Urban Village (UV)	Urban Village (UV)	Urban Village (UV)	
Density (DU/acre)	Maximum of 50	Maximum of 50	-	-	Maximum of 250	-	Minimum of 55	168
FAR (sf)	0.5 to 4.5 (1-6 Stories)	0.5 to 4.0 (4-6 Stories)	-	0.5	Maximum of 250	-	Maximum of 10	4.46
Building Height (ft)	-	85	65	35	-	85	85	83’ 10”
Front Setback (ft)	-	Maximum of 10	-	25	-	Maximum of 10	Maximum of 10	4’ – 13.5’
Side Setback (ft)	-	Maximum of 10	-	10	-	Maximum of 10	Maximum of 10	6” – 23’ 8”
Rear Setback (ft)	-	Minimum of 15	-	25	-	Minimum of 30	Minimum of 10	5’ – 9’ 11”
Daylight Plane (degrees)	-	45	-	-	-	45	-	< 45
Minimum Lot Area (sf)	-	-	-	5,000	-	-	6,000	24,498
Evergreen Tree Landscape Buffer (ft)	-	5	-	-	-	5	-	-
Inclusion of Stepbacks along West San Carlos Street	-	Yes	-	-	-	Yes	-	No[1]
Inclusion of Proper Height Transitions	-	Yes	-	-	-	Yes	-	No[1]
1 The proposed Project would utilize the State density bonuses, incentives, and waivers to be consistent with the UV zoning district and UV land use designation requirements for the specified affordable housing units as part of the design for the proposed Project.								

The State of California's (State) Density Bonus Law (California Government Code Sections 65915 – 65918) requires that cities and counties grant a density bonus and other incentives or concessions to qualifying projects to facilitate the development of affordable housing.[2] The Project would utilize the State's density bonuses, incentives, and waivers to be consistent with the UV zoning district and UV land use designation requirements for the specified affordable housing units as part of the design for the Project.[3]

Tentative Map

The Project includes a Tentative Map to combine the five contiguous parcels on the project site to one parcel. Approval of the tentative map is required for the development proposed by the Project to occur. See **Figure 3-1, Tentative Map** for the proposed tentative map.

Site Development

The Project would require a site development permit as the construction, placement, or installation of a building or structure on any site in the City of San José requires a development permit.

The applicant proposes to demolish approximately 1,500 square feet (sf) of existing buildings to construct a seven-story, 108,935 gross sf, 94 unit, mixed-income housing development with accompanying retail space. The Project would include 100% affordable housing, with support services, designed for families and individuals with incomes between 30%-60% of the area median income. See **Figure 1-1, Project Vicinity Map**, for the Project location.

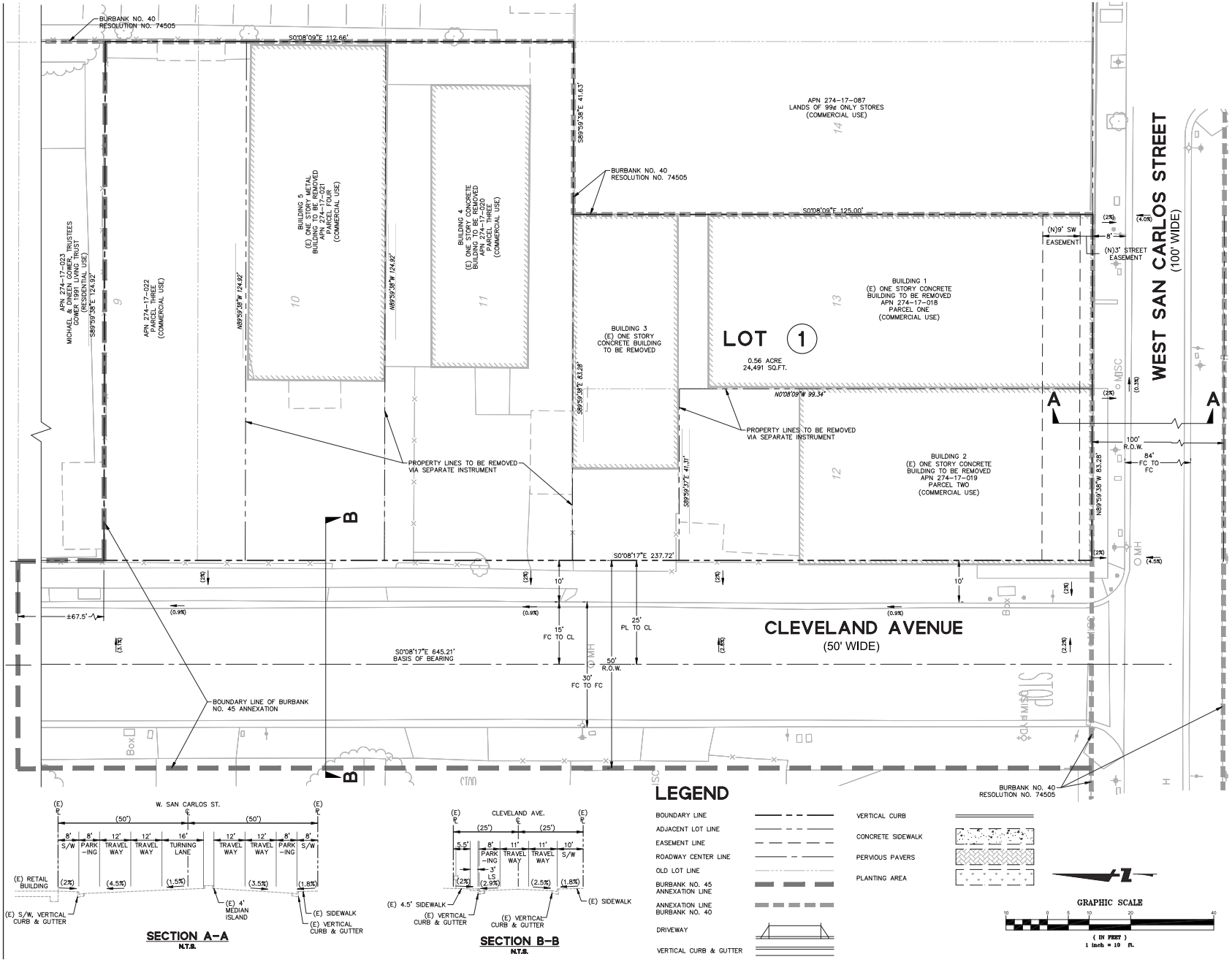
A site plan for the Project is shown on **Figure 3-2, Project Site Plan**. The maximum height of the building would be 83 feet and 10 inches. See **Figure 3-3, Proposed Building South & West Elevations,** and **Figure 3-4, Proposed Building North & East Elevations**, for the proposed building elevations. The Project would include development of approximately 65,138 sf of residential floor area and 1,946 sf of floor area for retail, 3,718 sf of private balconies, and 10,483 sf of common open space for the residents. The Project would consist of 94 units (24 studio units, 22 one-bedroom units, 24 two-bedroom units, and 24 three-bedroom units). The first floor of the Project would include 11 retail parking spaces, 27 residential parking spaces, 8 retail bike parking spaces, and 50 residential bike parking spaces. Vehicular access to the Project would be provided by two 26-foot-wide driveways on Cleveland Avenue. Vehicular access to the residential parking lot and bicycle parking would be from the northern-most driveway along Cleveland Avenue. Vehicular access to the retail parking lot would be from the southern-most driveway along Cleveland Avenue. Loading and unloading areas for the retail use on the Project site would be located within the retail portion of the parking lot. Renderings of the proposed structure are shown in **Figure 3-5, Proposed Building Rendering**.

The Project would add landscaping throughout the Project site, along West San Carlos Street and Cleveland Avenue, see **Figure 3-6, Landscape Plan**. The Project would also include light fixtures along the perimeter of the proposed building providing a variety of human-scale lighting **Figure 3-7, Lighting Glowing Plan** for the location and type of lighting selected for the proposed building. The Project would

[2] California State Legislature. California Government Code Section 65915 et seq. https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=65915&lawCode=GOV. Accessed July 2024.
[3] City of San José Municipal Code Chapter 20.190 Affordable Housing Density Bonuses and Incentives. https://library.municode.com/ca/san_jose/codes/code_of_ordinances?nodeId=TIT20ZO_CH20.190AFHODEBOIN. Accessed January 2024.

underground existing overhead electrical lines, an electrical cabinet, and communication cabinets along Cleveland Avenue.

Construction of the Project is expected to commence in 2027 and last for approximately 18 months. Construction methods would include demolition of the existing commercial uses, site preparation, grading, paving, building construction, and architectural coating. For the duration of the construction period. The Project would not utilize natural gas and would enroll in a carbon-free electricity program such as the Pacific Gas & Electric Company (PG&E) Solar Choice Program, the San José Clean Energy (SJCE) TotalGreen program, or other comparable program.



Source: Steinberg Hart, 2023

Figure 3-1, Tentative Map

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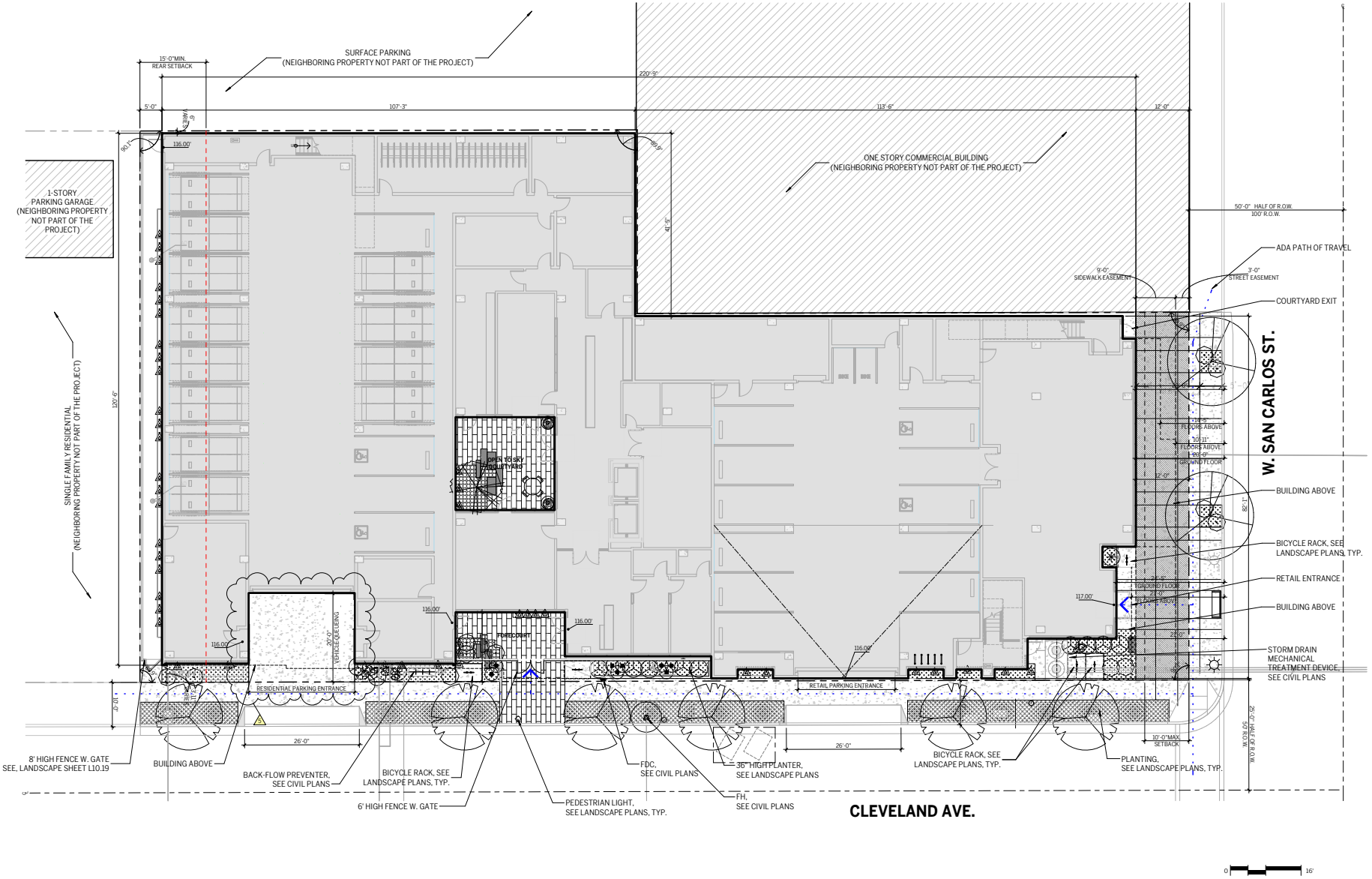

Source: Steinberg Hart, 2024

Figure 3-2, Project Site Plan

1921 and 1927 West San Carlos Street Project
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Source: Steinberg Hart, 2024

Figure 3-3, Proposed Building South & West Height Elevations
1921 and 1927 West San Carlos Street Project
Draft Initial Study

Source: Steinberg Hart, 2024

Figure 3-4, Proposed Building North & East Elevations
1921 and 1927 West San Carlos Street Project
Draft Initial Study

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Source: Steinberg Hart, 2024

Figure 3-5, Proposed Building Rendering
1921 and 1927 West San Carlos Street Project
Draft Initial Study

Not to scale

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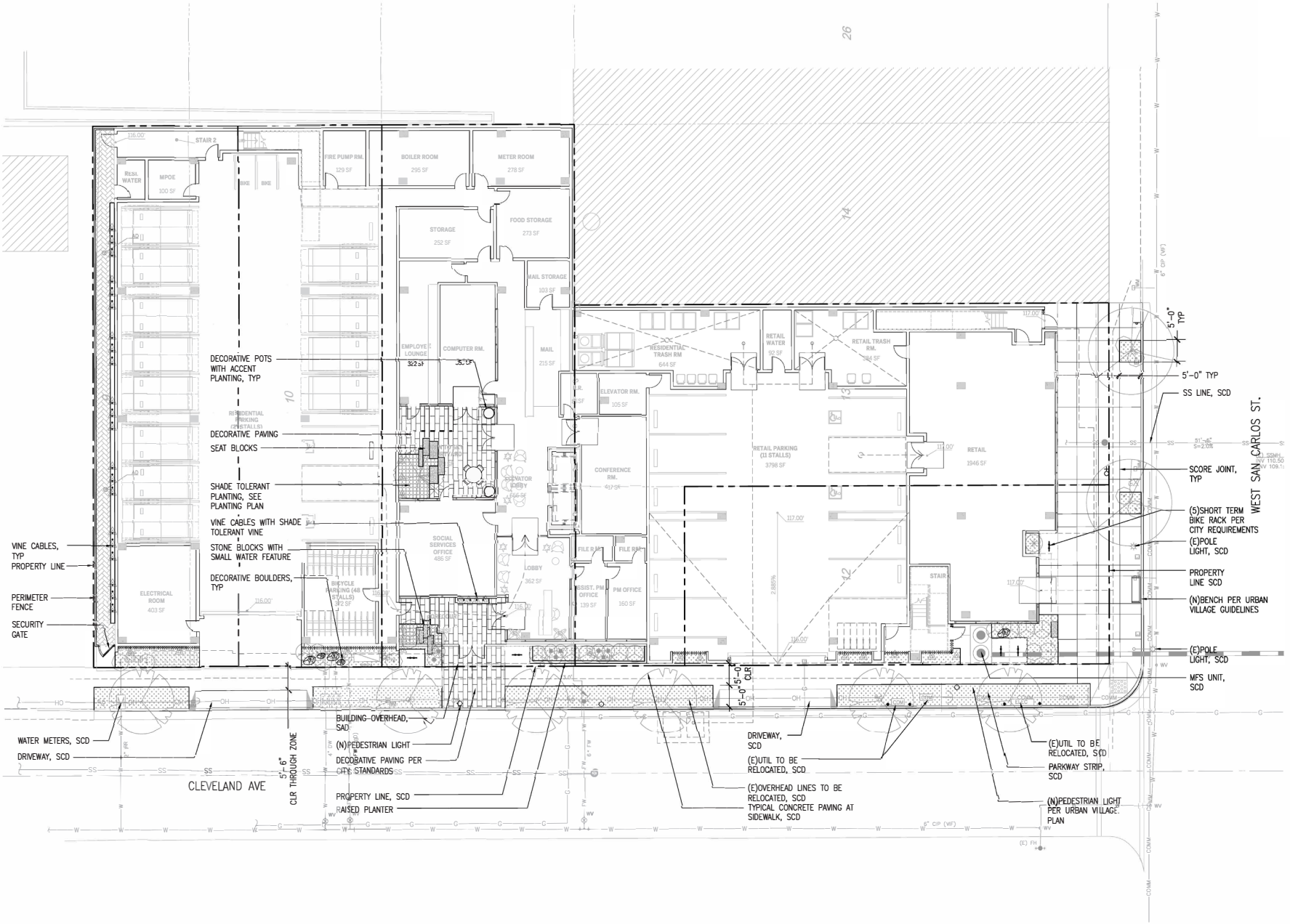

Source: Steinberg Hart, 2023

Figure 3-6, Landscape Plan

1921 and 1927 West San Carlos Street Project

Draft Initial Study

Not to scale

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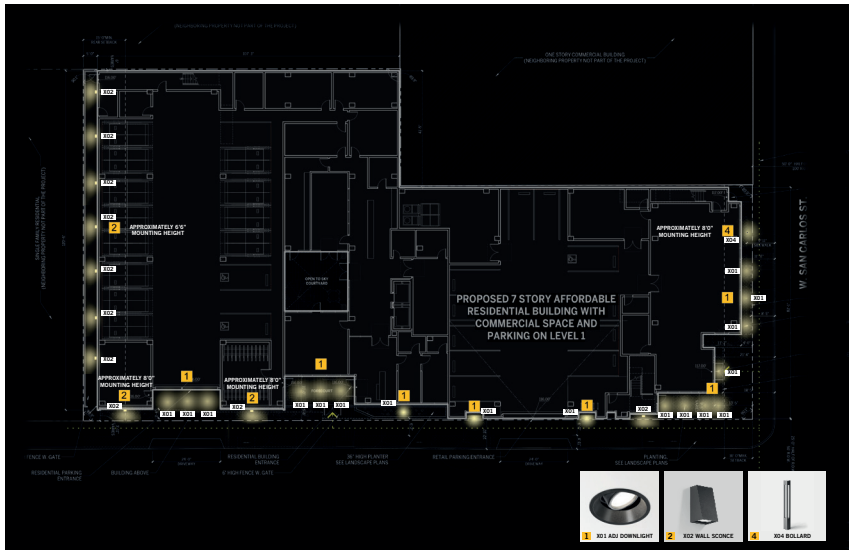
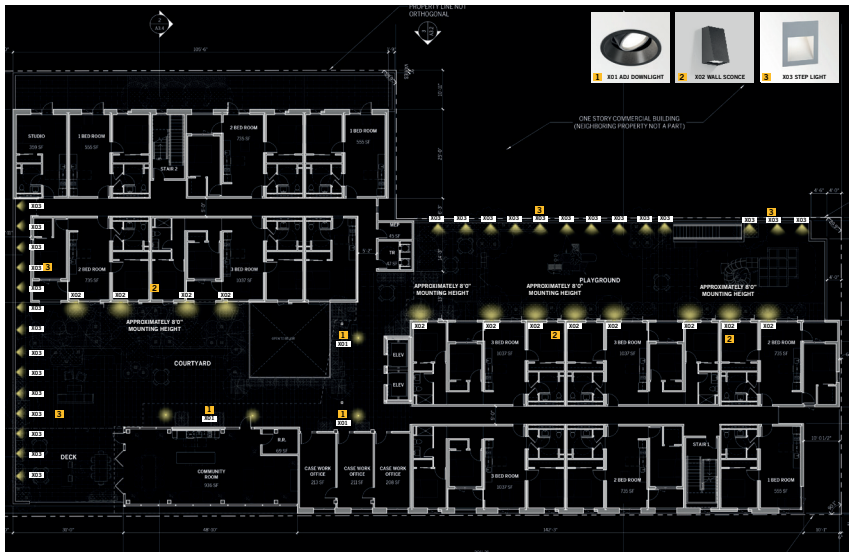
Ground Floor Exterior Lighting



Second Floor Exterior Lighting



Source: Steinberg Hart, 2023

Figure 3-7, Lighting Glowing Plan

1921 and 1927 West San Carlos Street Project
Draft Initial Study

Not to scale

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4.0 ENVIRONMENTAL ANALYSIS

4.1 Aesthetics

ENVIRONMENTAL IMPACTS	Potentially Significant Impacts	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
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	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

Existing Setting

The 0.56-acre Project site is currently developed as existing commercial uses, historically occupied by an automobile tire sales and repair store, mobile wall repair store, piano store, and storage buildings. There is existing ruderal vegetation on the adjacent sidewalk along Cleveland Avenue and one small tree on the lot of the existing tire sales and repair store. The Project site also has existing surface lighting.

The Project site and surrounding area is highly urbanized. The Project site is located within an urban area in unincorporated Santa Clara County within the City of San José's West San Carlos Urban Village Plan.

Surrounding Area

The Project site is surrounded by existing urban development and roadways. Immediately to the east of the Project site is a 99 Cents Only Store with a surface parking lot. Existing commercial retail buildings are

located further east, across Brooklyn Avenue. Retail buildings are also positioned to the west of the Project site across Cleveland Avenue. Single-family residences are located immediately north of the project site. Across West San Carlos Street to the south is a car dealership. Surrounding development is typically 1-2 stories tall.

Scenic Views

The City of San José is located in the Santa Clara Valley, bounded by the foothills of the Santa Cruz Mountains to the west, the Santa Teresa Hills to the south, and the Diablo Mountain Range to the east. The Diablo foothills are located approximately 10 miles east of the Project site and the Santa Cruz Mountains are located approximately eight miles west of the Project site. Because of the distance from the hills and the intervening development there are limited views of the hills from the area around the project site.

The Project site is not located along an officially designated or eligible State Scenic Highway or designated scenic corridor. The nearest officially designated State Scenic Highway is Highway 9 located approximately 7.1 miles southwest of the Project site. Santa Clara County has two Eligible State Scenic Highway sections- Highway 280 and Highway 17- located approximately 0.85 mile southwest and 7.15 miles southwest of the Project site, respectively.

Nighttime Lighting

Existing ambient sources of nighttime lighting in the vicinity of the Project site include neon and fluorescent signs from surrounding commercial businesses, lighting of building exteriors and architectural accents, illumination through windows, landscape lighting, street lighting, parking lot lighting, and vehicle headlights. Glare in the vicinity of the Project site is created by the reflection of sunlight and electric lights off of windows and building surfaces.

Applicable Plans, Policies, and Regulations

City of San José Municipal Code

The San José Municipal Code (Municipal Code) includes several regulations associated with protection of the City's visual character and control of light and glare. Several sections of the Municipal Code include controls for lighting of signs and development adjacent to residential properties. These requirements call for floodlighting to have no glare and lighting facilities to be reflected away from residential use so that there will be no glare. The City's Zoning Ordinance (Title 20 of the Municipal Code) includes design standards, maximum building height, and setback requirements.

City Council Outdoor Lighting Policy 4-3

City Council Policy 4-3 contains guidelines for the use of outdoor lighting. The purpose of this policy is to promote energy-efficient outdoor lighting on private development in the City of San José that provides 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.

Residential Design Guidelines

The Residential Design Guidelines establish a framework for private residential units in San José and reinforce guidelines established in the General Plan. The Residential Design Guidelines are divided into three parts: relationship to surroundings, internal organization, and guidelines for specific housing types. The Guidelines include information on street frontage, perimeter setbacks, parking, landscaped areas,

building design, and street design, which ultimately influence how developers and residents view and interact with one another in the city.

Envision San José 2040 General Plan

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 landscaping elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity throughout 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-4.5	For new development in transition areas between identified Growth Areas and nongrowth areas, use a combination of building setbacks, building step-backs, materials, building orientation, landscaping, and other design techniques to provide a consistent streetscape that buffers lower-intensity areas from higher-intensity areas and that reduces potential shade, shadow, massing, view shed, or other land use compatibility concerns.

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).

West San Carlos Urban Village Plan

UD-1.2	Ensure the design of new buildings and the adjoining public realm build upon the mid-century character of existing buildings and signs.
UD-3.3	Encourage the placement of ground-floor commercial space in new development especially along the street frontages of West San Carlos Street and South Bascom Avenue.
UD-3.4	Ensure that new development is integrated appropriately into the existing residential neighborhood by providing transitions and by building at a compatible scale.
UD-5.2	Provide proper height transitions between new, higher-density commercial and mixed-use development and adjacent single-family homes by using building setback, upper-story stepback, and landscaping to soften the transitions near property lines.
UD-5.3	For new development adjacent to properties designated Residential Neighborhood (both inside and outside the Urban Village boundary), buildings and structures are encouraged to not intercept the 45-degree daylight plane as measured from the adjoining side or rear property line.
UD-5.4	For new development taller than 45 feet, provide a minimum 30-foot side and/or rear setback along the shared property lines with adjacent Mixed-Use Neighborhood designated properties (both inside and outside the Urban Village boundary). Starting at a height of 45 feet, buildings and structures are encouraged to not intercept the 45-degree daylight plane. Buildings shorter than 45 feet shall conform to the San José Municipal Code setback requirements and shall not be subject to the daylight plane.
UD-5.6	Provide a minimum five-foot landscape buffer planted with evergreen trees between new development and existing Residential Neighborhood designated properties.
UD-5.7	Non-occupiable architectural features such as roof forms, chimneys, stairwells, and elevator housings may project above the maximum height limits as allowed per San José Municipal Code Section 20.85.040, as may be amended in the future, but shall not exceed the established daylight plane.

Discussion

a) Have a substantial adverse effect on a scenic vista?

And,

b) Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?

Less than Significant Impact. .Scenic vistas are not visible from the project site. Development of the Project would not have an adverse effect on a scenic vista.

Because of the distance from the nearest designated State Scenic Highway and the relatively low profile of the project building, the Project would not damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a State-designated scenic highway. Thus, impacts would be less than significant.

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?

Less than Significant Impact. Refer to **Table 3-1: Land Use Designation and Zoning District Requirement Comparison** for a comparison of the Project against land use designation and zoning district requirements, including design standards. The Project would be consistent with the UV zoning requirements for lot area, FAR, density units per acre, front setbacks, and side setbacks. The Project would provide a rear setback adjacent to the residential property at the north of the Project site, meeting the intent of the zoning ordinance. However, as the Project's rear setback is narrower than the minimum requirement, the Project would utilize the State's Density Bonus Law waiver for consistency with the setback width requirement. Additionally, the Project would be consistent with the UV land use designation density and FAR requirements.

The West San Carlos Urban Village Plan has additional policies and design guidelines, in combination with those of the General Plan for the UV designation. The West San Carlos Urban Village Plan design guidelines and policies establish a 45-degree daylight plane, proper height transitions, building development stepbacks, and a minimum 5-foot evergreen tree landscape buffer on parcels adjacent to existing single-family residences. The property immediately north of the Project site (APN 274-17-023) is developed with an existing single-family residential use, and therefore a 45-degree daylight plane is identified as required by the Urban Village Plan. **Figure 4-1, Solar Analysis** showcases how shadows would be casted by the Project on surrounding land uses during different seasons of the year. Shadows casted are most pronounced during winter months. The western half of the Project site, specifically, includes a setback and broken-down massing with the intent to maintain the 45-degree daylight plane corresponding to the siting of the residential building on the adjacent parcel to the north. As such, the Project's building development setback and massing design would meet the intent for a 45-degree daylight plane and height transitions from the adjoining northern property line to the proposed building. The Project would also include new landscaping along the proposed building frontages and green space throughout several stories of the building, meeting the intent for landscape buffers between buildings. The use of the State's

Density Bonus Law and waivers would make the Project consistent with the setback, height transition, and landscape buffer requirements.

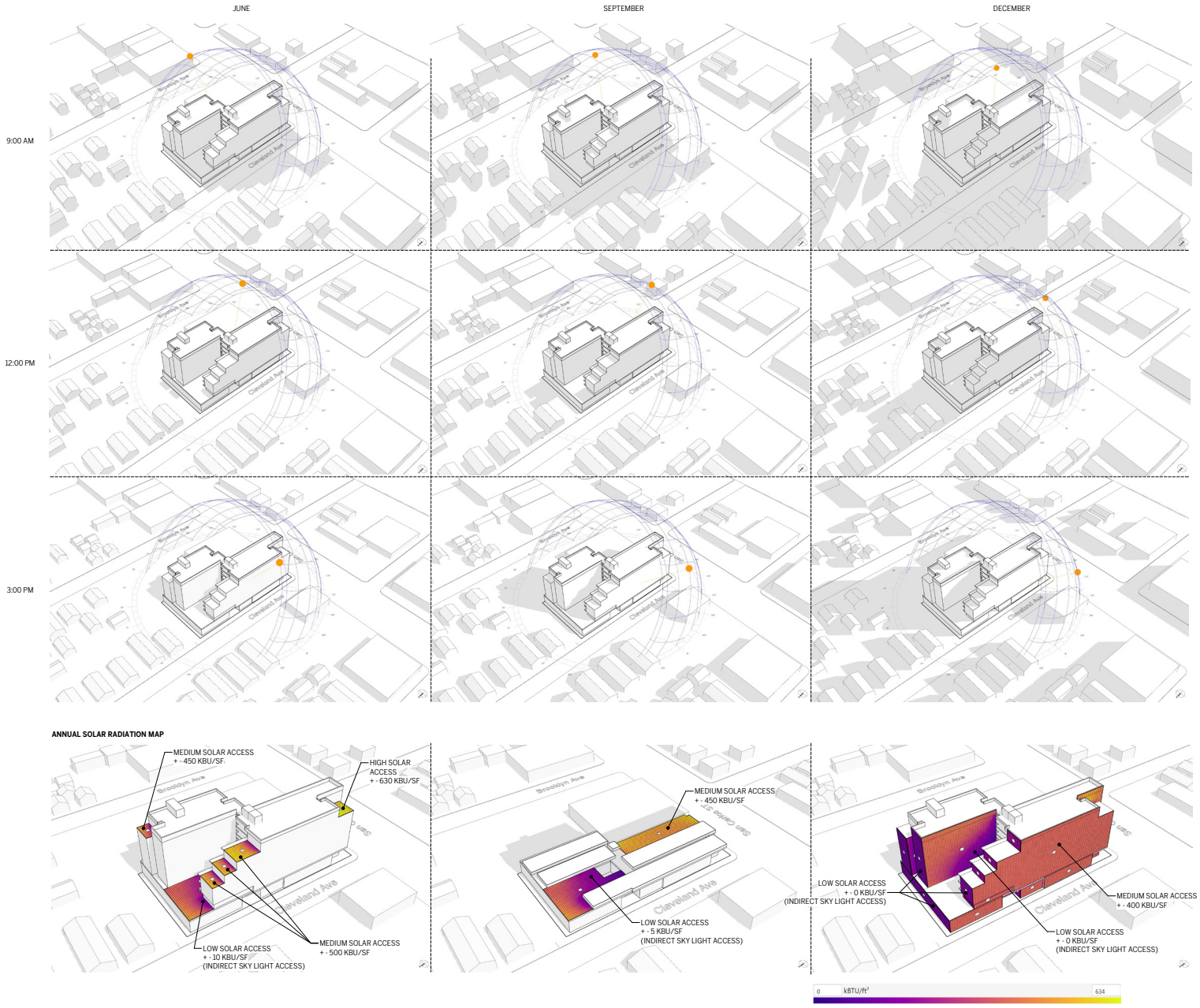
The Project would be consistent with maximum building height requirements established in the West San Carlos Street Urban Village Plan. Refer to **Figure 3-5, Proposed Building Rendering**, **Figure 3-4, Proposed Building North & East Elevations**, and **Figure 3-3, Proposed Building South & West Elevations** for the proposed building heights in relation to the surrounding structures. The eastern portion of the Project's building development includes parking structures with linear retail use, meeting the intent of the design guidelines. The Project would request a waiver to allow for consistency of the Project with the design guidelines in the West San Carlos Urban Village plan to activate ground floor parking structures by using linear retail.

The Project would be consistent with all applicable regulations governing scenic quality with the approval of the density bonus incentive requests and waivers. Thus, impacts would be less than significant.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Less than Significant Impact. As shown in **Figure 3-8, Lighting Glowing Plan**, the Project would include outdoor lighting in the form of exterior wall mounted fixtures, such as wall sconces, step lights, downlights, and illuminated freestanding bollards. The exterior lighting would be facing downward. **Figure 4-1, Solar Analysis** shows the solar access to the Project. Solar access is the ability of a property to receive sunlight. The exterior facades of the building development on the Project site would have a majority low to medium solar access. Low solar access would correspond to less glare and light reflection from the building development on the Project site. As such, lower solar access would result in lower probability of substantial light or glare reflected from the Project's building development. The areas with high solar access are generally upward facing and would not be likely to impact views in the area of the Project.

The Envision San José 2040 General Plan EIR (General Plan EIR) concluded that new development and redevelopment allowed under the General Plan would result in new sources of nighttime light and daytime glare; however, compliance with General Plan policies and existing regulations and adopted plans would avoid substantial light and glare impacts. The Project is subject to the City design review process and proposed lighting would be reviewed for consistency with the General Plan, City Municipal Code, West San Carlos Urban Village Design Guidelines, City's Residential Design Guidelines, and related City Council Development policies. As such, the Project would be consistent with lighting design guidelines and would not introduce new sources of substantial light or glare, impacts would be less than significant.



Source: Steinberg Hart, 2024

Figure 4-1, Solar Analysis

1921 and 1927 West San Carlos Street Project
Draft Initial Study

Not to scale

Kimley»Horn

4.2 Agriculture and Forestry Resources

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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. 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
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
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
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
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

Existing Setting

The Project site is identified as urban and built-up land on the California Important Farmland Map.[4] There is no designated farmland on or adjacent to the Project site. The Project site is also not subject to a

[4]California Department of Conservation. California Important Farmland Finder Map. https://maps.conservation.ca.gov/dlrp/ciff/. Accessed January 2024.

Williamson Act contract.[5]

Applicable Plans, Policies, and Regulations

Williamson Act

The Williamson Act (California Land Conservation Act of 1965) enables local governments to enter into contracts with private land owners for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, land owners receive property tax assessments which are lower than full market value of the property because they are based on farming and open space uses.

Farmland Mapping and Monitoring Program

The California Natural Resources Agency's Farmland Mapping and Monitoring Program (FMMP) provides maps and data to decision makers to assist them in making informed decisions regarding the planning of the present and future use of California's agricultural land resources.

Forest Land and Timberland

Public Resources Code Section 12220(g) identifies forest land as land that can support a 10 percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefit.

Public Resources Code Section 4526 identifies timberland as land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees. Commercial species shall be determined by the board on a district basis.

Discussion

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?

No Impact. The Project site and surrounding areas are not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance on the State of California Important Farmland Map. Thus, development of the Project would not result in a conversion of documented agricultural lands to non-agricultural use. Therefore, no impacts would occur.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact. The Project site is not currently zoned for agricultural use and is not under a Williamson Act contract. Therefore, no impacts would occur.

[5] California, State of, Department of Conservation, Williamson Act/Land Conservation Act. Available at http://www.conservation.ca.gov/dlrp/lca. Accessed August 26, 2019.

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))?

No Impact. The Project site is not currently zoned for forest land, timberland, or timberland zoned for production. Thus, the Project would not conflict with existing zoning or cause rezoning of any such land. Therefore, no impacts would occur.

d) Result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. The Project site does not contain forest land. Therefore, no impact would occur in regard to changing forest land to a non-forest use.

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?

No Impact. No designated agricultural or forest land is located within the Project site. Therefore, no impacts would occur.

4.3 Air Quality

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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	
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	
c) Expose sensitive receptors to substantial pollutant concentrations?		X		
d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?			X	

Existing Setting

The Project site is located within the San Francisco Bay Area Air Basin (SFBAAB), which comprises all of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara counties, the southern portion of Sonoma, and the southwestern portion of Solano County. SFBAAB is characterized by complex terrain, consisting of coastal mountain ranges, inland valleys, and bays, which distort normal wind flow patterns. The Coast Range splits resulting in a western coast gap, Golden Gate, and an eastern coast gap, Carquinez Strait, which allow air to flow in and out of the SFBAAB and the Central Valley

The climate is dominated by the strength and location of a semi-permanent, subtropical high-pressure cell. During the summer, the Pacific high-pressure cell is centered over the northeastern Pacific Ocean resulting in stable meteorological conditions and a steady northwesterly wind flow. Upwelling of cold ocean water from below to the surface because of the northwesterly flow produces a band of cold water off the California coast. The cool and moisture-laden air approaching the coast from the Pacific Ocean is further cooled by the presence of the cold-water band resulting in condensation and the presence of fog and stratus clouds along the Northern California coast.

In the winter, the Pacific high-pressure cell weakens and shifts southward resulting in wind flow offshore, the absence of upwelling, and the occurrence of storms. Weak inversions coupled with moderate winds result in a low air pollution potential.

Pollutants in the air can cause health problems, especially for children, the elderly, and people with heart or lung problems. Healthy adults may experience symptoms during periods of intense exercise. Pollutants can also cause damage to vegetation, animals, and property.

Sensitive populations are more susceptible to the effects of air pollution than is the general population. Sensitive receptors that are in proximity to localized sources of toxics are of particular concern. Land uses considered sensitive receptors include residences, schools, playgrounds, childcare centers, long-term health care facilities, rehabilitation centers, convalescent centers, and retirement homes. The nearest sensitive receptors to the Project site are the residential uses to the north, east, and southeast. The sensitive land uses nearest to the Project are shown in **Table 4-1: Sensitive Receptors** and can also be found in Appendix A: Air Quality and Greenhouse Gas Emissions Analysis.

Table 4-1: Sensitive Receptors

Receptor Description	Approximate Distance and Direction from the Project[1]
Residential Uses along Cleveland Avenue	Adjacent to the north
Residential Uses along Brooklyn Avenue	Adjacent to the east
Residential Uses along Arleta Avenue	160 feet southeast
Luther Burbank School	805 feet east
Abraham Lincoln High School	945 feet northeast
1. Distances are measured from the Project site boundary to the property line of the nearest sensitive receptor. Source: Google Earth, 2024.	

Applicable Plans, Policies, and Regulations

Ambient Air Quality Standards

The Project is located within the SFBAAB. The Bay Area Air Quality Management District (BAAQMD) is the local agency authorized to regulate stationary air quality sources in the Bay Area. The federal Clean Air Act (CAA) and the California CAA mandate the control and reduction of specific air pollutants. Under these Acts, the U.S. Environmental Protection Agency (EPA) and the California Air Resources Board (CARB) have established ambient air quality standards for specific "criteria" pollutants, designed to protect public health and welfare. Primary criteria pollutants include carbon monoxide (CO), reactive organic gases (ROG), nitrogen oxides (NO_x), particulate matter (PM_{10}), sulfur dioxide (SO_2), and lead (Pb). Secondary criteria pollutants include ozone (O_3), and fine particulate matter.

CARB and the EPA establish ambient air quality standards for major pollutants at thresholds intended to protect public health. The standards for some pollutants are based on other values such as protection of crops or avoidance of nuisance conditions. **Table 4-2: State and National Ambient Air Quality Standards and Attainment Status for the San Francisco Bay Area Basin** summarizes the State California Ambient Air Quality Standards (CAAQS) and the Federal National Ambient Air Quality Standards (NAAQS).

Table 4-2: State and National Ambient Air Quality Standards and Attainment Status for the San Francisco Bay Area Basin

Pollutant	Averaging Time	California Standards		National Standards	
		Concentration	Attainment Status	Concentration	Attainment Status
Ozone (O_3)	8 Hours	0.070 ppm (137µg/m³)	No information available	0.070 ppm	N
	1 Hour	0.09 ppm (180 µg/m³)	N	No standard	Not applicable
Carbon Monoxide (CO)	8 Hours	9.0 ppm (10 mg/m³)	A	9 ppm (10 mg/m³)	U/A
	1 Hour	20 ppm (23 mg/m³)	A	35 ppm (40 mg/m³)	U/A
Nitrogen Dioxide (NO_2)	1 Hour	0.18 ppm (339 µg/m³)	A	No standard	Not applicable
	Annual Arithmetic Mean	0.030 ppm (57 µg/m³)	No information available	0.053 ppm (100 µg/m³)	U/A
Sulfur Dioxide (SO_2)	24 Hours	0.04 ppm (105 µg/m³)	A	0.14 ppm (365/µg/m³)	A
	1 Hour	0.25 ppm (665 µg/m³)	A	No standard	Not applicable
	Annual Arithmetic Mean	No standard	Not applicable	0.030 ppm (80/µg/m³)	A
Particulate Matter (PM_{10})	Annual Arithmetic Mean	20 µg/m³	N	No standard	Not applicable
	24 Hours	50 µg/m³	N	150 µg/m³	U
Particulate Matter – Fine ($PM_{2.5}$)	Annual Arithmetic Mean	12 µg/m³	N	15 µg/m³	N
	24 Hours	No standard	Not applicable	35 µg/m³	N
Sulfates	24 Hours	25 µg/m³	U	No standard	Not applicable
Lead	30-Day Average	1.5 µg/m³	A	No standard	Not applicable
	Calendar Quarter	No standard	Not applicable	1.5 µg/m³	A
Hydrogen Sulfide	1 Hour	0.03 ppm (42 µg/m³)	U	No standard	Not applicable
Vinyl Chloride (chloroethene)	24 Hours	0.01 ppm (26 µg/m³)	No information available	No standard	Not applicable
Visibility-Reducing Particles	8 Hours (10:00 to 18:00 PST)	Extinction coefficient of 0.23 per kilometer	U	No standard	Not applicable

Source: BAAQMD 2017 (http://www.baaqmd.gov/research-and-data/air-quality-standards-and-attainment-status).
A=attainment; N=nonattainment; U=unclassified
mg/m³=milligrams per cubic meter; ppm=parts per million; ppb=parts per billion; µg/m³=micrograms per cubic meter

CARB designates all areas within the State as either attainment (having air quality better than the CAAQS) or nonattainment (having a pollution concentration that exceeds the CAAQS more than once in three years). The SFBAAB is currently designated as a nonattainment area for state and national standards for ozone and $PM_{2.5}$, and state standards for PM_{10}.

Ambient Air Monitoring

National Ambient Air Quality Standards

As required by the CAA, the NAAQS have been established for the six primary criteria pollutants: CO, NO_X, O_3, PM_{10} and $PM_{2.5}$, SO_2, and Pb. Pursuant to the California CAA, the state has also established the CAAQS, which are generally more stringent than the corresponding federal standards. The BAAQMD is primarily

responsible for assuring that the national and state ambient air quality standards are attained and maintained in the SFBAAB.

Santa Clara County, and the Bay Area as a whole, is classified as a nonattainment area for ozone, PM_{10}, and $PM_{2.5}$ under federal law. The County is either in attainment or unclassified for other pollutants.

- Ozone, often called photochemical smog, is classified as a secondary air pollutant, meaning it is not emitted directly into the air. It is created by the action of sunlight on ozone precursors, primarily reactive hydrocarbons and NO_X. The major sources of ozone precursors include combustion sources such as factories and automobiles and evaporation of solvents and fuels. The main public health concerns associated with ground level ozone pollution are eye irritation and impairment of respiratory functions.
- PM_{10} consists of solid and liquid particles of dust, soot, aerosols, and other matter which are less than 10 microns in diameter. Major sources of PM_{10} are combustion (including automobile engines – particularly diesel, fires, and factories) and dust from paved and unpaved roads. Public health concerns associated with PM_{10} include aggravation of chronic disease and heart/lung disease symptoms.
- $PM_{2.5}$, also known as Fine Particulate Matter, consists of the same type of matter as PM_{10}, but is less than 2.5 microns in diameter. The major source of $PM_{2.5}$ is combustion, but the particles can also be formed by chemical changes occurring in the air. $PM_{2.5}$ can cause respiratory problems and is of particular concern because the particles can penetrate deeper into the lungs.

The region is required to adopt clean air plans on a triennial basis that show progress towards meeting the state ozone standard. The latest regional plan was adopted in April 2017. This plan includes a comprehensive strategy to reduce emissions from stationary, area, and mobile sources through the expeditious implementation of all feasible measures, including transportation control measures (TCMs) and programs such as "Spare the Air.[6]"

Clean Air Act

The CAA of 1970 and the CAA Amendments of 1971 required the EPA to establish NAAQS, with states retaining the option to adopt more stringent standards or to include other specific pollutants. On April 2, 2007, the Supreme Court found that carbon dioxide is an air pollutant covered by the CAA; however, no NAAQS have been established for carbon dioxide.

These standards are the levels of air quality considered safe, with an adequate margin of safety, to protect the public health and welfare. They are designed to protect those "sensitive receptors" most susceptible to further respiratory distress such as asthmatics, the elderly, very young children, people already weakened by other disease or illness, and persons engaged in strenuous work or exercise. Healthy adults can tolerate occasional exposure to air pollutant concentrations considerably above these minimum standards before adverse effects are observed.

The EPA has classified air basins (or portions thereof) as being in attainment, nonattainment, or unclassified for each criteria air pollutant, based on whether or not the NAAQS have been achieved. If an

6 Bay Area Air Quality Management District. Spare the Air. http://www.sparetheair.org/ accessed July 24, 2024.

area is designated unclassified, it is because inadequate air quality data were available as a basis for a nonattainment or attainment designation.

National Emissions Standards for Hazardous Air Pollutants Program

Under federal law, 188 substances are listed as hazardous air pollutants (HAPs). Major sources of specific HAPs are subject to the requirements of the National Emissions Standards for Hazardous Air Pollutants program. The EPA is establishing regulatory schemes for specific source categories and requires implementation of Maximum Achievable Control Technologies for major sources of HAPs in each source category. State law has established the framework for California's Toxic Air Contaminant (TAC) identification and control program, which is generally more stringent than the federal program and is aimed at HAPs that are a problem in California. The state has formally identified 244 substances as TACs and is adopting appropriate control measures for each. Once adopted at the state level, each air district will be required to adopt a measure that is equally or more stringent.

California Air Toxics "Hot Spots" Information and Assessment Act (AB 2588)

The California Air Toxics "Hot Spots" Information and Assessment Act (AB 2588) is a state-wide program enacted in 1987. AB 2588 requires facilities that exceed recommended Office of Environmental Health Hazard Assessment (OEHHA) levels to reduce risks to acceptable levels.

Typically, land development projects generate diesel emissions from construction vehicles during the construction phase, as well as some diesel emissions from small trucks during the operational phase. Diesel exhaust is mainly composed of particulate matter and gases, which contain potential cancer-causing substances. Emissions from diesel engines currently include over 40 substances that are listed by EPA as HAPs and by CARB as TACs. On August 27, 1998, CARB identified particulate matter in diesel exhaust as a TAC, based on data linking diesel particulate matter (DPM) emissions to increased risks of lung cancer and respiratory disease.

In September 2000, CARB adopted a comprehensive diesel risk reduction plan to reduce emissions from both new and existing diesel-fueled engines and vehicles. The goal of the plan is to reduce diesel PM emissions and the associated health risk by 75 percent in 2010 and by 85 percent by 2020. As part of this plan, CARB identified Airborne Toxic Control Measures (ATCM) for mobile and stationary emissions sources. Each ATCM is codified in the California Code of Regulations (CCR), including the ATCM to limit diesel-fueled commercial motor vehicle idling, which puts limits on idling time for large diesel engines (13 CCR Chapter 10 Section 2485).

California Clean Air Act

The California CAA allows states to adopt ambient air quality standards and other regulations provided that they are at least as stringent as federal standards. CARB, a part of the California EPA, is responsible for the coordination and administration of both federal and state air pollution control programs within California, including setting the CAAQS. CARB also conducts research, compiles emission inventories, develops suggested control measures, and provides oversight of local programs. CARB establishes emissions standards for motor vehicles sold in California, consumer products (such as hairspray, aerosol paints, and barbecue lighter fluid), and various types of commercial equipment. It also sets fuel specifications to further reduce vehicular emissions. CARB also has primary responsibility for the development of California's State Implementation Plan (SIP), for which it works closely with the federal government and the local air districts.

In addition to standards set for the six criteria pollutants, the State has set standards for sulfates, hydrogen sulfide, vinyl chloride, and visibility reducing particles. These standards are designed to protect the health and welfare of the populace with a reasonable margin of safety. Further, in addition to primary and secondary ambient air quality standards, the State has established a set of episode criteria for ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, and particulate matter. These criteria refer to episode levels representing periods of short-term exposure to air pollutants that actually threaten public health.

California State Implementation Plan

The federal CAA (and its subsequent amendments) requires each state to prepare an air quality control plan referred to as the SIP. The SIP is a living document that is periodically modified to reflect the latest emissions inventories, plans, and rules and regulations of air basins as reported by the agencies with jurisdiction over them. The CAA Amendments dictate that states containing areas violating the NAAQS revise their SIPs to include extra control measures to reduce air pollution. The SIP includes strategies and control measures to attain the NAAQS by deadlines established by the CAA. The EPA has the responsibility to review all SIPs to determine if they conform to the requirements of the CAA.

State law makes CARB the lead agency for all purposes related to the SIP. Local air districts and other agencies prepare SIP elements and submit them to CARB for review and approval. CARB then forwards SIP revisions to the EPA for approval and publication in the Federal Register. As discussed below, the BAAQMD Final 2017 Clean Air Plan (Clean Air Plan) is the SIP for the SFBAAB.

Senate Bill 1889, Accidental Release Prevention Law/California Accidental Release Prevention Program

Senate Bill (SB) 1889 required California to implement a new federally mandated program governing the accidental airborne release of chemicals promulgated under Section 112 of the CAA. Effective January 1, 1997, the California Accidental Release Prevention Law (CalARP) replaced the previous California Risk Management and Prevention Program and incorporated the mandatory federal requirements. CalARP addresses facilities that contain specified hazardous materials, known as regulated substances, which if involved in an accidental release, could result in adverse offsite consequences. CalARP defines regulated substances as chemicals that pose a threat to public health and safety or the environment because they are highly toxic, flammable, or explosive.

City of San José General Plan

The General Plan includes the following air quality policies applicable to the Project:

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-10.5: In order to reduce vehicle miles traveled and traffic congestion, require new development within 2,000 feet of an existing or planned transit station to encourage the use of public transit and minimize the dependence on the automobile through the application of site design guidelines and transit incentives.

Policy MS-10.4: Encourage effective regulation of mobile and stationary sources of air pollution, both inside and outside of San José. In particular, support Federal and State regulations to improve automobile emission controls.

Policy MS-10.6: Encourage mixed land use development near transit lines and provide retail and other types of service-oriented uses within walking distance to minimize automobile dependent development.

Policy MS – 10.7: Encourage regional and statewide air pollutant emission reduction through energy conservation to improve air quality.

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.

Policy MS-11.4: Encourage the installation of appropriate air filtration at existing schools, residences, and other sensitive receptor uses adversely affected by pollution sources.

Policy MS-11.6: Develop and adopt a comprehensive Community Risk Reduction Plan that includes: baseline inventory of toxic air contaminants and particulate matter smaller than 2.5 microns (PM2.5), emissions from all sources, emissions reduction targets, and enforceable emission reduction strategies and performance measures. The Community Risk Reduction Plan will include enforcement and monitoring tools to ensure regular review of progress toward the emission reduction targets, progress reporting to the public and responsible agencies, and periodic updates of the plan, as appropriate.

Policy MS-11.7: Consult with BAAQMD to identify stationary and mobile TAC sources and determine the need for and requirements of a health risk assessment for proposed developments.

Policy MS-11.8: For new projects that generate truck traffic, require signage which reminds drivers that the State truck idling law limits truck idling to five minutes.

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 MS-13.3: 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 toxic control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.

Action MS-13.4: Adopt and periodically update dust, particulate, and exhaust control standard measures for demolition and grading activities to include on project plans as conditions of approval based upon construction mitigation measures in the BAAQMD CEQA Guidelines.

Action MS-13.5: Prevent silt loading on roadways that generates particulate matter air pollution by prohibiting unpaved or unprotected access to public roadways from construction sites.

Sensitive Receptors

BAAQMD defines sensitive receptors as facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and the chronically ill are likely to be located. These facilities may include residences, school playgrounds, child-care centers, retirement homes, convalescent homes, and people with illnesses.

Construction TAC and $PM_{2.5}$ Health Risks

TACs are airborne substances that can cause short-term (acute) or long-term (chronic or carcinogenic, i.e., cancer causing) adverse human health effects (i.e., injury or illness). TACs include both organic and inorganic chemical substances. They may be emitted from a variety of common sources including gasoline stations, automobiles, dry cleaners, industrial operations, and painting operations. The current California list of TACs includes more than 200 compounds, including particulate emissions from diesel-fueled engines.

Construction equipment and associated heavy-duty truck traffic generate diesel exhaust, which is a known TAC. Diesel exhaust from construction equipment operating at the site poses a health risk to nearby sensitive receptors.

In Appendix C: Health Risk Assessment, under the BAAQMD Air Quality Guidelines, an incremental cancer risk of greater than 10 cases per million for a 70-year exposure duration at the Maximally Exposed Individual or MEI will result in a significant impact. The 10 in 1 million threshold is based on the latest scientific data and is designed to protect the most sensitive individuals in the population as each chemical's exposure level includes large margins of safety. In addition to this carcinogen threshold, OEHHA recommends that the non-carcinogenic hazards for TACs at ground level should not exceed a chronic hazard index of greater than one.

Discussion

Methodology

This air quality impact analysis considers the Project's construction and operational impacts. Where criteria air pollutant quantification was required, emissions were modeled using the California Emissions Estimator Model (CalEEMod). CalEEMod is a statewide land use emissions computer model designed to quantify potential criteria pollutant emissions associated with both construction and operations from a variety of land use projects. Air quality impacts were assessed according to methodologies recommended by CARB and BAAQMD.

Construction equipment, trucks, worker vehicles, and ground-disturbing activities associated with Project construction would generate emissions of criteria air pollutants and precursors. Air quality impacts were assessed according to CARB and BAAQMD recommended methodologies. Daily regional construction emissions are estimated by assuming construction occurs at the earliest feasible date (i.e., a conservative estimate of construction activities) and applying off-road, fugitive dust, and on-road emissions factors in CalEEMod.

Project operations would result in emissions of area sources (consumer products), energy sources (natural gas usage), and mobile sources (motor vehicles from project generated vehicle trips). Project-generated increases in operational emissions would be predominantly associated with motor vehicle use. The increase of traffic over existing conditions as a result of the Project was obtained from the Appendix F, Local Transportation Analysis, prepared by Kimley-Horn. Other operational emissions from area, energy, and stationary sources were quantified in CalEEMod based on land use activity data.

As discussed above, BAAQMD provides significance thresholds for emissions associated with proposed Project construction and operations. The Project's construction and operational emissions are compared to the daily criteria pollutant emissions significance thresholds in order to determine the significance of the Project's impact on regional air quality. Impacts of the Project on sensitive receptors are determined by analyzing Project impacts on toxic air contaminants, construction diesel particulate matter, of which those two impacts ae determined within Appendix C, Health Risk Assessment, and CO hotspots on nearby receptors. The Project's impacts in other emissions (such as those leading to odors) that adversely affecting a substantial number of people are determined by BAAQMD considerations of land uses.

This Health Risk Assessment in Appendix C evaluates potential health risks associated with DPM emissions resulting from Project implementation. Potential construction health risks are quantitively assessed, while potential operational health risks are qualitatively assessed. Construction equipment and associated heavy-duty truck traffic generate DPM, which is a known TAC. DPM from construction equipment operating at the site poses a potential health risk to nearby sensitive receptors. The nearest sensitive receptors to the Project site include the residential uses to the north, east, and southeast, as well as the nearest school, the Luther Burbank School.

Impact Analysis

a) Conflict with or obstruct implementation of the applicable air quality plan?

Less than Significant Impact. Air quality plans describe air pollution control strategies and measures to be implemented by a city, county, region, and/or air district. The primary purpose of an air quality plan is to bring an area that does not attain the NAAQS or CAAQS into compliance with the requirements of the federal Clean Air Act and California Clean Air Act. In addition, air quality plans are developed to ensure that an area maintains a healthful level of air quality based on the NAAQS and the CAAQS. The BAAQMD's air quality plan is called the Clean Air Plan and provides policies and control measures that reduce emissions to attain both NAAQS and CAAQS.

BAAQMD's most recently adopted plan, the 2017 Clean Air Plan, outlines how the Basin would attain the NAAQS, reduce population exposure and protect public health, and reduce GHG emissions. The 2017 Clean Air Plan assumptions for projected air emissions and pollutants in the City of San José are based on

the General Plan Land Use Designation Map which designates the Project site use as "Mixed-Use Commercial." The Project would require a General Plan Amendment (GPA) to change the land use designation to UV to allow for a higher density of dwelling units per acre and increased floor FAR.

The Project would develop 94 residential units in the City, which would result in an increase of approximately 269 residents.[7] The Association of Bay Area Governments (ABAG) predicts that the population in the City will grow from 945,940 in 2010 to 1,337,145 by 2040. As such, the Project's proposed 269 residents would not cause the ABAG's 2040 population forecast of 1,337,145 to be exceeded. Additionally, the Project site exists within the Mixed-Use Commercial Character Area of the West San Carlos Urban Village Plan. The West San Carlos Urban Village Area is identified as a Planned Housing Growth Area, with planned 1,245 dwelling units. According to the General Plan, 395 units have been already entitled as of the end of 2021. The West San Carlos Urban Village has a remaining dwelling unit growth capacity of 850 units. The 94 dwelling units from the Project would not meet nor exceed the remaining growth capacity of 850 units established by the City. Further, the Project site was initially considered to have a residential density of 50 units per acre. Thus, not all housing sites are unplanned. Therefore, the Project is would not substantially induce unplanned population growth or cause changes in vehicle traffic that would obstruct implementation of the 2017 Clean Air Plan in the Basin.

The Project would have approximately 11 employees for the retail space.[8] The ABAG predicts that job opportunities in the City will grow from 387,510 in 2010 to 554,875 by 2040. The Project's retail use is consistent with the General Plan, therefore the 11 jobs would be within the ABAG growth projections for the City of (approximately 554,875 jobs by 2040) and would not exceed the ABAG growth projections for the City. As identified in the General Plan FEIR, the City currently has an existing ratio of jobs per resident of 0.8. The General Plan FEIR identified that at full buildout of the General Plan, this ratio would increase to 1.3 jobs per resident. Since the Project would not exceed the level of population in regional planning efforts, the Project's job growth would be consistent with ABAG's projections for the City and with the City's General Plan.

A Project would be consistent with the Clean Air Plan if it would not exceed the growth assumptions in the plan.[9] In addition, projects are considered consistent with the 2017 Clean Air Plan if they incorporate all applicable and feasible control measures from the 2017 Clean Air Plan and would not disrupt or hinder implementation of any 2017 Clean Air Plan control measures. The primary method of determining consistency with the Clean Air Plan growth assumptions is consistency with the General Plan land use designations and zoning districts for the site. It should be noted that the Clean Air Plan does not make a specific assumption for development on the site, but bases assumptions on growth in population, travel, and business, based on socioeconomic forecasts.

As noted above, although the Project would change the land use designation to allow for a higher residential density, it would not exceed the General Plan's growth assumptions and would be consistent with the General Plan goals, measures, and emissions reduction targets. The Project would not cause unplanned population growth or cause changes in vehicle traffic that would obstruct the implementation

[7] The California Department of Finance estimates 2.86 residents per household in San José. The Project includes 94 residential units. ((2.86)*(94)) = 268.84 residents.
[8] The City calculates one job per 300 SF of retail/commercial/office space. (City of San José Envision 2040, 2011) ((1,946 SF retail/commercial) + 1,425 SF office) / 300 SF = 11.24 jobs)
[9] Bay Area Air Quality Management District, Spare the Air - Cool the Climate: A Blueprint for Clean Air and Climate Protection in the Bay Area, Final 2017 Clean Air Plan, 2017.

of the 2017 Clean Air Plan. As described below, construction and operational air quality emissions generated by the Project would not exceed the BAAQMD's emissions thresholds with the implementation of all feasible mitigation. Since the Project would not exceed these thresholds, the Project would not be considered by the BAAQMD to have a significant impact or make a cumulatively considerable contribution of criteria air pollutants, would not cause or contribute to any new violation of any air quality standard, would not increase the frequency or severity of any existing air quality violation, and would not delay attainment of any air quality standard. Further, the Project is consistent with the 2017 Clean Air Plan policies that are applicable to the Project site. Project compliance with City, State, and regional requirements is outlined in Appendix A.

Compliance with General Plan Policies and applicable State and local law would reduce air quality impacts to a less than significant level. The project would include all applicable and feasible control measures from the 2017 Clean Air Plan and would not disrupt or hinder implementation of any 2017 Clean Air Plan control measures. Further, the Project would not induce unplanned population growth and would remain consistent with the General Plan goals, measures, and emission reduction targets. Thus, no additional site-specific mitigation measures are required.

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?

Less than Significant Impact.

Construction Emissions

Project construction activities would generate short-term emissions of criteria air pollutants. The criteria pollutants of primary concern within the Project area include O_3-precursor pollutants (i.e., ROG and NO_x) and PM_{10} and $PM_{2.5}$. Construction-generated emissions are short term and temporary, lasting only while construction activities occur, but would be considered a significant air quality impact if the volume of pollutants generated exceeds the BAAQMD's thresholds of significance.

Construction results in the temporary generation of emissions during demolition, site preparation, site grading, road paving, motor vehicle exhaust associated with construction equipment and worker trips, and the movement of construction equipment, especially on unpaved surfaces. Emissions of airborne particulate matter are largely dependent on the amount of ground disturbance associated with site preparation activities, as well as weather conditions and the appropriate application of water.

The duration of construction activities associated with the Project are estimated to last approximately 18 months. The Project's construction-related emissions were calculated using the BAAQMD-approved CalEEMod computer program, which is designed to model emissions for land use development projects, based on typical construction requirements. Project demolition is anticipated to begin in January 2027. The Project would demolish existing commercial buildings on the property. Building construction and paving was modeled to be completed in summer 2028. Architectural coating would begin spring 2028 and end summer 2028. See Appendix A for additional information regarding the construction assumptions used in this analysis. **Table 4-34: Maximum Daily Construction Emissions** displays the maximum daily emissions in pounds per day that are expected to be generated from the construction of the Project in comparison to the daily thresholds established by the BAAQMD.

Table 4-3: Maximum Daily Construction Emissions

Construction Year	Pollutant (maximum pounds per day)[1]					
	Reactive Organic Gases (ROG)	Nitrogen Oxide (NO_x)	Exhaust		Fugitive Dust	
			Coarse Particulate Matter (PM_{10})	Fine Particulate Matter ($PM_{2.5}$)	Coarse Particulate Matter (PM_{10})	Fine Particulate Matter ($PM_{2.5}$)
2027	1.02	9.43	0.40	0.37	2.29	1.06
2028	19.01	5.63	0.17	0.16	0.80	0.19
BAAQMD Significance Threshold [2, 3]	*54*	*54*	*82*	*54*	*BMPs*	*BMPs*
Exceed BAAQMD Threshold?	**No**	**No**	**No**	**No**	**N/A**	**N/A**

1. Emissions were calculated using CalEEMod. Modeling includes compliance with the BAAQMD's Basic Construction Mitigation Measures Recommended for All Projects. These measures include the following: water exposed surfaces two times daily; cover haul trucks; clean track outs with wet powered vacuum street sweepers; limit speeds on unpaved roads to 15 miles per hour; complete paving as soon as possible after grading; limit idle times to 5 minutes; properly maintain mobile and other construction equipment; and post a publicly visible sign with contact information to register dust complaints and take corrective action within 48 hours.
2. BAAQMD, CEQA Guidelines, updated May 2022.
3. BMPs = Best Management Practices. The BAAQMD recommends the implementation of all Basic Construction Mitigation Measures, whether or not construction-related emissions exceed applicable significance thresholds. Implementation of the City's Standard Permit Conditions would include the Basic Construction Mitigation measures which would mitigate fugitive dust emissions to be less than significant.

Source: Refer to the CalEEMod outputs provided in Appendix A, *Air Quality and Greenhouse Gas Emissions Analysis.*

Fugitive Dust Emissions. Fugitive dust emissions are associated with land clearing, ground excavation, cut-and-fill operations, demolition, and truck travel on unpaved roadways. Dust emissions also vary substantially from day to day, depending on the level of activity, the specific operations, and weather conditions. Fugitive dust emissions may have a substantial, temporary impact on local air quality. Uncontrolled dust from construction can become a nuisance and potential health hazard to those living and working nearby. The BAAQMD does not have quantitative thresholds for fugitive dust. The BAAQMD instead recommends the implementation of all Basic Construction Control Measures, whether or not construction-related emissions exceed applicable significance. The Project would implement the San José Standard Permit Conditions, which include the BAAQMD's Basic Construction Control Measures, to control dust at the Project site during all phases of construction. These Standard Permit Conditions would be incorporated as conditions of approval and the City would verify that these measures are incorporated on applicable plans and specifications prior to grading permit issuance. Implementation of the City's Standard Permit Conditions ensure that fugitive dust emissions would be less than significant:

Standard Permit Condition

These measures would be placed on the Project plan documents prior to the issuance of any grading permits for the Project.

i. Water active construction areas at least twice daily or as often as needed to control dust emissions.

ii. 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.

iii. 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.

iv. Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).

v. Pave new or improved roadways, driveways, and sidewalks as soon as possible.

vi. Lay building pads as soon as possible after grading unless seeding or soil binders are used.

vii. Limit all vehicle speeds on unpaved roads to 15 mph.

viii. Replant vegetation in disturbed areas as quickly as possible.

ix. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.

x. 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 CCR). Provide clear signage for construction workers at all access points.

xi. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.

xii. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints.

Construction Equipment and Worker Vehicle Exhaust. Exhaust emission factors for heavy construction equipment are based on the CalEEMod program defaults. Variables factored into estimating the total construction emissions include: level of activity, length of construction period, number of pieces/types of equipment in use, site characteristics, weather conditions, number of construction personnel, and the amount of materials to be transported onsite or offsite. Exhaust emissions from construction activities include emissions associated with the transport of machinery and supplies to and from the Project site, emissions produced on site as the equipment is used, and emissions from trucks transporting materials and workers to and from the site. Emitted pollutants would include ROG, NO_X, PM_{10}, and $PM_{2.5}$. The City's Standard Permit Conditions would be implemented as required and explained above. As detailed in **Table 4-3: Maximum Daily Construction Emissions**, Project construction emissions would not exceed the BAAQMD thresholds. Therefore, construction air quality impacts would be less than significant.

ROG Emissions. In addition to gaseous and particulate emissions, the application of asphalt and surface coatings creates ROG emissions, which are O3 precursors. In accordance with the methodology prescribed by the BAAQMD, the ROG emissions associated with paving have been quantified with CalEEMod. The highest concentration of ROG emissions would be generated from architectural coating beginning in Spring 2028 and lasting approximately three months. This phase includes the striping of all paved parking areas and driveways. Paints would be required to comply with the BAAQMD Regulation 8, Rule 3: Architectural Coating. Regulation 8, Rule 3 provides specifications on painting practices and regulates the ROG content of paint. The highest concentration of ROG emissions would be generated from architectural coating beginning in summer 2021 and lasting approximately three months. This phase includes the

interior and exterior painting as well as striping of all paved parking areas and driveways. Paints would be required to comply with BAAQMD Regulation 8, Rule 3: Architectural Coating. Regulation 8, Rule 3 provides specifications on painting practices and regulates the ROG content of paint.

Summary of Construction-Period Emissions. As shown in **Table 4-3: Maximum Daily Construction Emissions**, all criteria pollutant emissions would remain below their respective thresholds. The BAAQMD considers fugitive dust emissions to be potentially significant without implementation of the Construction Control Measures which help control fugitive dust. NO_X emissions are primarily generated by engine combustion in construction equipment, haul trucks, and employee commuting, requiring the use of newer construction equipment with better emissions controls would reduce construction-related NO_X emissions. With implementation of the Standard Permit Conditions, the Project's construction would not worsen ambient air quality, create additional violations of federal and state standards, or delay the SFBAAB's goal for meeting attainment standards. Impacts would be less than significant.

Operational Emissions

Operational emissions for mixed-use developments are typically generated from mobile sources (burning of fossil fuels in cars and trucks); energy sources (cooling and heating); and area sources (landscape equipment and household products). **Table 4-4: Operational Emissions** shows that the Project's maximum emissions would not exceed BAAQMD operational thresholds.

Table 4-4: Operational Emissions

Emissions Source	Pollutant (maximum pounds per day)[1]					
			Exhaust		Fugitive Dust	
	Reactive Organic Gases (ROG)	Nitrogen Oxides (NO_X)	Coarse Particulate Matter (PM_{10})	Fine Particulate Matter ($PM_{2.5}$)	Coarse Particulate Matter (PM_{10})	Fine Particulate Matter ($PM_{2.5}$)
Area	2.68	0.05	0.00	0.00	0.00	0.00
Energy	0.00	0.00	0.00	0.00	0.00	0.00
Mobile	1.33	0.74	0.01	0.01	1.85	0.47
Total Project Emissions	**4.01**	**0.79**	**0.01**	**0.01**	**1.85**	**0.47**
BAAQMD Significance Threshold[2]	*54*	*54*	*82*	*54*	*N/A*	*N/A*
BAAQMD Threshold Exceeded?	**No**	**No**	**No**	**No**	**N/A**	**N/A**
1. Emissions were calculated using CalEEMod. 2. Bay Area Air Quality Management District, *California Environmental Quality Act Air Quality Guidelines*, 2022.						
Source: Refer to the CalEEMod outputs provided in Appendix A, *Air Quality and Greenhouse Gas Emissions Analysis*.						

Area Source Emissions Area source emissions would be generated due to the use of consumer products, architectural coatings, and landscaping.

Energy Source Emissions. Energy source emissions would be generated as a result of electricity usage associated with the Project. The primary use of electricity by the Project would be for space heating and cooling, water heating, ventilation, lighting, appliances, and electronics. Natural gas was not included in the modeling due to the City's Building Reach Code Ordinance that prohibits natural gas infrastructure in all new construction starting in August 2021.

Mobile Sources. Mobile sources are emissions from motor vehicles, including tailpipe and evaporative emissions. Depending upon the pollutant being discussed, the potential air quality impact may be of either regional or local concern. For example, ROG, NO_X, PM_{10}, and $PM_{2.5}$ are all pollutants of regional concern (NO_X and ROG react with sunlight to form O_3 [photochemical smog], and wind currents readily transport PM_{10} and $PM_{2.5}$). However, CO tends to be a localized pollutant, dispersing rapidly at the source.

Project-generated vehicle emissions have been estimated using CalEEMod. Trip generation rates associated with the Project were based on the Project's Transportation Analysis prepared by Kimley-Horn (2023). Based on the Project's Transportation Analysis, the Project would result in a net total of 485 additional daily trips.

Total Operational Emissions. As indicated in **Table 4-4: Operational Emissions**, Project operational emissions would not exceed BAAQMD thresholds. As noted above, the BAAQMD has set its CEQA significance threshold based on the trigger levels for the federal New Source Review (NRS) Program and BAAQMD's Regulation 2, Rule 2 for new or modified sources. The NSR Program was created to ensure projects are consistent with attainment of health-based NAAQS. The NAAQS establish the levels of air quality necessary, with an adequate margin of safety, to protect the public health. Therefore, the Project would not violate any NAAQS or contribute substantially to an existing or projected air quality violation and no criteria pollutant health impacts would occur. Project operational emissions would be less than significant.

Cumulative Emissions

As discussed above, the Project's construction-related emissions by themselves would not have the potential to exceed the BAAQMD significance thresholds for criteria pollutants.

Cumulative Construction Impacts. Since these thresholds indicate whether an individual project's emissions have the potential to affect cumulative regional air quality, it can be expected that the Project-related construction emissions would not be cumulatively considerable. The BAAQMD recommends Basic Construction Control Measures for all projects whether or not construction-related emissions exceed the thresholds of significance. Compliance with the BAAQMD construction-related mitigation requirements are considered to reduce cumulative impacts at a SFBAAB-wide level. As a result, construction emissions associated with the Project would not result in a cumulatively considerable contribution to significant cumulative air quality impacts.

Cumulative Operational Impacts. The BAAQMD has not established separate significance thresholds for cumulative operational emissions. The nature of air emissions is largely a cumulative impact. As a result, no single project is sufficient in size, by itself, to result in nonattainment of NAAQS or CAAQS. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. The BAAQMD developed the operational thresholds of significance based on the level above which a Project's individual emissions would result in a cumulatively considerable contribution to the SFBAAB's existing air quality conditions. Therefore, a project that exceeds the BAAQMD operational thresholds would also be a cumulatively considerable contribution to a significant cumulative impact.

As shown in above, the Project's construction and operational emissions would not exceed the BAAQMD thresholds. As a result, air quality emissions associated with the Project would not result in a cumulatively considerable contribution to significant cumulative air quality impacts.

c) Expose sensitive receptors to substantial pollutant concentrations?

Less than Significant Impact with Mitigation Incorporated. Sensitive land uses are defined as facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples of these sensitive receptors are residences, schools, hospitals, and daycare centers. The State CEQA Guidelines indicate that a potentially significant impact could occur if a Project would expose sensitive receptors to substantial pollutant concentrations. The nearest sensitive receptors to the Project site are the residential uses to the north, east, and southeast. A complete list of nearby sensitive receptors is detailed in **Table 4-1: Sensitive Receptors**.

Toxic Air Contaminants

Construction-related activities would result in Project-generated emissions of DPM from the exhaust of off-road, heavy-duty diesel equipment for site preparation (e.g., demolition, clearing, grading); paving; application of architectural coatings; on-road truck travel; and other miscellaneous activities. For construction activity, DPM is the primary TAC of concern. On-road diesel-powered haul trucks traveling to and from the construction area to deliver materials and equipment are less of a concern because they would not stay on the site for long durations. Diesel exhaust from construction equipment operating at the site poses a health risk to nearby sensitive receptors.

Table 4-5: Construction Carcinogenic Risk Assessment shows the construction health risk of the Project. Project construction would occur for over a period of approximately four to 18 months. However, the health risk computation was performed to determine the risk of developing an excess cancer risk calculated on a 3-year exposure scenario, beginning with the third trimester, as recommended by the BAAQMD, and thus is conservative.

Table 4-5: Construction Carcinogenic Risk Assessment

Exposure Scenario	Risk per Million		Exceeds Significance Threshold?
	Cancer Risk[1]	Significance Threshold	
Unmitigated			
Residential Receptors (north of site)	16.41	10	**Yes**
Worker Receptors (east of site)	3.58	10	No
School Receptor (east of site)	0.67	10	No
Mitigated[2]			
Residential Receptors (north of site)	2.37	10	No
Worker Receptors (east of site)	0.51	10	No
School Receptor (east of site)	0.11	10	No
1. The reported annual pollutant concentration is at the closest maximally exposed individual (MEI) to the Project site. 2. The Mitigated Scenario accounts for exposure with application of Mitigation Measure AQ-1.			
Source: Refer to the Health Risk Assessment Memorandum prepared by Kimley-Horn, January 2024.			

As shown in **Table 4-5: Construction Carcinogenic Risk Assessment**, the maximum unmitigated construction cancer risk at the residential receptor would exceed the BAAQMD threshold of 10 in one million. The Project would implement Mitigation Measure AQ-1 to reduce cancer risk. Mitigation Measure AQ-1 requires the use of construction equipment that would meet CARB Tier 4 Final emissions standards or similarly effective equipment in order to reduce diesel exhaust construction emissions. Implementation of Mitigation Measure AQ-1 would reduce cancer risk from Project construction to below the BAAQMD's 10 in one million threshold; refer to **Table 4-5: Construction Carcinogenic Risk Assessment**. Therefore,

the Project's mitigated cancer risk would not exceed the BAAQMD's 10 in one million threshold and impacts associated with carcinogenic risk would be less than significant.

The significance thresholds for TAC exposure also require an evaluation of non-cancer risk stated in terms of a hazard index. Non-cancer chronic impacts are calculated by dividing the annual average concentration by the Recommended Exposure Limit (REL) for that substance. The REL is defined as the concentration at which no adverse non-cancer health effects are anticipated. RELs are designed to protect sensitive individuals within the population. The primary TAC emitted during construction is DPM. According to OEHHA, the REL for DPM is 5 and the target organ is the respiratory system.[10] Chronic non-carcinogenic impacts are shown **Table 4-6: Construction Chronic Hazard Assessment**.

Table 4-6: Construction Chronic Hazard Assessment

Exposure Scenario	Annual Concentration (µg/m³)[1]	Chronic Hazard
Unmitigated		
Residential Receptors (north of site)	0.05	0.01
Worker Receptors (east of site)	0.15	0.03
School Receptor (east of site)	<0.01	<0.01
BAAQMD Threshold	*N/A*	*1.0*
Threshold Exceeded?	**N/A**	**No**
Mitigated[2]		
Residential Receptors (north of site)	0.01	0.001
Worker Receptors (east of site)	0.02	0.004
School Receptor (east of site)	<0.01	<0.01
BAAQMD Threshold	*N/A*	*1.0*
Threshold Exceeded?	**N/A**	**No**
1. The reported pollutant concentration is at the closest receptor (maximally exposed individual). 2. The Mitigated Scenario accounts for exposure with application of Mitigation Measure AQ-1.		
Source: Refer to the Health Risk Assessment Memorandum prepared by Kimley-Horn, January 2024.		

A chronic hazard index of 1.0 is considered individually significant. The hazard index is calculated by dividing the chronic exposure by the reference exposure level. The chronic hazard was calculated based on the highest annual average concentration at the maximally exposed individual receptor. It should be noted that there is no acute REL for DPM and acute health risk cannot be calculated. **Table 4-6: Construction Chronic Hazard Assessment** shows that the non-carcinogenic hazards associated with unmitigated and mitigated scenarios would not exceed the acceptable limits of 1.0. Thus, impacts would be less than significant.

Operational Toxic Air Contaminants

Project operational emissions would result from mobile sources (i.e., motor vehicle use) and area sources (such as the use of landscape maintenance equipment, consumer products, and architectural coatings). As discussed above, the majority of these emissions would be generated by vehicle travel occurring off-site from diesel and gasoline-powered vehicles trips to and from the Project site. The Project is not anticipated to require a significant number of truck deliveries and the majority of deliveries for the retail

[10] California Office of Environmental Health Hazard Assessment, OEHHA Acute, 8-hour and Chronic Reference Exposure Level (REL) Summary. https://oehha.ca.gov/air/general-info/oehha-acute-8-hour-and-chronic-reference-exposure-level-rel-summary. Accessed January 2024.

use would consist of vendor deliveries in light-duty trucks and vans and would be infrequent and irregular. Light-duty and gasoline-powered vehicles are not a substantial source of TAC emissions (e.g., DPM). Therefore, operational emissions would not be considered a substantial source of TACs and this impact related to operational TAC emissions would be less than significant based on BAAQMD thresholds.

Mobile Source Impacts to On-Site Receptors

The Project would place sensitive receptors within 1,000 feet of a major roadway (mobile TAC source) which is defined by the BAAQMD as any road that has more than 10,000 daily trips. There are two major roadways located within 1,000 feet of the Project site, West San Carlos Street and North Bascom Avenue. According to Average Daily Traffic (ADT) Data provided by the City, West San Carlos Road, located to the south of the Project site, has approximately 21,670 average daily trips and North Bascom Avenue, located west of the Project site, has approximately 21,707 average daily trips.[11] However, as shown in **Table 4-7: Cumulative Operational Health Risk** below, the cancer risk and hazard concentration associated with major streets would remain below BAAQMD's 10 in one million threshold for cancer risk and chronic hazard index of 1.0. Additionally, the Project's effects to existing vehicle distribution and travel speeds would be nominal as the Project would generate 485 daily trips due to vehicles traveling to the site. Any changes to vehicle distribution and travel speeds can affect vehicle emissions rates, although these changes would be minimal and would not substantially change criteria pollutant emissions, which are primarily driven by vehicle miles traveled (VMT). The Project does not involve the increase of transit trips or routes and would not generate increased emissions from expanded service (e.g., increased bus idling).

Carbon Monoxide Hotspots

The primary mobile-source criteria pollutant of local concern is carbon monoxide. Concentrations of CO are a direct function of the number of vehicles, length of delay, and traffic flow conditions. Transport of this criteria pollutant is extremely limited; CO disperses rapidly with distance from the source under normal meteorological conditions. Under certain meteorological conditions, however, CO concentrations close to congested intersections that experience high levels of traffic and elevated background concentrations may reach unhealthy levels, affecting nearby sensitive receptors. Areas of high CO concentrations, or "hot spots," are typically associated with intersections that are projected to operate at unacceptable levels of service during the peak commute hours. CO concentration modeling is therefore typically conducted for intersections that are projected to operate at unacceptable levels of service during peak commute hours.

The SFBAAB is designated as in attainment for CO. Emissions and ambient concentrations of CO have decreased dramatically in the SFBAAB with the introduction of the catalytic converter in 1975. No exceedances of the CAAQS or NAAQS for CO have been recorded at nearby monitoring stations since 1991. As a result, the BAAQMD screening criteria notes that CO impacts may be determined to be less than significant if a Project would not increase traffic volumes at local intersections to more than 44,000 vehicles per hour, or 24,000 vehicles per hour for locations in heavily urban areas, where "urban canyons" formed by buildings tend to reduce air circulation. Traffic would increase along surrounding roadways during long-term operational activities.

The Project's effects to existing vehicle distribution and travel speeds would be nominal. Based on the ADT data provided by the City, there are no intersections with more than 24,000 or 44,000 vehicles per

[11] The City of San José, Average Daily Traffic GIS Data, February 2021. Accessed at: https://gisdata-csj.opendata.arcgis.com/datasets/3f4978184afa48bb8353170e0d428623. Accessed January 2024.

hour by the Project site and no intersections that would reach either threshold with Project trips. As a result, the Project would not have the potential to create a CO hotspot and impacts would be less than significant.

Cumulative Health Impacts

Stationary sources within a 1,000-foot radius of the Project site were reviewed using BAAQMD's Stationary Source Screening Analysis Tools. There are two stationary sources located within a 1,000-foot radius of the Project site. **Table 4-7: Cumulative Operational Health Risk**, provides the emissions from the existing nearby highway, roadway, and rail sources.

Table 4-7: Cumulative Operational Health Risk

Emissions Sources	$PM_{2.5}$ ($\mu g/m^3$)	Cancer Risk (per million)	Hazard
Stationary Sources			
San José Water Company	<0.01	3.45	0.01
Valero Refining Company	<0.01	0.03	<0.01
Major Street Sources	0.14	7.12	0.56
Highway Sources[1]	0.33	10.71	1.32
Railway Services	0.01	3.74	0.02
Cumulative Health Risk Values	**0.48**	**25.05**	**1.91**
BAAQMD Cumulative Threshold	*0.8*	*100*	*10*
Threshold Exceeded?	**No**	**No**	**No**

1. Highway sources include Interstate 280 and Interstate 880.
Source: BAAQMD's Stationary Source Screening Analysis Tools, 2024.

Cumulative impacts are defined as two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. As described above, the Project is adjacent to sensitive receptors and would be within the zone of influence as defined by the BAAQMD. Worst-case $PM_{2.5}$ concentrations associated with existing cumulative conditions would not exceed the BAAQMD's thresholds, refer to **Table 4-7: Cumulative Operational Health Risk**. The cancer risk and hazard levels would also remain below the BAAQMD cumulative thresholds. Therefore, the Project's cumulative impacts will be less than significant.

Mitigation Measure:

Impact Statement AQ-1

Construction activities associated with the Project could expose sensitive receptors near the Project site to TAC emissions that could exceed the BAAQMD threshold for annual cancer risk of 10 per million by 6.41 per million.

Mitigation Measure AQ-1

Prior to issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the Project applicant shall prepare and submit a construction operations plan that includes specifications

of the equipment to be used during construction to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's Designee. The plan shall be accompanied by a letter signed by a qualified air quality specialist, verifying that the plan meets the standards set forth below.

- For all construction equipment larger than 25 horsepower operating on the site for more than two days continuously or 20 total hours, shall, at a minimum meet EPA Tier 4 Final emission standards.
- If Tier 4 Final equipment is not available, all construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet EPA emission standards for Tier 3 engines and include particulate matter (PM) emissions control equivalent to CARB Level 3 verifiable diesel emission control devices that altogether achieve an 85 percent reduction in PM exhaust and 40 percent reduction in NOX in comparison to uncontrolled equipment.

The construction operations plan prepared by the contractor and reviewed by the air quality specialist shall include, but not be limited to the following:

- List of activities and estimated timing.
- Equipment that would be used for each activity.
- Manufacturer's specifications for each equipment that provides the emissions level; or the manufacturer's specifications for devices that would be added to each piece of equipment to ensure the emissions level meet the thresholds in the mitigation measure.

The Project applicant shall include this requirement in applicable bid documents and require compliance as a condition of contract. A copy of each equipment unit's certified tier specification and CARB or BAAQMD operating permit (if applicable) should be available upon request at the time of mobilization of each applicable unit of equipment. The City shall require periodic reporting and provision of written documentation by contractors to ensure compliance and shall conduct regular inspections to the maximum extent feasible to ensure compliance.

The construction contractor(s) shall maintain equipment maintenance records for the construction portion of the Project. All construction equipment must be tuned and maintained in compliance with the manufacturer's recommended maintenance schedule and specifications. Upon request for inspection, construction contractor(s) shall make available all maintenance records for equipment used on site within one business day (either hardcopy or electronic versions).

d) Result in other emissions such as those leading to odors adversely affecting a substantial number of people?

Less than Significant Impact.

Construction

Construction activities associated with the Project may generate detectable odors from heavy duty equipment (i.e., diesel exhaust), as well as from architectural coatings and asphalt off-gassing. Odors generated from the referenced sources are common in the man-made environment and are not known

to be substantially offensive to adjacent receptors. Any construction-related odors would be short-term in nature and cease upon Project completion. As a result, impacts to existing adjacent land uses from construction-related odors would be short-term in duration and therefore would be less than significant.

Operational

According to the BAAQMD, land uses associated with odor complaints typically include wastewater treatment plants, landfills, confined animal facilities, composting stations, food manufacturing plants, refineries, and chemical plants. The Project does not include any uses identified by the BAAQMD as being associated with odors. The BAAQMD has established odor screening thresholds for land uses that have the potential to generate substantial odor complaints. The BAAQMD's thresholds for odors are qualitative based on the BAAQMD's Regulation 7, Odorous Substances. This rule places general limitations on odorous substances and specific emission limitations on certain odorous compounds.

The Project includes a mixed-use building with residential and retail land uses. These land uses are not anticipated to generate substantial adverse odors. None of the above listed uses are located near the Project site. Impacts would be less than significant.

4.4 Biological Resources

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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
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
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				X
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
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
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

Existing Setting

The Project site is located in a highly urbanized area characterized by a transportation corridor (i.e., West San Carlos Street) and built-up surrounding development. Existing vegetation is located on the west side of the Project site, along Cleveland Avenue. There is sparse ornamental vegetation and sporadic ruderal vegetation. No creeks, rivers, or other water bodies are located on or adjacent to the Project site and the closest waterbody is the Los Gatos Creek, approximately 1.5 miles east of the Project site. As such, there is little biological value for habitat on the Project site.

A California Natural Diversity database search was conducted using a five-mile buffer distance from the Project Site. Of all identified species with potential to occur within five miles, there are no instances of any endangered, threatened, sensitive, or special status species found on or adjacent to the Project site. Typical, common bird species that use urban areas as habitat and may occur in the Project area include rock dove, mourning dove, house sparrow, scrub jay, and starlings.

The Project site is located within the Santa Clara Valley Habitat Plan (SCVHP) study area and is designated as "Urban–Suburban."[12] The Project site is not designated as a natural community area or identified as important habitat for endangered and threatened species in the SCVHP.

Applicable Plans, Policies, and Regulations

Migratory Bird Treaty Act

Migratory birds, including raptors (i.e., birds of prey) are protected by the Migratory Bird Treaty Act (MBTA). The MBTA prohibits killing, possessing, or trading in migratory birds, except under the terms of a valid permit issued pursuant to Federal regulations. The MBTA protects whole birds, parts of birds, bird nests, and eggs.

Santa Clara Valley Habitat Plan/ Natural Community Conservation Plan

The Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (SCVHP) 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 VTA, U.S. Fish and Wildlife Service, and California Department of Fish and Wildlife. The SCVHCP 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 SCVHCP and is designated Urban- Suburban which comprises of areas where native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures.

City of San José Tree Ordinance

The City of San José tree ordinance (Chapter 13.32 of the Municipal Code) regulates the removal of trees. A tree removal permit is required by the City prior to the removal of any trees covered under the ordinance. An "ordinance-size tree" is:

- a single trunk measuring 38 inches or more in circumference at the height of 54 inches (i. e, 4 ½ feet) above natural grade; or

[12] Santa Clara Valley Habitat Agency. Santa Clara Valley Habitat Agency Geobrowser. http://www.hcpmaps.com/habitat/. Accessed January 2024

- a multi-trunk with combined measurements of each trunk circumference at 54 inches (i. e, 4 ½ feet) above natural grade adding up to 38 inches or more.

On private property, tree removal permits are issued by the Department of PBCE. Tree removal or modifications to all trees on public property (e.g., street trees within a parking strip or the area between the curb and sidewalk) are handled by a Department of Transportation (DOT) Street Tree Removal Permit.

The City's Heritage Tree List identifies more than 100 trees with special significance to the community because of their size, history, unusual species, or unique quality. Pursuant to Chapter 13.28 of the San José Municipal Code, it is illegal to prune or remove a heritage tree without first consulting the City Arborist and obtaining a permit.

A permit is needed to remove a tree if the tree is:

- a street tree or a heritage tree;
- an ordinance-size tree, live or dead; or
- any tree of any size located on multifamily, commercial, industrial, or mixed-use property or in a common area.

City of San José General Plan

The City's General Plan includes the following biological resource policies applicable to the Project:

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 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.

Discussion

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?

No Impact. There are no natural features or habitat suitable for special status species that would be modified by development of the Project. Therefore, the Project would not have an impact on special status species or their habitat and there would be no impact.

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?

No Impact. The Project site and surrounding area is not identified to contain any riparian habitat or other sensitive natural community in any local or regional plans, policies or regulation. Therefore, the Project would not impact riparian or other sensitive natural communities and there would be no impact.

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?

No Impact. The Project site is fully developed and does not contain any wetlands. There are no sensitive habitats on the Project site or in the vicinity. The Project site is not located adjacent to any waterways. Therefore, the Project would not impact wetlands and there would be no impact.

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?

No Impact. There are no trees on the Project site and there is sparse ruderal vegetation along Cleveland Avenue. There are no natural features or habitat suitable for special status species that would be interfered with or impeded by development of the Project. Thus, there would be no impact.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No Impact. Within the City, the urban forest as a whole is considered an important biological resource because trees generally provide some nesting, cover, and foraging habitat for birds and mammals that are tolerant of humans, as well as providing necessary habitat for beneficial insects. While the urban forest is not as favorable an environment for native wildlife as extensive tracts of native vegetation, trees in the urban forest are often the best commonly or locally available habitat within urban areas. The Project site does not include any trees that are considered part of the urban forest. The Project would not conflict with any local policies or ordinances protecting biological resources, such as trees. Therefore, there would be no impact.

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?

No Impact. The Project would have no impacts to any of the SCVHP covered species as the Project site is designated as Urban-Suburban. With the implementation of the Habitat Plan, the cumulative impacts of development City-wide and within the areas of Santa Clara County covered by the Habitat Plan would be offset through conservation and management of land for the Bay checkerspot butterfly. The Project would implement the following Standard Permit Condition.

Standard Permit Condition

Santa Clara Valley Habitat Plan. 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 to the Director of 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 www.scv-habitatagency.org.

4.5 Cultural Resources

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to in § 15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?			X	
c) Disturb any human remains, including those interred outside of dedicated cemeteries?			X	

Existing Setting

Historic Resources

The 0.56-acre Project site is currently developed with eight existing buildings, historically occupied by an automobile tire sales and repair store, mobile wall repair store, piano store, and storage buildings. Department of Parks and Recreation 523 forms were prepared in February 2024 by Page & Turnbull for the existing buildings, which are proposed to be demolished (1921-1927 West San Carlos Street and 30-58 Cleveland Avenue), to evaluate the potential for these on-site buildings to be considered as historic resources. The specific construction date for each building on the Project site could not be determined as no building permits prior to 2013 could be located. It is estimated the buildings were built between 1920 and 1945 based on a visual analysis of materials and stylistic features as well as consultation of aerial photographs. Page & Turnbull concluded in the documentation and evaluation of the property that none of the buildings are individually eligible for listing in the NRHP or the CRHR under any significance criteria. Page & Turnbull also concluded that none of the buildings are eligible for listing in the San José Historic Resources Inventory as a Candidate City Landmark. Therefore, the California Historical Resource Status Code of "6Z" was assigned to the property, meaning that the property was "Found ineligible for National Register, California Register, or Local Designation through survey evaluation." See Appendix B: Department of Parks and Recreation Forms.

Archaeological Resources

Per Appendix J of the General Plan EIR, the Project site is located in the City's Central Planning Area. The Central Planning Area is identified as being archaeologically sensitive, with recorded prehistoric and historic archaeological sites present. The Planning Area includes a number of City Landmarks, Structures of Merit, Contributing Structures, and historic districts. As described above, no existing structures on the Project site qualify as federal, state, or local historic resources. Further, the General Plan EIR does not

identify any previously identified archaeological or paleontological resources as present within the Project site. The Project site is identified as an area of "high sensitivity at depth" for paleontological resources (General Plan EIR, Figure 3.11-1).

Applicable Plans, Policies, and Regulations

The City's General Plan includes policies applicable to all development projects in San José. The following policies are specific to cultural resources and are applicable to the Project.

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 LU-13.15: Implement City, State, and Federal historic preservation laws, regulations, and codes to ensure the adequate protection of historic resources.

Discussion

a) Cause a substantial adverse change in the significance of a historical resource pursuant to in § 15064.5?

No Impact. As discussed above, the Project site is not listed as a historic resource on the local, state or federal registers. In Appendix B, the Department of Parks and Recreation Form 523 prepared for each building shows that the buildings are ineligible for National Register, California Register, or Local Designation through survey evaluation. Therefore, construction of the Project would have no impact on historic structures.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

Less than Significant Impact. There are no known prehistoric and historic archeological resources located within developed areas or areas planned for redevelopment on the Project site. Previously unknown unrecorded archeological resources could be discovered during the ground disturbing construction operations as the Project site is within an area of high archeological sensitivity at depth.

The General Plan EIR concluded that future development and redevelopment allowed under the proposed General Plan, especially construction activities, could result in direct or indirect impacts to both prehistoric and historic archaeological resources. In the event that archaeological resources (including human remains) are encountered during excavation and construction, the Project would implement the following Standard Permit Conditions:

Standard Permit Conditions

Subsurface Cultural Resources. If prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within 50-foot radius of the find shall be stopped, the Director of PBCE or the Director's designee and the City's Historic Preservation Officer shall be notified, and a qualified archaeologist shall examine the find. He 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.

Human Remains. If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill (AB) 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 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:

i. 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.
ii. The MLD identified fails to make a recommendation; or
iii. 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.

The Standard Permit Conditions would ensure impacts related to archaeological resources are less than significant.

c) Disturb any human remains, including those interred outside of dedicated cemeteries?

Less than Significant Impact. Based on review of the General Plan EIR, there are no known prehistoric or historic-era marked or un-marked human interments are present within or in the immediate vicinity of the Project site. However, there is the potential for unmarked, previously unknown Native American or other graves to be present and uncovered during construction activities. California law recognizes the need to protect historic-era and Native American human burials, skeletal remains, and grave-associated items from vandalism and inadvertent destruction and any substantial change to or destruction if these

resources would be a significant impact. Therefore the City, would require the Project to comply will all applicable regulatory programs and laws pertaining to subsurface cultural resources including the following Standard Permit Conditions for avoiding and reducing impacts if human remains are encountered.

Standard Permit Conditions

The Project applicant shall implement the following measures during construction:

Human Remains. If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per AB 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 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 NAHC within 24 hours. The NAHC will then designate a 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:

i. 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.
ii. The MLD identified fails to make a recommendation; or
iii. 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, any impacts would be less than significant.

4.6 Energy

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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	
e) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X	

Existing Setting

PG&E is the City's energy utility provider, furnishing both natural gas and electricity for residential, commercial, industrial, and municipal uses. PG&E generates or buys electricity from hydroelectric, nuclear, renewable, natural gas, and coal facilities. In 2021, natural gas facilities provided 9 percent of PG&E's electricity delivered to customers; nuclear plants provided 39 percent; large hydro operations provided 4 percent; renewable energy facilities including solar, geothermal, and biomass provided 48 percent.[13]

SJCE is an energy provider for the City and provides community programs relating to the City's energy supply. SJCE provides four options for electricity to its residential customers that vary in their renewable energy content. SJ Cares is the most basic option that uses 60 percent renewable energy and the lowest total cost. PG&E uses 48 percent renewable energy and has a higher cost than SJ Cares. GreenSource uses 60 percent renewable energy and has a higher cost than PG&E. Finally, TotalGreen is 100 percent renewable but incurs the highest cost. SJCE allows businesses to opt in and out of these electricity procurement methods.

Applicable Plans, Policies, and Regulations

Renewable Portfolio Standards

In 2002, California established its Renewable Portfolio Standard program with the goal of increasing the annual percentage of renewable energy in the state's electricity mix by the equivalent of at least 1 percent of sales, with an aggregate total of 20 percent by 2017.[14] The California Public Utilities Commission

[13] Pacific Gas and Electric, 2022 Corporate Sustainability Report, https://www.pgecorp.com/sustainability/corporate-sustainability.html, accessed November 22, 2023.

[14] The Renewable Portfolio Standard is a flexible, market-driven policy to ensure that the public benefits of wind, solar, biomass, and geothermal energy continue to be realized as electricity markets become more competitive. The policy ensures that a minimum amount of renewable energy is included in the portfolio of electricity resources serving a state or country.

subsequently accelerated that goal to 2010 for retail sellers of electricity (Public Utilities Code Section 399.15(b)(1)). Then-Governor Schwarzenegger signed Executive Order S-14-08 in 2008, increasing the target to 33 percent renewable energy by 2020. In September 2009, then-Governor Schwarzenegger continued California's commitment to the Renewable Portfolio Standard by signing Executive Order S-21-09, which directs the CARB under its AB 32 authority to enact regulations to help the State meet its Renewable Portfolio Standard goal of 33 percent renewable energy by 2020. In September 2010, the CARB adopted its Renewable Electricity Standard regulations, which require all of the State's load-serving entities to meet this target. In October 2015, then-Governor Brown signed into legislation SB 350, which requires retail sellers and publicly owned utilities to procure 50 percent of their electricity from eligible renewable energy resources by 2030. Signed in 2018, SB 100 revised the goal of the program to achieve the 50 percent renewable resources target by December 31, 2026, and to achieve a 60 percent target by December 31, 2030. SB 100 also established a further goal to have an electric grid that is entirely powered by clean energy by 2045. Under the bill, the State cannot increase carbon emissions elsewhere in the western grid or allow resource shuffling to achieve the 100 percent carbon-free electricity target.

California 2007 Energy Action Plan Update

The 2007 Energy Action Plan II is the State's principal energy planning and policy document. The plan describes a coordinated implementation strategy to ensure that California's energy resources are adequate, affordable, technologically advanced, and environmentally sound. In accordance with this plan, the state and its electricity providers would invest first in energy efficiency and demand-side resources, followed by renewable resources, and only then in clean conventional electricity supply to meet its energy needs.

California Building Energy Efficiency Standards: Title 24, Part 6 (California Energy Code)

Energy conservation standards for new residential and nonresidential buildings were adopted by the California Energy Resources Conservation and Development Commission (now the California Energy Commission) in June 1977 and are updated every three years (Title 24, Part 6, of the CCR). Title 24 requires the design of building shells and building components to conserve energy. The standards are updated periodically to allow for consideration and possible incorporation of new energy efficiency technologies and methods. On May 9, 2018, the California Energy Commission (CEC) adopted the 2019 Building Energy Efficiency Standards, which went into effect on January 1, 2020. The 2022 Standards were adopted in August 2021 and went into effect in January 2023.

The 2022 Standards improve upon the previous 2019 Standards. Among other updates like strengthened ventilation standards for gas cooking appliances, the 2022 Energy Code includes updated standards in three major areas:

New electric heat pump requirements for residential uses, schools, offices, banks, libraries, retail, and grocery stores.

- The promotion of electric-ready requirements for new homes including the addition of circuitry for electric appliances, battery storage panels, and dedicated infrastructure to allow for the conversion from natural gas to electricity.
- The expansion of solar photovoltaic and battery storage standards to additional land uses including high-rise multifamily residences, hotels and motels, tenant spaces, offices, (including

medical offices and clinics), retail and grocery stores, restaurants, schools, and civic uses (including theaters auditoriums, and convention centers)

Buildings whose permit applications are applied for on or after January 1, 2023, must comply with the 2022 Energy Code.

California Green Building Standards Code

The California Green Building Standards Code (CCR, Title 24, Part 11), commonly referred to as the CALGreen Code, is a statewide mandatory construction code that was developed and adopted by the California Building Standards Commission and the California Department of Housing and Community Development. CALGreen standards require new residential and commercial buildings to comply with mandatory measures under five topical areas: planning and design; energy efficiency; water efficiency and conservation; material conservation and resource efficiency; and environmental quality. CALGreen also provides voluntary measures (CALGreen Tier 1 and Tier 2) that local governments may adopt which encourage or require additional measures in the five green building topics. The CEC approved the 2022 California Green Building Standards Code and went into effect January 1, 2023.

City of San José Private Sector Green Building Policy

The San José City Council approved Policy 6-32 *Private Sector Green Building Policy* in October 2008 that establishes a baseline green building standard for private sector new construction within the City. Policy 6-32 is intended to enhance the public health, safety, and welfare of City residents, workers, and visitors by fostering practices in the design, construction, and maintenance of buildings that will minimize the use and waste of energy, water, and other resources. All projects are required to submit a Leadership in Energy and Environmental Design (LEED)[15], GreenPoint[16], or Build It Green checklist with the development proposal. 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 the **Table 4-8: Green Building Practices** below.

Table 4-8: Green Building Practices

Applicable Project	Effective as of January 1, 2009
Commercial/ Industrial – Tier 1	< 25,000 square-feet = LEED Applicable NC Checklist
Commercial/ Industrial – Tier 2	> 25,000 square-feet = LEED Silver
Residential < 10 units – Tier 1	GreenPoint or LEED Checklist
Residential > 10 Units – Tier 2	GreenPoint Rated 50 points or LEED Certified
High-Rise Residential (75' or higher)	LEED Certified

Sustainable City Strategy

The Sustainable City Strategy is a statement of the City's commitment to becoming an environmentally and economically sustainable city by ensuring that development is designed and built in a manner consistent with the efficient use of resources and environmental protection. Programs promoted under this strategy include recycling, waste disposal, water conservation, transportation demand management and energy efficiency.

[15] 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.

[16] 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.

Climate Smart San José

Approved by the City Council in February 2018, Climate Smart San José utilizes a people-focused approach, encouraging the entire City community to join an ambitious campaign to reduce GHG emissions, save water and improve quality of life. The adoption of Climate Smart San José made San José one of the first U.S. cities to chart a path to achieving the GHG emissions reductions contained in the international Paris Agreement on climate change. Climate Smart San José focuses on three areas: energy, mobility, and water. Climate Smart San José encompasses nine overarching strategies:

- Transition to a renewable energy future
- Embrace our California climate
- Densify our city to accommodate our future neighbors
- Make homes efficient and affordable for families
- Create clean, personalized mobility choices
- Develop integrated, accessible public transport infrastructure
- Create local jobs in our city to reduce VMT
- Improve our commercial building stock
- Make commercial goods movement clean and efficient

City Energy Programs

The City also has a number of programs to further promote energy conservation among residents and businesses in the City.

Silicon Valley Energy Watch (SVEW) program:

The City, PG&E, and Ecology Action are part of the Silicon Valley Energy Watch program. The program assists cities, non-profits, small businesses, community organizations, professionals, and residents in the County to take advantage of cost-saving, energy-efficient technologies. SVEW offers free energy audits, targeted retrofits, technical assistance, education, and training.

City of San José Green Building Policies:

In 2001, the San José City Council adopted a series of Green Building Policies to demonstrate the City's commitment to the environmental, economic, and social stewardship and to yield cost savings to city taxpayers through reduced operating costs, to provide healthy work environments for staff and visitors, and to contribute to the City's goals of protecting, conserving, and enhancing the region's environmental resources. The Green Building Policy goals include a series in the category of energy and atmosphere. Energy and atmosphere policy goals are as follows:

- *Minimum Energy Performance*: establish the minimum level of energy efficiency for the base building and systems.
- *Optimize Energy Performance*: achieve increasing levels of energy performance above the minimum standard to reduce environmental impacts associated with excessive energy use.
- *Building Commissioning*: verify and ensure that the entire building is designed, constructed, and calibrated to operate as intended.
- *Measurement and Verification*: provide for the ongoing accountability and optimization of building energy and water consumption performance over time.
- *Renewable Energy*: encourage and recognize increasing levels of self-supply through renewable technologies to reduce environmental impacts associated with fossil fuel energy use.

- *Green Power*: encourage the development and use of grid-source, renewable energy technologies on a net zero pollution basis.
- *Reduce Ozone Depletion*: support early compliance with the Montreal Protocol by eliminating the use of chlorofluorocarbons-based refrigerants and reducing the use of hydrochlorofluorocarbons and halons. As part of its promotion of Green Building policies, the City encourages participation in City sponsored organized educational and training events covering green building topics to increase the use of green building techniques in municipal, commercial, and residential building development projects in the City and create greater awareness of these practices.

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, 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).

City of San José Building Reach Code

In September 2019, the City Council approved the City's building "reach code" (Ordinance No. 30311) that requires new buildings to exceed the energy performance requirements of the California Building Energy Efficiency Standards. The reach code encourages building electrification and energy efficiency, requires solar-readiness on nonresidential buildings, and requires electric vehicle-readiness and EV equipment installation. Additionally, in December 2020, the City Council approved an updated ordinance prohibiting natural gas infrastructure in all new construction in the City, which started in August 2021. However, per SJMC section 17.845.040 hospitals, attached accessory dwelling units, and facilities with a distributed energy resource are exempt from the requirements. New proposed reach code requirements for new construction were adopted in September 2023. The overview of differences between the 2019 Reach Code and Proposed 2023 Reach Code relevant to this Project include an updated new compliance pathway in 2022 Efficiency Standards, compliance margin requirements, and removed distinction between all-electric and mixed-fuel buildings.

Envision San José 2040 General Plan

The General Plan includes policies applicable to all development projects in the City. The following policies are specific to energy use and energy efficiency and applicable to the Project.

Policy MS-1.1 Demonstrate leadership in the development and implementation of green building policies and practices. Ensure that all projects are consistent with or exceed the City's Green Building Ordinance and City Council Policies as well as State and/or regional policies which require that projects incorporate various green building principles into their design and construction.

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.

Action MS-2.8 Develop policies which promote energy reduction for energy-intensive industries. For facilities such as data centers, which have high energy demand and indirect greenhouse gas emissions, require evaluation of operational energy efficiency and inclusion of operational design measures as part of development review consistent with benchmarks such as those in EPA's EnergyStar Program for new data centers.

Action 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-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 or other area functions.

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-14.1 Promote job and housing growth in areas served by public transit and that have community amenities within a 20-minute walking distance.

Policy MS-14.2 Enhance existing neighborhoods by adding a mix of uses that facilitate biking, walking, or transit ridership through improved access to shopping, employment, community services, and gathering places.

Policy MS-14.3 Consistent with the California Public Utilities Commission's California Long-Term Energy Efficiency Strategic Plan, as revised and when technological advances make it feasible, require all new residential and commercial construction to be designed for zero net energy use.

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, and passive solar building design and planting of trees and other landscape materials to reduce energy.

Policy MS-14.5 Consistent with State and Federal policies and best practices, require energy efficiency audits and retrofits prior to or at the same time as consideration of solar electric improvements.

Policy MS-17.2 Ensure that development within San José is planned and built in a manner consistent with fiscally and environmentally sustainable use of current and future water supplies by encouraging sustainable development practices, including low-impact development, water-efficient development and green building techniques. Support the location of new development within the vicinity of the recycled water system and promote expansion of the South Bay Water Recycling (SBWR) system in areas planned for new development. Residential development outside of the Urban Service Area can be approved only at minimal levels and only allowed to use non-recycled water at urban intensities. For residential development outside of the Urban Service Area, restrict water usage to well water, rainwater collection, or other similar sustainable practice. Non-residential development may use the same sources and potentially make use of recycled water, provided that its use will not result in conflicts with other General Plan policies, including geologic or habitat impacts. To maximize the efficient and environmentally beneficial use of water, outside of the Urban Service Area, limit water consumption for new development so that it does not diminish the water supply available for projected development in areas planned for urban uses within San José or other surrounding communities.

Policy MS-18.5 Reduce citywide per capita water consumption by 25% by 2040 from a baseline established using the 2010 Urban Water Management Plans of water retailers in San José.

Policy MS-18.6 Achieve by 2040, 50 million gallons per day of water conservation savings in San José, by reducing water use and increasing water use efficiency.

Policy MS-19.1 Require new development to contribute to the cost-effective expansion of the recycled water system in proportion to the extent that it receives benefit from the development of a fiscally and environmentally sustainable local water supply.

Policy MS-19.4 Require the use of recycled water wherever feasible and cost-effective to serve existing and new development.

Policy IN-5.3 Use solid waste reduction techniques, including source reduction, reuse, recycling, source separation, composting, energy recovery and transformation of to extend the lifespan of existing landfills and to reduce the need for future landfill facilities and to achieve the City's Zero Waste goals.

Policy TR-1.4 Through the entitlement process for new development fund needed transportation improvements for all modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand.

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.

Discussion

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Less Than Significant Impact.

Construction

The energy consumption associated with construction of the Project includes primarily diesel fuel consumption from on-road hauling trips and off-road construction diesel equipment, and gasoline consumption from on-road worker commute and vendor trips. The amount of electricity used during construction would be minimal; typical demand would stem from the use of electrically powered hand tools and several construction trailers by managerial staff during the hours of construction activities. The majority of the energy used during construction would be from diesel use. This analysis relies on the construction equipment list and operational characteristics, as stated in Section 4.3, Air Quality and Section 4.8, Greenhouse Gas Emissions, as well as Appendix A of this Initial Study. **Table 4-9: Project Energy Consumption During Construction** quantifies the construction energy consumption are provided for the Project, followed by an analysis of impacts based on those quantifications.

Table 4-9: Project Energy Consumption During Construction

Source	Project Construction Usage	Santa Clara County Annual Energy Consumption	Percentage Increase Countywide
Diesel Use	**Gallons**		
On-Road Construction Trips [1]	21,937	87,546,893	0.0251%
Off-Road Construction Equipment [2]	5,690	87,546,893	0.0065%
Construction Diesel Total	**27,627**	**87,546,893**	**0.0316%**
Gasoline	**Gallons**		
On-Road Construction Trips [1]	9,127	527,439,060	0.0017%
Electricity Use	**Megawatt Hours (MWh/year)**		
Water Consumption	17.46	17,101,799	0.0001%

1. On-road mobile source fuel use based on VMT from CalEEMod and fleet-average fuel consumption in gallons per mile from EMFAC2021 in Santa Clara County.
2. Off-road mobile source fuel usage based on a fuel usage rate of 0.05 gallons of diesel per horsepower (hp)-hour from USEPA.
Abbreviations:
CalEEMod: California Emission Estimation Model; EMFAC: Emission Factor Model; MWh: megawatt-hour
Sources: AWMA, 1992; DOE 2016; USEPA 1996.

In total, construction of the Project would consume approximately 27,627 gallons of diesel and 9,127 gallons of gasoline. The Project's fuel from the entire construction period would increase fuel use in the

Santa Clara County by approximately 0.0316 percent for diesel and 0.0017 percent for gasoline. The Project would increase electricity usage in Santa Clara County by 0.0001 percent.

There are no unusual characteristics of the Project that would necessitate the use of construction equipment that would be less energy-efficient than at comparable construction sites in the region or state. In addition, some incidental energy conservation would occur during construction through compliance with State requirements that equipment not in use for more than five minutes be turned off. Project construction equipment would also be required to comply with the latest EPA and CARB engine emissions standards. These engines use highly efficient combustion engines to minimize unnecessary fuel consumption. Additionally, the Project would utilize Tier 4 construction equipment per Mitigation Measure AQ-1.

The CEQA Guidelines Appendix G and Appendix F criteria requires the Project's effects on local and regional energy supplies and on the requirements for additional capacity to be addressed. A 0.0316 percent increase in construction fuel demand is not anticipated to trigger the need for additional capacity. Fuel consumption is based on a conservative construction phasing and conservative estimates for annual construction fuel consumption. Longer phases would result in lower construction intensity and a lower annual fuel consumption, resulting in lower annual demand on energy supplies. Additionally, use of construction fuel would cease once the Project is fully developed. As such, Project construction would have a nominal effect on the local and regional energy supplies. Therefore, it is expected that construction fuel consumption associated with the Project would not be inefficient, wasteful, or unnecessary. Thus, construction of the Project would not substantially affect existing energy or fuel supplies, or resources and new capacity would not be required. Impacts would be less than significant in this regard.

Operational

The energy consumption would include building electricity, water, and fuel usage from on-road vehicles. Note that this energy resources analysis is consistent with the analysis presented in Section 4.3, Air Quality, and Section 4.8, Greenhouse Gases. Quantifications of operational energy consumption are provided for the Project in **Table 4-10: Annual Energy Consumption during Operations** below.

Table 4-10: Annual Energy Consumption during Operations

Source	Project Operational Usage	Santa Clara County Annual Energy Consumption	Percentage Increase Countywide
Electricity Use	**Megawatt Hour/Year (MWh/year)**		
Area [1]	397	17,101,799	0.0023%
Water	239		0.0014%
Diesel Use	**Gallons/Year**		
Mobile [2]	13,980	87,546,893	0.0160%
Gasoline Use	**Gallons/Year**		
Mobile [2]	35,332	527,439,060	0.0067%

Notes:
1. The electricity usage are based on project-specific estimates and CalEEMod defaults. The project would not use natural gas.
2. Calculated based on the mobile source fuel use based on VMT and fleet-average fuel consumption (in gallons per mile) from EMFAC2021 for operational year 2026.
Abbreviations: CalEEMod: California Emission Estimation Model; EMFAC: California Air Resources Board Emission Factor Model; MWh: megawatt-hour

Electricity is currently used by the existing commercial uses on the Project site. As shown below, the Project site is expected to either continue to be served by the existing PG&E electrical facilities through their Solar Choice Program or would enroll in the SJCE TotalGreen program, or other comparable programs. Total electricity demand in PG&E's service area is forecast to increase by approximately 12,000 GWh—or 12 billion kWh—between 2016 and 2028.[17] The Project's anticipated electricity demand would be nominal compared to overall demand in PG&E's service area. Therefore, the projected electrical demand would not significantly impact PG&E's level of service.

The Project would not utilize natural gas. Therefore, the Project's operational energy consumption for space and water heating would represent zero percent of the natural gas consumption in Santa Clara County.

By the Project's expected operation year of 2028, expected Project operational use of gasoline and diesel would represent approximately 0.0067 percent of future gasoline use and 0.016 percent of future diesel use in Santa Clara County.

It should also be noted that Project design and materials would comply with the 2022 Building Energy Efficiency Standards, which took effect on January 1, 2023, and/or future 2022 Building Energy Efficiency Standards depending on when construction permits are issued. Prior to issuance of a building permit, the City would review and verify that the proposed plans for the Project demonstrate compliance with the current version of the Building and Energy Efficiency Standards. Title 24 standards require energy conservation features in new construction (e.g., high- efficiency lighting, high-efficiency heating, ventilating, and air-conditioning systems, thermal insulation, double-glazed windows, water conserving plumbing fixtures).

[17] California Energy Commission, *California Energy Demand 2018-2030 Revised Forecast, Figure 49 Historical and Projected Baseline Consumption PG&E Planning Area*, April 2018.

The Project is anticipated to provide the space for a solar area on the roof of the building. The proposed building would also be built to achieve LEED certification consistent with San José Council Policy 6-32. The Project proponent anticipates that LEED certification would be achieved in part by conforming to the City's Green Building Measures. Additionally, the Project would also be required adhere to the provisions of CALGreen, which establishes planning and design standards for sustainable site development, energy efficiency (in excess of the California Energy Code requirements), water conservation, material conservation, and internal air contaminants. The insulation and design code requirements would minimize wasteful energy consumption.

None of the Project energy uses exceed one percent of Santa Clara County use. The Project would comply with applicable energy standards and would not result in wasteful, inefficient, or unnecessary consumption of energy resources. Impacts would be less than significant in this regard.

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Less than Significant Impact. As stated above, the Project would be required to be built to LEED Certification pursuant Council Policy 6-32. The Project would be required to comply with existing regulations, including applicable measures from the General Plan, or would be directly affected by the outcomes (vehicle trips and energy consumption would be less carbon intensive due to statewide compliance with future low carbon fuel standard amendments and increasingly stringent Renewable Portfolio Standards). The Project would also enroll in a carbon-free electricity program and, as such, a Project condition of approval will be included to reflect this decision.

Project Condition of Approval:

> 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 PBCE, or Director's designee, proof of enrollment in either the PG&E Solar Choice Program (100% renewable energy) or SJCE TotalGreen program (approx. 100% renewable energy), or a comparable program. Neither the occupant, nor any future occupant, may opt out of the identified energy provision program, unless additional environmental analysis is prepared and a separate option is identified.

As such, the Project would not conflict with any other state-level regulations, including City Reach codes, pertaining to energy. The Project's location within a high-quality transit corridor would promote the reduction of single-occupancy traffic trips. The Project would include green design measures to pursue LEED certification. Therefore, the Project would comply with existing State energy standards and would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency and impacts would be less than significant.

4.7 Geology and Soils

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?			X	
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	
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	
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

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	

Existing Setting

Soils and Groundwater

The Project site is in the Santa Clara Valley, which is flanked on the west by the Santa Cruz Mountains, on the east by the Diablo Range, and the San Francisco Bay to the north. The mountain ranges to the east and west consist of older Franciscan and related rocks and overlying sedimentary rocks ranging in age from the Cretaceous through Tertiary time. The valley's basin contains alluvial deposits derived from the Diablo Range and the Santa Cruz Mountains. Sediments in the site vicinity consist of Holocene age mainly continental deposits of unconsolidated to semi-consolidated alluvium, though includes some marine deposits near the coast.

The Project site lies at an elevation of approximately 120 feet above mean sea level and is predominantly flat. Soil conditions at the Project site consist of alluvial deposits consisting of interbedded layers of clay, silt, and sand.[18]

Seismicity and Seismic Hazards

The Project site is not located within the Alquist-Priolo Earthquake Fault Zone or the Santa Clara County Geologic Hazard Zone and no active faults have been mapped on the Project site .[19] The nearest Alquist-Priolo earthquake Fault Zone is located 6.96 miles northeast of the Project site. The Project site is not within a designated Landslide and Liquefaction Zone[20].

The City of San José is within one of the most seismically active areas in the United States, capable of generating an earthquake with a magnitude 6.7 or greater. The San Andreas Fault system, including the Monte Vista-Shannon Fault, exists within the Santa Cruz Mountains and the Hayward and Calaveras Fault systems exist within the Diablo Range. Development in the City is likely to be exposed to strong ground shaking within the useful lifetime of new development. The Project site lies 8.37 miles northeast of the Hayward Fault and 9.65 miles east of the Calaveras Fault. Several smaller faults including the San José, Silver Creek, Evergreen, Cascade, and Piercy faults, are also found in the vicinity of the Project site, primarily along the base of the San José Foothills over 8 miles away from the Project site.

[18] California, State of, Department of Conservation. Web Soil Survey. Available at: https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx. Accessed August 27, 2024.
[19] California, State of, Department of Conservation. Regulatory Maps. http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps. Accessed August 27, 2024.
[20] California, State of, Department of Conservation. Earthquake Zones of Required Investigation San Jose West Quadrangle. Available at: http://gmw.conservation.ca.gov/SHP/EZRIM/Maps/SAN_JOSE_WEST_EZRIM.pdf. Accessed August 27, 2024.

Liquefaction generally occurs as a "quicksand" type of ground failure caused by strong ground shaking. The primary factors influencing liquefaction potential include groundwater, soil type, relative density of the sandy soils, confining pressure, and the intensity and duration of ground shaking. Landslides are mass movements of the ground that include rock falls, relatively shallow slumping and sliding of soil, and deeper rotational or transitional movement of soil or rock. As shown in Figure 3.6-1 in the General Plan EIR, the Project site is not located in a State seismic hazard zone specific to liquefaction or landslides.

Applicable Plans, Policies, and Regulations

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act (Act) was passed in 1972 to address the hazard of surface faulting to structures for human occupancy .The Alquist-Priolo Earthquake Fault Zoning Act regulates development and construction of buildings intended for human occupancy to avoid the hazard of surface fault rupture. The act categorizes faults as active (Historic and Holocene age), potentially active (Late Quaternary and Quaternary age), and inactive (pre-Quaternary age). The Earthquake Fault Zones indicate areas with potential surface fault-rupture hazards. Areas within the Alquist-Priolo Earthquake Fault Zone require special studies to evaluate the potential for surface rupture to ensure that no structures intended for human occupancy are constructed across an active fault. This Act requires the State Geologist to establish regulatory zones (Earthquake Fault Zones) around the surface traces of mapped active faults, and to publish appropriate maps that depict these zones. If an active fault is found, a structure for human occupancy cannot be placed over the trace of the fault and must be set back from the fault (typically 50 feet).

California Building Code

The California Building Code (CBC), Part 2 of Title 24 of the CCR, is based on the International Building Code and prescribes a standard for constructing safer buildings throughout the State of California. It contains provisions for earthquake safety based on factors including occupancy type, soil and rock profile, strength of the ground and distance to seismic sources. The Code is renewed on a triennial basis every three years; the current version is the 2022 Building Standards Code. Building permits for individual projects within the Plan Area will be reviewed to ensure compliance with the CBC.

City of San José Envision San José 2040 General Plan

The City's General Plan includes the following policies applicable to all development projects in San José.

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.

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.

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.

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.

Discussion

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.

Less than Significant Impact. Although the Project site is located within a seismically active region, there is no known fault mapped on or proximate to the Project site. Therefore, the possibility of significant fault rupture on the Project site would be less than significant.

ii. Strong seismic ground shaking?

Less than Significant Impact. The Project would be reviewed for conformance with the CBC, City regulations, and other applicable seismic construction standards. Consistency with these standard engineering practices and design criteria would reduce the effects of seismic ground shaking. Furthermore, the Project would be built and maintained in accordance with a site-specific geotechnical report, as required by the General Plan EIR and outlined in the Standard Permit Condition below. Therefore, impacts would be less than significant.

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 report shall be reviewed and approved by the City of San José Department of Public Works as part of the building 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 CBC.

iii. Seismic-related ground failure, including liquefaction?

Less than Significant Impact. All structures and foundations requiring building permits would be required to meet CBC requirements to withstand ground shaking, minimizing potential impacts resulting from liquefaction. Adherence to the CBC would ensure that the seismic-related ground failure, including liquefaction impacts would be less than significant.

iv. Landslides?

No Impact. The Project site is relatively flat and is not located in an area mapped as an earthquake-induced landslide hazard area. Therefore, there would be no impact.

b) Result in substantial soil erosion or the loss of topsoil?

Less than Significant Impact. Grading during the construction phase of the Project would displace soils and temporarily increase the potential for soils to be subject to wind and water erosion. However, erosion and loss of topsoil can be controlled using standard construction practices. The Project would be required implement the Standard Permit Condition described below to further reduce potential erosion impacts during construction. Therefore, impacts would be less than significant.

Standard Permit Condition

- 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 CBC, as adopted by the City. 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.
- A soils investigation report must be submitted to and accepted by the Public Works Project Engineer in Development Services prior to the issuance of a grading permit. Foundation, earthwork and drainage recommendations should be included in the report. The report must be signed and stamped by a Registered Geotechnical/Civil Engineer

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?

Less than Significant Impact. As discussed above, the Project site is not within a designated Landslide and Liquefaction Zone. All structures and foundations requiring building permits would still be required to meet CBC requirements to withstand ground shaking, minimizing potential impacts resulting from liquefaction. Adherence to the CBC, City regulations, and other applicable standards would ensure that the impacts related to landslide, lateral spreading, subsidence, liquefaction, and collapse are less than significant.

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?

Less than Significant Impact. The Project would be designed consistent with the CBC, City regulations, and other applicable standards. Refer to response 4.7 (a) for more information. Conformance with standard engineering practices and design criteria would reduce impacts related to expansive soil potential to a less than significant level.

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?

No Impact. The Project would connect to the City sewer system and would not include the implementation of septic tanks or alternative wastewater disposal systems. Therefore, there would be no impact.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less than Significant Impact. While the Project site is located within a high sensitivity area (at depth) for paleontological resources as shown in Figure 3.11-1 in the General Plan EIR, the Project site has been previously graded and developed and does not support or contain any unique geologic features or known paleontological resources. Implementation of the following Standard Permit Condition would reduce potential impacts to paleontological resources to a less than significant level.

Standard Permit Condition

Paleontological Resources. If vertebrate fossils are discovered during construction, all work on the Project site shall stop immediately, Director of Planning or Director's designee of the Department of 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 Director's designee of the PBCE.

4.8 Greenhouse Gas Emissions

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

Existing Setting

Certain gases in the earth's atmosphere, classified as GHGs, play a critical role in determining the earth's surface temperature. Solar radiation enters the earth's atmosphere from space. A portion of the radiation is absorbed by the earth's surface and a smaller portion of this radiation is reflected toward space. This absorbed radiation is then emitted from the earth as low-frequency infrared radiation. The frequencies at which bodies emit radiation are proportional to temperature. Because the earth has a much lower temperature than the sun, it emits lower-frequency radiation. Most solar radiation passes through GHGs; however, infrared radiation is absorbed by these gases. As a result, radiation that otherwise would have escaped back into space is instead "trapped," resulting in a warming of the atmosphere. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate on earth.

The primary GHGs contributing to the greenhouse effect are carbon dioxide, methane, and nitrous oxide. Fluorinated gases also make up a small fraction of the GHGs that contribute to climate change. Examples of fluorinated gases include chlorofluorocarbons, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, and nitrogen trifluoride; however, it is noted that these gases are not associated with typical land use development. Human-caused emissions of GHGs exceeding natural ambient concentrations are believed to be responsible for intensifying the greenhouse effect and leading to a trend of unnatural warming of the Earth's climate, known as global climate change or global warming.

GHGs are global pollutants, unlike criteria air pollutants and TACs, which are pollutants of regional and local concern. Whereas pollutants with localized air quality effects have relatively short atmospheric lifetimes (approximately one day), GHGs have long atmospheric lifetimes (one to several thousand years). GHGs persist in the atmosphere for long enough time periods to be dispersed around the globe. Although the exact lifetime of a GHG molecule is dependent on multiple variables and cannot be pinpointed, more CO_2 is emitted into the atmosphere than is sequestered by ocean uptake, vegetation, or other forms of carbon sequestration. Of the total annual human-caused CO_2 emissions, approximately 55 percent is

sequestered through ocean and land uptakes every year, averaged over the last 50 years, whereas the remaining 45 percent of human-caused CO_2 emissions remains stored in the atmosphere.[21]

Applicable Plans, Policies, and Regulations

To date, no national standards have been established for nationwide GHG reduction targets, nor have any regulations or legislation been enacted specifically to address climate change and GHG emissions reduction at the project level. Various efforts have been promulgated at the federal level to improve fuel economy and energy efficiency to address climate change and its associated effects.

Energy Independence and Security Act of 2007

The Energy Independence and Security Act of 2007 (December 2007), among other key measures, requires the following, which would aid in the reduction of national GHG emissions:

- Increase the supply of alternative fuel sources by setting a mandatory Renewable Fuel Standard requiring fuel producers to use at least 36 billion gallons of biofuel in 2022.
- Set a target of 35 miles per gallon for the combined fleet of cars and light trucks by model year 2020, and direct the National Highway Traffic Safety Administration (NHTSA) to establish a fuel economy program for medium- and heavy-duty trucks and create a separate fuel economy standard for work trucks.
- Prescribe or revise standards affecting regional efficiency for heating and cooling products and procedures for new or amended standards, energy conservation, energy efficiency labeling for consumer electronic products, residential boiler efficiency, electric motor efficiency, and home appliances.

U.S. Environmental Protection Agency Endangerment Finding

The EPA's authority to regulate GHG emissions stems from the U.S. Supreme Court decision in Massachusetts v. EPA (2007). The Supreme Court ruled that GHGs meet the definition of air pollutants under the existing CAA and must be regulated if these gases could be reasonably anticipated to endanger public health or welfare. Responding to the Court's ruling, the EPA finalized an endangerment finding in December 2009. Based on scientific evidence, it was found that six GHGs constitute a threat to public health and welfare. Thus, it is the Supreme Court's interpretation of the existing Act and the EPA's assessment of the scientific evidence that form the basis for the EPA's regulatory actions.

Federal Vehicle Standards

In response to the U.S. Supreme Court ruling discussed above, the George W. Bush Administration issued Executive Order 13432 in 2007 directing the EPA, the Department of Transportation, and the Department of Energy to establish regulations that reduce GHG emissions from motor vehicles, non-road vehicles, and non-road engines by 2008. In 2009, the NHTSA issued a final rule regulating fuel efficiency and GHG emissions from cars and light-duty trucks for model year 2011, and in 2010, the EPA and NHTSA issued a final rule regulating cars and light-duty trucks for model years 2012 – 2016.

In 2010, President Barack Obama issued a memorandum directing the Department of Transportation, Department of Energy, EPA, and NHTSA to establish additional standards regarding fuel efficiency and GHG reduction, clean fuels, and advanced vehicle infrastructure. In response to this directive, the EPA

[21] Intergovernmental Panel on Climate Change. Climate Change 2013: The Physical Science Basis. https://www.ipcc.ch/report/ar5/wg1/. Accessed January 2024.

and NHTSA proposed stringent, coordinated federal GHG and fuel economy standards for model years 2017 – 2025 light-duty vehicles. The proposed standards projected to achieve 163 grams per mile of CO_2 in model year 2025, on an average industry fleet-wide basis, which is equivalent to 54.5 miles per gallon if this level were achieved solely through fuel efficiency. The final rule was adopted in 2012 for model years 2017 – 2021, and NHTSA intends to set standards for model years 2022 – 2025 in a future rulemaking. On January 12, 2017, the EPA finalized its decision to maintain the current GHG emissions standards for model years 2022 – 2025 cars and light trucks. It should be noted that the EPA is currently proposing to freeze the vehicle fuel efficiency standards at their planned 2020 level (37 mpg), canceling any future strengthening (currently 54.5 mpg by 2026).

In addition to the regulations applicable to cars and light-duty trucks described above, in 2011, the EPA and NHTSA announced fuel economy and GHG standards for medium- and heavy-duty trucks for model years 2014 – 2018. The standards for CO_2 emissions and fuel consumption are tailored to three main vehicle categories: combination tractors, heavy-duty pickup trucks and vans, and vocational vehicles. According to the EPA, this regulatory program will reduce GHG emissions and fuel consumption for the affected vehicles by 6 to 23 percent over the 2010 baseline.

In August 2016, the EPA and NHTSA announced the adoption of the phase two program related to the fuel economy and GHG standards for medium- and heavy-duty trucks. The phase two program will apply to vehicles with model year 2018 through 2027 for certain trailers, and model years 2021 through 2027 for semi-trucks, large pickup trucks, vans, and all types and sizes of buses and work trucks. The final standards are expected to lower CO_2 emissions by approximately 1.1 billion metric tons (MT) and reduce oil consumption by up to 2 billion barrels over the lifetime of the vehicles sold under the program.

In 2018, the President and the EPA stated their intent to halt various federal regulatory activities to reduce GHG emissions, including the phase two program. California and other states have stated their intent to challenge federal actions that would delay or eliminate GHG reduction measures and have committed to cooperating with other countries to implement global climate change initiatives. The timing and consequences of these types of federal decisions and potential responses from California and other states are currently speculative.

Clean Power Plan and New Source Performance Standards for Electric Generating Units

On October 23, 2015, the EPA published a final rule (effective December 22, 2015) establishing the carbon pollution emission guidelines for existing stationary sources: electric utility generating units (80 FR 64510–64660), also known as the Clean Power Plan. These guidelines prescribe how states must develop plans to reduce GHG emissions from existing fossil-fuel-fired electric generating units. The guidelines establish CO_2 emission performance rates representing the best system of emission reduction for two subcategories of existing fossil-fuel-fired electric generating units: (1) fossil-fuel-fired electric utility steam-generating units and (2) stationary combustion turbines. Concurrently, the EPA published a final rule (effective October 23, 2015) establishing standards of performance for GHG emissions from new, modified, and reconstructed stationary sources: electric utility generating units (80 FR 64661–65120). The rule prescribes CO_2 emission standards for newly constructed, modified, and reconstructed affected fossil-fuel-fired electric utility generating units. The U.S. Supreme Court stayed implementation of the Clean Power Plan pending resolution of several lawsuits. Additionally, in March 2017, President Trump directed the EPA Administrator to review the Clean Power Plan in order to determine whether it is consistent with current executive policies concerning GHG emissions, climate change, and energy.

Assembly Bill 32 – The California Global Warming Solutions Act of 2006

California AB 32 was signed into law in September 2006. The bill requires statewide reductions of GHG emissions to 1990 levels by 2020 and the adoption of rules and regulations to achieve the most technologically feasible and cost-effective GHG emissions reductions.

Assembly Bill 1493

AB 1493 (also known as the Pavley Bill) requires that CARB develop and adopt, by January 1, 2005, regulations that achieve "the maximum feasible reduction of GHG emitted by passenger vehicles and light-duty trucks and other vehicles determined by CARB to be vehicles whose primary use is noncommercial personal transportation in the State."

To meet the requirements of AB 1493, CARB approved amendments to the CCR in 2004 by adding GHG emissions standards to California's existing standards for motor vehicle emissions. Amendments to CCR Title 13, Sections 1900 and 1961 and adoption of 13 CCR Section 1961.1 require automobile manufacturers to meet fleet-average GHG emissions limits for all passenger cars, light-duty trucks within various weight criteria, and medium-duty weight classes for passenger vehicles (i.e., any medium-duty vehicle with a gross vehicle weight rating less than 10,000 pounds that is designed primarily to transport people), beginning with the 2009 model year. Emissions limits are reduced further in each model year through 2016. When fully phased in, the near-term standards will result in a reduction of about 22 percent in GHG emissions compared to the emissions from the 2002 fleet, while the mid-term standards will result in a reduction of about 30 percent.

Assembly Bill 3018

AB 3018 established the Green Collar Jobs Council (GCJC) under the California Workforce Investment Board. The GCJC will develop a comprehensive approach to address California's emerging workforce needs associated with the emerging green economy. This bill will ignite the development of job training programs in the clean and green technology sectors.

Senate Bill (SB) 97 – Modification to the Public Resources Code

In August 2007, Governor Schwarzenegger signed SB 97. SB 97 required the Office of Planning and Research to prepare, develop, and transmit guidelines to the Resources Agency for the mitigation of GHG emissions or the effects of GHG emissions including, but not limited to, the effects associated with transportation and energy consumption. The Resources Agency adopted the CEQA Guidelines Amendments addressing GHG emissions on December 30, 2009.

Senate Bill 375 – Sustainable Communities and Climate Protection Act

SB 375 encourages housing and transportation planning on a regional scale in a manner designed to reduce vehicle use and associated GHG emissions. The bill requires the CARB to set regional targets for the purpose of reducing GHG emissions from passenger vehicles for 2020 and 2035. Per SB 375, CARB appointed a Regional Targets Advisory Committee on January 23, 2009 to provide recommendations on factors to be considered and methodologies to be used in CARB's target setting process. The per capita reduction targets set for passenger vehicles in the San Francisco Bay Area are a seven percent reduction by 2020 and a 15 percent reduction by 2035.

Senate Bills 1078 and 107

SB 1078 (Chapter 516, Statutes of 2002) requires retail sellers of electricity, including investor-owned utilities and community choice aggregators, to provide at least 20 percent of their supply from renewable sources by 2017. SB 107 (Chapter 464, Statutes of 2006) changed the target date to 2010.

Senate Bill 1368

SB 1368 (Chapter 598, Statutes of 2006) is the companion bill of AB 32 and was signed into law in September 2006. SB 1368 required the California Public Utilities Commission to establish a performance standard for baseload generation of GHG emissions by investor-owned utilities by February 1, 2007. SB 1368 also required the CEC to establish a similar standard for local publicly owned utilities by June 30, 2007. These standards could not exceed the GHG emissions rate from a baseload combined-cycle, natural gas fired plant. Furthermore, the legislation states that all electricity provided to California, including imported electricity, must be generated by plants that meet the standards set by California Public Utilities Commission and CEC.

Senate Bill 32

Signed into law in September 2016, SB 32 codifies the 2030 GHG reduction target in Executive Order B-30-15 (40 percent below 1990 levels by 2030). The bill authorizes CARB to adopt an interim GHG emissions level target to be achieved by 2030. CARB also must adopt rules and regulations in an open public process to achieve the maximum, technologically feasible, and cost-effective GHG reductions.

Senate Bill 100 (California Renewables Portfolio Standards Program: Emissions of Greenhouse Gases)

Signed into Law in September 2018, SB 100 increased California's renewable electricity portfolio from 50 to 60 percent by 2030. SB 100 also established a further goal to have an electric grid that is entirely powered by clean energy by 2045.

CARB Scoping Plan

CARB adopted its Scoping Plan on December 11, 2018. The Scoping Plan functions as a roadmap to achieve GHG reductions in California required by AB 32 through subsequently enacted regulations. CARB's Scoping Plan contains the main strategies California will implement to reduce CO_2eq emissions by 174 million MT, or approximately 30 percent, from the State's projected 2020 emissions level of 596 million MT CO_2eq under a business as usual (BAU) scenario. This is a reduction of 42 million MT CO_2eq, or almost ten percent, from 2002 to 2004 average emissions, but requires the reductions in the face of population and economic growth through 2020.

CARB's Scoping Plan calculates 2020 BAU emissions as the emissions that would be expected to occur in the absence of any GHG reduction measures. The 2020 BAU emissions estimate was derived by projecting emissions from a past baseline year using growth factors specific to each of the different economic sectors (e.g., transportation, electrical power, commercial and residential, industrial, etc.). CARB used three-year average emissions, by sector, for 2002 to 2004 to forecast emissions to 2020. The measures described in CARB's Scoping Plan are intended to reduce the projected 2020 BAU to 1990 levels, as required by AB 32.

AB 32 requires CARB to update the Scoping Plan at least once every five years. CARB adopted the first major update to the Scoping Plan on May 22, 2014. The updated Scoping Plan summarizes recent science related to climate change, including anticipated impacts to California and the levels of GHG reduction necessary to likely avoid risking irreparable damage. It identifies the actions California has already taken to reduce GHG emissions and focuses on areas where further reductions could be achieved to help meet

the 2020 target established by AB 32. The Scoping Plan update also looks beyond 2020 toward the 2050 goal, established in Executive Order S-3-05, and observes that "a mid-term statewide emission limit will ensure that the State stays on course to meet our long-term goal." The Scoping Plan update did not establish or propose any specific post-2020 goals, but identified such goals adopted by other governments or recommended by various scientific and policy organizations.

BAAQMD CEQA Guidelines and 2017 Bay Area Clean Air Plan

BAAQMD recently adopted new CEQA Guidelines (June 2010, Updated May 2017). The new guidelines supersede the previously adopted 2010 CEQA Guidelines and include new and updated thresholds for analyzing air quality impacts, including a threshold for GHG emissions. Under these thresholds, if a project would result in an operational-related GHG emission of 1,100 MT (or 4.6 MT per service population[22]) of carbon dioxide equivalents (CO_2e) per year or more, it would make a cumulatively considerable contribution to GHG emissions and result in a cumulatively significant impact to global climate change. The BAAQMD CEQA Guidelines also outline a methodology for estimating GHGs.[23]

Envision San José 2040 General Plan

The General Plan includes strategies, policies, and action items that are incorporated in the City's GHG Reduction Strategy (GHGRS) to help reduce GHG emissions. The GHGRS identifies a series of GHG emissions reduction measures to be implemented by development projects that would allow the City to achieve its GHG reduction goals. The City approved a Supplemental Program EIR for the General Plan to include and update the GHG emissions analysis in December 2015. Multiple policies and actions in the General Plan have GHG implications, including land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings. The City's Green Vision, as reflected in these policies, also has a monitoring component that allows for adaptation and adjustment of City programs and initiatives related to sustainability and associated reductions in GHG emissions. The GHGRS is intended to meet the mandates as outlined in the CEQA Guidelines and the recent standards for "qualified plans" as set forth by BAAQMD.

City of San José Greenhouse Gas Reduction Strategy

The City adopted a GHGRS on November 1, 2011, to be consistent with the implementation requirements of AB 32. A Supplemental EIR for the GHGRS was adopted on December 15, 2015. AB 32 requires the State of California as a whole to reduce GHG emissions to 1990 levels by the year 2020. The GHGRS seeks to reduce GHG emissions within the City through a number of sustainable actions, including minimizing car travel, building site locations that optimize solar installation potential either for heating water or for electricity generation, planting trees to help mitigate heat island effects, and providing access to safe, pedestrian friendly sidewalks, trails and bike paths, as well as mass transit.

The GHGRS 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 could be incorporated as mitigation measures for proposed projects, at the City's discretion. These measures include installing energy efficient appliances, green building ordinance and initiatives, on-site renewable energy, and replacing traffic lights with LED lights to name a

[22] Service Population (SP) is an efficiency-based measure used by BAAQMD to estimate the development potential of a general or area plan. Service Population is determined by adding the number of residents to the number of jobs estimated for a given point in time
[23] Bay Area Air Quality Management District, *CEQA Guidelines*, May 2011

few in the build environment and energy category. Land use and transportation includes measures such as increasing density of development, increasing location efficiency, mixed-use developments, and providing bike parking. Recycling and waste reduction measures include using reclaimed water.

Compliance with the mandatory measures and voluntary measures required by the City would ensure an individual project's consistency with the GHGRS. Implementation of the proposed General Plan through 2020 would not constitute a cumulatively considerable contribution to global climate change.

Discussion

Methodology

Global climate change is, by definition, a cumulative impact of GHG emissions. Therefore, there is no project-level analysis. The baseline against which to compare potential impacts of the Project includes the natural and anthropogenic drivers of global climate change, including world-wide GHG emissions from human activities which almost doubled between 1970 and 2010 from approximately 27 gigatonnes (Gt) of CO_2 per year to nearly 49 $GtCO_2$ per year. Further, average annual GHG emissions during 2010–2019 were higher than in any previous decade on record, while the rate of growth between 2010 and 2019 (1.3 percent per year) was lower than that between 2000 and 2009 (2.1 percent per year) and world-wide GHG emissions in 2019 were estimated to be 59 $GtCO_2$ per year. As such, the geographic extent of climate change and GHG emissions' cumulative impact discussion is worldwide.

The Project's construction and operational greenhouse gas emissions were calculated using the CalEEMod version 2022. Details of the modeling assumptions and emission factors are provided in Appendix A. For construction, CalEEMod calculates emissions from off-road equipment usage and on-road vehicle travel associated with haul, delivery, and construction worker trips. The Project's construction-related GHG emissions were forecasted based on the proposed construction schedule and applying the mobile-source emissions factors derived from CalEEMod. The Project's construction-related GHG emissions would be generated from off-road construction equipment, on-road hauling and vendor (material delivery) trucks, and worker vehicles.

The Project's operations-related GHG emissions would be generated by vehicular traffic, area sources (e.g., landscaping maintenance, consumer products), electrical generation, water supply and wastewater treatment, and solid waste. The operational analysis uses compliance with the City's GHGRS Checklist as a threshold. The City's GHGRS Checklist aims to achieve its proportional share of State GHG emission reductions for the interim target year 2030 based on the mandate to reduce statewide GHG emissions by 85 percent of 1990 levels by 2045. This prescribes the interim target to be a 48 percent reduction of GHGs by 2030. It is assumed the GHGRS Checklist aims to achieve the City's proportional share of the state mandate beyond 2030 to the State 2045 mandate

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less than Significant Impact.

Short-Term Construction Greenhouse Gas Emissions

Construction of the Project would result in GHG emissions from on-site equipment and emissions from construction workers' personal vehicle travelling to and from the Project construction site. Construction-

related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and number of construction workers. Neither the City nor the BAAQMD have an adopted threshold of significance for construction-related GHG emissions; however, the BAAQMD recommends quantifying emissions and disclosing that GHG emissions would occur during construction. The CalEEMod outputs prepared for the proposed Project in Appendix A calculated emissions with Project construction to be 361 MT CO_2e for the total construction period (18 months). Because Project construction would be a temporary condition and would not result in a permanent increase in emissions that would interfere with the implementation of state and local regulations to reduce GHG emissions and reach net carbon neutrality by 2045, the temporary increase in emissions would not be cumulatively considerable.

Long-Term Operational Greenhouse Gas Emissions

Operational or long-term emissions would occur over the Project's life. GHG emissions would result from direct emissions such as Project generated vehicular traffic, and operation of any landscaping equipment. Operational GHG emissions would also result from indirect sources, such as off-site generation of electrical power over the life of the Project, the energy required to convey water to, and wastewater from the Project site, the emissions associated with solid waste generated from the Project site, and any fugitive refrigerants from air conditioning or refrigerators. It should be noted that the Project would comply with the 2022 Title 24 Part 6 Building Energy Efficiency Standards. Among other updates like strengthened ventilation standards for gas cooking appliances, the 2022 Energy Code includes updated standards including new electric heat pump requirements for residential uses, schools, offices, banks, libraries, retail, and grocery stores; the promotion of electric-ready requirements for new homes including the addition of circuitry for electric appliances, battery storage panels, and dedicated infrastructure to allow for the conversion from natural gas to electricity; and the expansion of solar photovoltaic and battery storage standards to additional land uses including high-rise multifamily residences, hotels and motels, tenant spaces, offices, (including medical offices and clinics), retail and grocery stores, restaurants, schools, and civic uses (including theaters auditoriums, and convention centers). Projects whose permit applications are applied for on or after January 1, 2023, must comply with the 2022 Energy Code.

The Project would also comply with the appliance energy efficiency standards in Title 20 of the CCR. The Title 20 standards include minimum levels of operating efficiency, and other cost-effective measures, to promote the use of energy- and water-efficient appliances. The Project would be constructed according to the standards for high-efficiency water fixtures for indoor plumbing and water efficient irrigation systems required in CALGreen. Further, the Project would not include natural gas appliances or natural gas plumbing.

At the State and global level, improvements in technology, policy, and social behavior can also influence and reduce Project operational emissions. The State is currently on a pathway to achieving the Renewable Portfolio Standards goal of 33 percent renewables by 2020 and 60 percent renewables by 2030 per SB 100 and achieve carbon neutrality by 2045 per AB 1279.

The majority of residential and retail emissions typically occur from mobile and energy sources. Energy and mobile sources are targeted by statewide measures such as low carbon fuels, cleaner vehicles, strategies to promote sustainable communities and improved transportation choices that result in reducing VMT, continued implementation of the Renewable Portfolio Standard (the target is now set at

60 percent renewables by 2030), and extension of the Cap-and-Trade program (requires reductions from industrial sources, energy generation, and fossil fuels). The Cap-and-Trade program covers approximately 85 percent of California's GHG emissions as of January 2015. The Statewide cap for GHG emissions from the capped sectors (i.e., electricity generation, industrial sources, petroleum refining, and cement production) commenced in 2013 and will decline approximately three percent each year, achieving GHG emission reductions throughout the program's duration. The passage of AB 398 in July 2017 extended the duration of the Cap-and-Trade program from 2020 to 2030. With continued implementation of various statewide measures, the Project's operational energy and mobile source emissions would continue to decline in the future.

As discussed in Section 4.6, Energy, the proposed development would be constructed in compliance with the City's Council Policy 6-32 and the City's Green Building Ordinance which would ensure operational emissions reductions consistent with the City's 2030 GHGRS. As shown in Appendix A, the Project would be consistent with General Plan policies and 2030 GHGRS Compliance. The Project would exclude natural gas infrastructure, install on-site renewable energy, exceed construction and demolition waste diversion requirements to help the City achieve the Zero Waste Goal, and implement water conservation measures on-site. Therefore, the Project would be consistent with a qualified local GHG reduction plan under CEQA Guidelines Section 15183.5. The Project does not include mixed-fuel buildings (does not include natural gas) and therefore is consistent with the City's Reach Building Code.

The Project, therefore, would be consistent with the City's GHG Reduction Strategy, refer to Appendix A, and would have a less than significant GHG emissions impact.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less than Significant Impact.

City of San José Greenhouse Gas Reduction Strategy Compliance Checklist

The City's 2030 GHGRS outlines the actions the City will undertake to achieve its proportional share of State GHG emission reductions for the interim target year 2030. Individual projects demonstrate their compliance with the GHGRS through the GHGRS Compliance Checklist. The City of San José 2030 GHGRS is a qualified local GHG reduction plan under CEQA, which can be used to determine the significance of GHG emissions from a Project (CEQA Guidelines section 15183.5). The BAAQMD also recognizes the use of a GHGRS as a significance threshold for a Project's GHG emissions. Therefore, if the Project is consistent with the 2030 GHGRS, then the Project would result in a less than significant cumulative impact to global climate change in 2030.

Prior to Project approval, the applicant is required to complete the GHGRS Compliance Checklist to demonstrate the Project's compliance with the City of San José 2030 GHGRS, refer to Appendix A. Compliance with the checklist is demonstrated by completing Section A (General Plan Policy Conformance) and Section B (GHGRS). Projects that propose alternative GHG mitigation measures must also complete Section C (Alternative Project Measures and Additional GHG Reductions). The Project does not include any alternative measures.

As discussed above, the Project would comply with the City's applicable construction and operational standards. Project construction and demolition waste would be diverted to exceed City requirements and least 75 percent of construction and demolition waste and 100 percent of metal would be recycled. The Project would also be compliant with the State's Model Water Efficient Landscape Ordinance and the City's Water-Efficient Landscape Ordinance (Chapter 15.11 of the San José Municipal Code). The Project would include the minimum required area of landscaped shrubs and ground cover vegetation in the parking areas. The vegetation includes shading trees and drought tolerant plants which would shade surrounding surfaces, deflect radiation from the sun, and release moisture in the atmosphere to help mitigate the urban heat island effect and reduce water usage.

Pursuant to CEQA Guidelines Sections 15064(h)(3), 15130(d), and 15183.5(b), a project's incremental contribution to a cumulative GHG emissions effect may be determined not to be cumulatively considerable if it complies with the requirements of the GHGRS. As described above, the Project would comply with the 2030 GHGRS (refer to Appendix A for further detail). Therefore, the Project would be consistent with a qualified local GHG reduction plan under CEQA Guidelines section 15183.5. GHG emissions caused by long-term operation of the proposed would not be cumulatively considerable.

The Project demonstrates consistency with the General Plan goals, measures, and emission reduction targets, and would not conflict with any applicable plan, policy, or regulation of an agency adopted to reduce GHG emissions, including Title 24, AB 32, and SB 32. Therefore, Project impacts would be less than significant.

CARB Scoping Plan

As previously noted, the 2022 Scoping Plan sets a path to achieve targets for carbon neutrality and reduce anthropogenic GHG emissions by 85 percent below 1990 levels by 2045 in accordance with AB 1279. The transportation, electricity, and industrial sectors are the largest GHG contributors in the State. The 2022 Scoping Plan plans to achieve the AB 1279 targets primarily through zero-emission transportation (e.g., electrifying cars, buses, trains, and trucks). Additional GHG reductions are achieved through decarbonizing the electricity and industrial sectors.

Statewide strategies to reduce GHG emissions in the latest 2022 Scoping Plan include implementing SB 100, which would achieve 100 percent clean electricity by 2045; achieving 100 percent zero emission vehicle sales in 2035 through Advanced Clean Cars II; and implementing the Advanced Clean Fleets regulation to deploy zero-electric vehicle buses and trucks. Additional transportation policies include the Off-Road Zero-Emission Targeted Manufacturer rule, Clean Off-Road Fleet Recognition Program, In-use Off-Road Diesel-Fueled Fleets Regulation, Off-Road Zero-Emission Targeted Manufacturer rule, Clean Off-Road Fleet Recognition Program, and Amendments to the In-use Off-Road Diesel-Fueled Fleets Regulation. The 2022 Scoping Plan would continue to implement SB 375. GHGs would be further reduced through the Cap-and-Trade Program carbon pricing and SB 905. SB 905 requires CARB to create the Carbon Capture, Removal, Utilization, and Storage Program to evaluate, demonstrate, and regulate carbon dioxide removal projects and technology.

The Project would implement the City's Standard Permit Conditions, listed on page 46 in Section 4.3 Air Quality, during construction. For example, a few of the construction measures include enforcing idling time restrictions on construction vehicles, use of added exhaust muffling and filtering devices, replant

vegetation in disturbed areas as quickly as possible, and posting a publicly visible sign with the telephone number and person at the lead agency to contact regarding dust complaints.

The 2022 Scoping Plan states that local CAPs that address the State's largest sources of emissions and prioritize transportation electrification, VMT reduction, and building decarbonization, contribute to the alignment between local climate action and the State's climate goals. As indicated above, the Project would be consistent with the 2030 GHGRS. Further, Project's GHG emissions associated with energy and mobile sources would be further reduced by the 2022 Scoping Plan measures described above. It should be noted that the City has no control over vehicle emissions, however, these emissions would decline in the future due to Statewide measures discussed above, as well as cleaner technology and fleet turnover.

The Project would not impede the State's progress towards carbon neutrality by 2045 under the 2022 Scoping Plan. The Project would be required to comply with applicable current and future regulatory requirements promulgated through the 2022 Scoping Plan. The Project would not obstruct any of the goals and strategies outlined in the Scoping Plan. Thus, implementation of the Project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs, and this impact would be less than significant.

Plan Bay Area

The Project would be consistent with the overall goals of Plan Bay Area 2050 to provide housing, healthy and safe communities, and climate protection with an overall goal to reduce VMT. As noted above, the Project site would be developed with climate protection and uses consistent with the General Plan. The Project would add some employment and trips related to residential uses but such trips are anticipated by Plan Bay Area. Further, the Plan Bay Area seeks to decrease vehicle per capita emissions to 20 percent below 2005 levels by 2035. Achievement of the decrease in vehicle per capita emissions is conducted by regional planning efforts through the MTC and other agencies with regard to land use and transportation decision making; for which the Project's land use is consistent. The Project would not obstruct any of the goals and strategies outlined in Plan Bay Area 2050. Thus, implementation of the Project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs, and this impact would be less than significant.

4.9 Hazards and Hazardous Materials

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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	
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	
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	
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		
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		
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?				X

Existing Setting

The 0.56-acre Project site is currently developed as existing commercial uses, including an automobile tire sales and repair store, mobile wall repair store, piano store, and storage buildings. Historically, the Project site has served commercial uses since circa 1925. A Phase I Environmental Site Assessment Report was prepared by Partner Engineering and Science, Inc. in 2020, and is included as Appendix D: Phase I Environmental Site Assessment.

Onsite Sources of Contamination

A records search of the Santa Clara County Department of Environmental Health, State Water Resources Control Board's Geotracker database, and Department of Toxic Substances Control's Envirostor database from the Phase I Environmental Site Assessment Report found there was one closed case of a Leaking Underground Storage Tank (LUST) located on the Project site.[24] A gasoline release was discovered in 1987 and reportedly impacted soil only. The case was investigated and cleanup of the reported release was conducted. In 1985, two underground storage tanks were removed from the Project site with no observed occurrence of leakage during the process. In 2002, groundwater and soil samples were collected from an existing soil boring between the two former underground storage tanks. The samples did not contain substances of concern above the test method detection limits. The case was closed by the Santa Clara County Water District in 2002 as potential residual contaminants from the previous gasoline fuel releases were not considered to be a significant risk to human health and the environment.

There are no records of open LUST cases on the Project site. As documented in the Phase I ESA, a 2018 study conducted by AEI Consultants identified one existing underground storage tank (UST) on the Project site between 40 and 38/50 Cleveland Ave. Soil samples taken around the UST determined that there was no contamination on the Project site exceeding regulatory screening levels.

Additional testing was conducted at the tire business located on the Project site in the same 2018 study. The business is equipped with two below-grade hydraulic lifts with service bays. Soil samples conducted in the vicinity of the two hydraulic lifts indicated that there were no concentrations of contaminants detected at or above laboratory method reporting limits.

Off-Site Sources of Contamination

The nearest offsite LUST cleanup site is closed and located immediately north of the Project site at 48 Cleveland Avenue.[25] The potential contaminant of concern on this site was gasoline. Remedial action was taken from 1990 to 1991, including removal of the UST and a routine soil investigation. No other contaminant was present above method detection levels. In addition, no detectable concentrations of the contaminant of concern were found in any of the samples nor was field evidence of soil contamination noted. The case has been closed as of 1991.

Airports

The Norman Y. Mineta San José International Airport is located approximately 2 miles northwest of the Project site. Federal Aviation Regulations, Part 77, "Objects Affecting Navigable Airspace" (referred to as FAR Part 77), requires that the Federal Aviation Administration (FAA) be notified of certain proposed

[24] GeoTracker. Antiques Colony (T0608502070). https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0608502070. Accessed January 2024.
[25] GeoTracker. Private Residence (T0608500524). https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0608500524. Accessed January 2024.

construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways or which would otherwise stand at least 200 feet in height above ground. For the Project site, the maximum allowable height is 85 feet[26] above ground per the West San Carlos Urban Village Plan. The proposed building would be within the allowable height of 85 feet; in accordance with the Urban Village Plan.

Wildland Fire Hazards

The Project site is not located within a "Very-High Fire Hazard Severity Zone" (VHFHSZ) for wildland fires.[27]

Applicable Plans, Policies, and Regulations

Hazardous waste generators and users in the City are required to comply with regulations enforced by several federal, state, and county agencies. The regulations are designed to reduce the risk associated with human exposure to hazardous materials and minimize adverse environmental effects. The San José Fire Department (SJFD) coordinates with the Santa Clara County Hazardous Materials Compliance Division to implement the Santa Clara County Hazardous Materials Management Plan and to ensure that commercial and residential activities involving classified hazardous substances are properly handled.

Government Code Section 65962.5 (Cortese List)

The Hazardous Waste and Substances Sites (Cortese) List is a planning document used by the state, local agencies, and developers to comply with CEQA requirements in providing information about the location of hazardous materials release sites. Government Code Section 65962.5 requires the California EPA to develop at least annually an updated Cortese List. The Cortese List includes lists maintained by the Department of Toxic Substances Control (DTSC) and the State Water Resources Control Board (SWRCB).

California Department of Forestry and Fire Protection (CAL FIRE)

The California Department of Forestry and Fire Protection (CAL FIRE) has mapped fire threat potential throughout California. CAL FIRE ranks fire threats based on the availability of fuel and the likelihood of an area burning (based on topography, fire history, and climate). The rankings include no fire threat, moderate, high, and very high fire threats.

City of San José Envision San José 2040 General Plan

The General Plan includes the following hazardous material policies applicable to the Project:

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.

Action EC-6.8: The City will use information on file with the County of Santa Clara Department of Environmental Health under the California Accidental Release Prevention (CalARP)

[26] The proposed building would have an approximate height of 83 feet and 10 inches, consistent with the allowable height limitations of the West San Carlos Urban Village Plan.

[27] California Department of Forestry and Fire Protection. Santa Clara County State Responsibility Area Fire Hazard Severity Zones. California Department of Forestry and Fire Protection. VHFHSZ in SRA. https://34c031f8-c9fd-4018-8c5a-4159cdff6b0d-cdn-endpoint.azureedge.net/-/media/osfm-website/what-we-do/community-wildfire-preparedness-and-mitigation/fire-hazard-severity-zones/fire-hazard-severity-zones-map-2022/fire-hazard-severity-zones-maps-2022-files/fhsz_county_sra_11x17_2022_santaclara_2.pdf . Accessed on September 27th, 2023. Accessed January 29, 2024.

Program as part of accepted Risk Management Plans to determine whether new residential, recreational, school, day care, church, hospital, seniors or medical facility developments could be exposed to substantial hazards from accidental release of airborne toxic materials from CalARP facilities.

Action EC-6.9: Adopt City guidelines for assessing possible land use compatibility and safety impacts associated with the location of sensitive uses near businesses or institutional facilities that use or store substantial quantities of hazardous materials by September 2011. The City will only approve new development with sensitive populations near sites containing hazardous materials such as toxic gases when feasible mitigation is included in the projects.

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.

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-based 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: When 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 hazard 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.

Discussion

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less than Significant Impact. The Project would operate as a mixed-use residential and commercial use, and include use of limited hazardous materials and substances such as cleaners, paints, solvents, fertilizers and pesticides for site landscaping and household use, similar to other businesses nearby. As such, the Project would not generate substantial hazardous emissions or chemical releases that would affect surrounding uses. All materials and substances would be subject to applicable health and safety requirements. Compliance with applicable federal, local, and state requirements would ensure no significant hazard to the public or the environment are created through the routine transport, use, or disposal of hazardous materials Thus, impacts would be less than significant.

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?

Less than Significant Impact. The proposed building would be expected to use limited hazardous materials and substances such as cleaners, paints, solvents, fertilizers, and pesticides for site landscaping and household use. All materials and substances would be subject to applicable health and safety requirements. The Project is not anticipated to result in a release of hazardous materials into the environment. Thus, impacts would be less than significant.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Less than Significant Impact. The closest school to the Project site is the Luther Burbank School, located at 4 Wabash Avenue, approximately 805 feet east of the Project site. The Project would not generate substantial hazardous emissions or chemical releases that would affect surrounding schools. Transportation of hazardous materials could potentially occur during Project operation. The Luther Burbank School is located adjacent to West San Carlos Street, the major access road for the Project site. Project operation does not require use or transport of hazardous materials beyond common household substances. The limited transportation of hazardous materials to and from the Project site would be subject to applicable health and safety requirements. Compliance with applicable federal, local, and State requirements would ensure no significant hazard to nearby schools are created through the routine handling, waste, and emissions of hazardous materials Thus, impacts would be less than significant.

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?

Less than Significant Impact with Mitigation Incorporated. Development of the Project would not create a significant hazard to the public or the environment as a result of the closed LUST cleanup site (Antiques Colony [T0608502070]) being located within the Project site.

As detailed in the Phase I ESA conducted for the Project (Appendix D), the investigations of the existing UST on the Project site did not indicate that the UST has leaked. Though the UST has not leaked to date and is not currently considered a hazardous materials site pursuant to Government Code Section 65962.5, the Project would decommission and remove the UST. Decommissioning and removal of the UST could potentially result in a release of hazardous materials when the UST is disturbed, which would be a potentially significant impact. Mitigation Measure HAZ-1 requires the Project apply for and obtain an Underground Storage Tank System Closure Permit from the County of Santa Clara Hazardous Materials Compliance Division (HMCD) for UST removal. Implementation of Mitigation Measure HAZ-1 would ensure project compliance with the applicable policies and regulations intended to ensure the safe handling and disposal of hazardous materials.

In 2019, the State Water Quality Control Board (WQCB) lowered the regulatory screening levels for tetrachloroethene (PCE), a dry cleaner solvent. As measured in Appendix D, PCE levels on the Project site were below residential screening levels in 2018. However, the PCE concentrations in soil gas from Appendix D now exceed the revised residential screening levels. Mitigation Measure HAZ-2 requires the Project to obtain regulatory oversight from Santa Clara County Department of Environmental Health, the RWQCB, or DTSC to determine if further investigation is required to ensure the future development does not pose a potential health risk to residences due to PCE exposure. Implementation of Mitigation Measure HAZ-2 would ensure project compliance with the applicable policies and regulations intended to ensure the safe handling and disposal of hazardous materials.

Thus, with implementation of Mitigation Measures HAZ-1 and HAZ-2, the Project would not create a significant hazard to the public or the environment. Impacts would be less than significant with mitigation incorporated.

Mitigation Measures:

Impact Statement HAZ-1

An existing UST was determined to be present on the subject property. The removal and decommissioning of the UST has the potential to expose workers and members of the public to hazardous materials during construction and tank disturbing activities.

Mitigation Measure HAZ-1

Prior to the issuance of any grading, demolition, or building permits, the Project applicant shall complete a Geophysical Survey of the parcel to determine if all historical USTs and their associated pipelines have been removed.

If USTs or associated pipelines are discovered the applicant shall complete, submit, and pay the required fees for 1.) a UST System Closure Permit Application with the County of Santa Clara HMCD and 2.) required closure documents with the SJFD Hazardous Materials Division. Closure of the USTs shall consist of removing the tanks and associated piping from the ground and performing soil sampling to evaluate if there is residual contamination from the former operation of the tank. Tank removal and soil sampling activities must be witnessed by a representative from both HMCD and SJFD. The tanks and associated piping are to be managed as hazardous waste once removed unless they are cleaned onsite and certified as non-hazardous.

After tank removal, a representative of HMCD will require soil sampling beneath the tanks. Samples will be submitted to a State certified laboratory for analysis. HMCD will review the soil analytical results to determine if the tank has leaked. If the tanks are determined to have leaked, HMCD will refer the site to the Local Oversight Program (LOP). The applicant will work with HMCD to determine next steps to investigate the contamination. HMCD may require additional testing to fully delineate the extent of contamination. Once the extent of contamination is defined, some form of remediation such as excavation, offsite disposal, capping in place, etc.. will be performed to reduce potential exposure impacts to future construction/maintenance workers, residents, and the general public. Any contaminated soils shall be disposed of offsite at a licensed hazardous materials disposal site.

Impact Statement HAZ-2

The concentrations of PCE on the Project site exceed current regulatory environmental screening levels and are a potential health risk to future site users.

Mitigation Measure HAZ-2

Prior to the issuance of any building permits, the applicant shall obtain regulatory oversight from the Santa Clara County Department of Environmental Health, the Regional Water Quality Control Board or Department of Toxic Substances Control to review the results of soil gas sampling to determine if further investigation and/or mitigation is required to ensure the future development does not pose a potential health risk to residences.

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?

Less Than Significant Impact with Mitigation Incorporated. The Project site is not located within the "Airport Influence Area" defined by the Santa Clara County Airport Land Use Commission's Comprehensive Land Use Plan. According to Figures 3.8-1 and 3.8-2 in the General Plan EIR, the Project site is not located within the San José International or Reid-Hill Airport Safety Zones. However, under FAR Part 77, any proposed structure on the Project site exceeding approximately 45 feet in height above ground level, or 160 feet above mean sea level, would require submittal to the FAA for airspace safety review. As such, there would be a potentially significant impact due to a safety hazard from the proposed building height's potential to affect air navigation for the nearby airport. Mitigation Measure HAZ-3

requires the Project to file a notice with the FAA to initiate FAA airspace review to determine any potential Project hazards related to navigable air space. Implementation of Mitigation Measure HAZ-3 would require the Project applicant to obtain a "Determination of No Hazard," which would ensure that the Project would not result in an airspace safety hazard.

Mitigation Measure:

Impact Statement HAZ-3

The Project's building height of 83 feet and 10 inches would exceed the FAA's navigable airspace review filing criteria for any structure over 45 feet in height.

Mitigation Measure HAZ-3

The Project applicant shall submit to the FAA for airspace review and obtain a "Determination of No Hazard" for the proposed building's rooftop corners and any additional higher points. Prior to issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the Project applicant shall submit the "Determination of No Hazard" from the FAA to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's Designee.

Upon compliance with conditions set forth by the FAA in its determinations, as noted in Mitigation Measure HAZ-3, the Project would not result in a safety hazard or excessive noise for residents due to airstrip proximity. Thus, the impacts would be less than significant.

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less than Significant Impact. Implementation of the Project would not impair or physically interfere with an adopted emergency response or evacuation plan. The City of San José Emergency Operations Plan (EOP) was prepared by the City describing the City's response to emergency situations associated with natural disasters, technological incidents and nuclear defense operations. The EOP outlines the overall organizational and operational concepts in relation to response and recovery, including the roles and responsibilities of the various committees and agencies during an emergency. The EOP contains additional details about the activation and execution procedures of the emergency response system.

No revisions to the EOP would be required as a result of the Project. Primary access to all major roads would be maintained during Project construction. Additionally, during the building permit stage, the Project would be reviewed for conformance with all applicable Fire Code and Building Code requirements. Thus, the impacts would be less than significant.

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

No Impact. As discussed above, the Project site is zoned as a Non-VHFHSZ on CAL FIRE's map of Santa Clara County. Thus, the Project would not be required to comply with exterior wildfire design and construction codes as well as vegetation clearance and other wildland fire safety practices for structures within a VHFHSZ.

The General Plan EIR contains development Wildland and Urban Fire policies specific to development within "Very High" hazard zones or near urban/wildlife interfaces. The Project site is not located in a "Very High" zone and would not conflict with the wildland fire hazard policies identified in the General Plan EIR. The Project site is in a developed urban area and it is not a wildland interface area or directly adjacent to a wildland interface area. Therefore, there would be no impact.

4.10 Hydrology and Water Quality

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			X	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?				X
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	
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?			X	
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?			X	
iv. Impede or redirect flood flows?				X
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?				X
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?				X

Existing Setting

The Project site is located in an urban area within the Santa Clara Valley Groundwater Basin which spans from the Diablo Mountains in the east, Santa Cruz Mountains in the west, and San Francisco Bay in the north. The San José Water Company currently supplies water to the Project site. The Project site contains existing connections to the City's water and sewer infrastructure. The existing Project site contains approximately 23,435 sf of impervious surfaces.

The Flood Insurance Rate Map (FIRM) shows the Project site is within Zone D, an area in which flood hazards are undetermined, but possible.[28] No creeks, rivers, or other water bodies are located on or adjacent to the Project site and the closest creek is the Los Gatos Creek, approximately 1.5 miles east from the Project site, and ultimately flows into the San Francisco Bay. The nearest dam failure inundation zone, the James J. Lenihan zone, is located approximately 0.5 miles west of the Project site. The nearest vulnerable hydrogeological area is located approximately 4.95 miles southwest from the Project site.[29]

Applicable Plans, Policies, and Regulations

The federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality. Regulations set forth by the U.S. EPA and the SWRCB have been developed to fulfill the requirements of this legislation. EPA's regulations include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge pollutants into the waters the United States (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by the water quality control boards, which for the San José area is the San Francisco Bay RWQCB.

Statewide Construction General Permit

The SWRCB has implemented a NPDES Construction General Permit (CGP) for the state. Projects disturbing one acre or more of soil must obtain permit coverage under the CGP by filing a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) with the SWRCB prior to commencement of construction. The CGP, which became effective July 1, 2010, includes requirements for training, inspections, record keeping, and for projects of certain risk levels, monitoring. The project disturbs less than one acre of soil and, therefore, would not require permit coverage under the CGP.

City of San José Grading Ordinance

All development projects, whether subject to the CGP or not, shall 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. Prior to issuance of a permit for grading activity occurring during the rainy season (October 1 to April 30), the project applicant will submit to the Director of Public Works an Erosion Control Plan detailing best management practices (BMPs) that will prevent the discharge of stormwater pollutants.

[28] Federal Emergency Management Agency. FEMA Flood Map Service Center: Search by Address. Accessed at https://msc.fema.gov/portal/search#searchresultsanchor. Accessed on November 27, 2023.
[29] California Water Resources Control Board. (2000). Hydrogeologically Vulnerable Areas Map.

Municipal Regional Stormwater NPDES Permit (MRP)/C.3 Requirement

The San Francisco Bay RWQCB also has issued a Municipal Regional Stormwater NPDES Permit (MRP) [Permit Number CAS612008]. In an effort to standardize stormwater management requirements throughout the region, this permit replaces the formerly separate countywide stormwater permits with a regional permit for 77 Bay Area municipalities including the City of San José. The Project site is 0.56 acres in size. Under the provisions of the MRP, redevelopment projects that create or replace 10,000 sf or more of impervious surfaces are required to design and install Low Impact Development (LID) controls to treat post-construction stormwater runoff from the site. Examples of LID controls include rainwater harvesting/re-use, infiltration, and biotreatment.

The MRP allows certain types of smart growth, high density, and transit-oriented development to use alternative means of treatment depending on specific criteria. Qualifying projects may apply for reduction credits based on location and density criteria that allow non-LID treatment for a portion of the project's runoff, but only after the applicant demonstrates why LID is infeasible for the project. The LID reduction credits are intended to allow Smart Growth projects greater flexibility in meeting stormwater treatment requirements, based on the inherent environmental benefits of Smart Growth and potential technical challenges of implementing LID treatment exclusively on high-density sites in urban areas.

Council Policy 6-29 Post-Construction Urban Runoff Management and Council Policy 8-14 Post-Construction Hydromodification Management

The MRP mandates the City of San José use its planning and development review authority to require that stormwater management measures such as Site Design, Pollutant Source Control, and Treatment measures are included in new and redevelopment projects to minimize and properly treat stormwater runoff.

The City of San José's Post-Construction Urban Runoff Management Policy (Council Policy 6-29) implements the stormwater treatment requirements of Provision C.3 of the Municipal Regional Stormwater NPDES Permit. Policy 6-29 requires all new development and redevelopment project to implement post-construction BMP and Treatment Control Measures (TCM) to the maximum extent practicable. This policy also established specific design standards for post-construction TCM for projects that create, add, or replace 10,000 sf or more of impervious surfaces.

The City's Post-Construction Hydromodification Management Policy (Council Policy 8-14) establishes an implementation framework for incorporating measures to control hydromodification impacts from development projects. Development projects that create and/or replace one acre or more of impervious surface and are located in a sub-watershed or catchment that is less than 65 percent impervious, must manage increases in runoff flow and volume so that post-project runoff shall not exceed estimated pre-project rates and durations. The project is 0.42 acres in size. Therefore, the project will not be required to comply with the hydromodification requirements of Council Policy 8-14.

City of San José Envision San José 2040 General Plan

The General Plan includes the following water quality policies applicable to the Project:

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-5.16: Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.

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.

Discussion

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Less than Significant Impact. The City requires projects to comply with the C.3 Provision "New Development and Redevelopment" of the MRP (NPDES Permit No. CAS612008) which aims to include appropriate source control, site design, and stormwater treatment measures in new development and redevelopment projects to address soluble and insoluble stormwater runoff pollutant discharges and prevent increases in runoff from projects. The provision requires regulated projects to include LID practices, such as pollutant source control measures and stormwater treatment features aimed to maintain or restore the site's natural hydrologic functions. The MRP also requires that stormwater treatment measures are properly installed, operated and maintained. The Project must comply with the C.3 Provision.

Construction of the Project would require compliance with the City's Standard Permit Conditions to prevent stormwater pollution and minimize potential sedimentation during construction. Measures include, but are not limited to the following:

Standard Permit Conditions

- Utilize on-site sediment control BMPs to retain sediment on the project site such as perimeter silt fences, placement of hay bales, and sediment basins;
- Utilize stabilized construction entrances and/or wash racks;
- Implement damp street sweeping;
- Provide temporary cover of disturbed surfaces to help control erosion during construction; and
- Provide permanent cover to stabilize the disturbed surfaces after construction has been completed.

Implementation of these Standard Permit Conditions would prevent stormwater pollution and minimize potential sedimentation during construction.

Once operational, stormwater runoff would drain into the on-site treatment areas prior to entering the storm drainage system. The on-site treatment facilities include flow through planters, a Proprietary Media Filter System, a storm drain mechanical self-treatment device, and would be numerically sized to have

sufficient capacity to treat the roof and parking lot runoff entering the storm drainage system, consistent with the NPDES requirements.

As such, the Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality and impacts would be less than significant.

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

No Impact. The Project would continue to be served by the San José Water Company, which utilizes groundwater as their second largest water supply sources. As discussed further in Section 4.20, Utilities and Service Systems, the Project would not decrease water supplies in a manner that impedes with the sustainable groundwater management. The Project site is not within a vulnerable hydrogeological area. The Project would decrease impervious surface area from 23,436 sf to 22,038 sf, increasing water drainage for groundwater recharge, as seen in **Table 4-11: Impervious and Pervious On-Site Surface Area**. Thus, the Project would have no impact.

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?

Less than Significant Impact. The closest waterway to the Project site is the Los Gatos Creek, approximately 1.5 miles east from the Project site. While Project demolition would potentially expose soils, implementation of construction best management practices would reduce any soil erosion potential. During operation, the Project site would be mostly paved and would have minimal potential to be eroded and cause siltation offsite. In addition, the proposed on-site flow through planters would limit the release of storm water from the Project site; therefore, minimizing the potential for substantial erosion or siltation to occur on site or off site. Thus, impacts would be less than significant.

ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?

Less than Significant Impact The Project would increase the amount of impervious surface area, refer to **Table 4-11: Impervious and Pervious On-Site Surface Area** below.

Table 4-11: Impervious and Pervious On-Site Surface Area

Site Surface	Existing Surface Area SF	Proposed Surface Area SF
Impervious Surfaces Total	23,436	22,038
Pervious Surfaces Total	376	1,774
Note: Impervious Surface Area represents site specific conditions, including public streets Source: Steinberg Hart, 2024		

The City has developed policies that implement Provision C.3, consistent with the Municipal Regional Permit. The City's Post-Construction Urban Runoff Management Policy (6-29) establishes specific requirements to minimize and treat stormwater runoff from new and redevelopment projects. The City's Post-Construction Hydromodification Management Policy (8-14) establishes an implementation framework for incorporating measures to control hydromodification impacts from development projects, including the rate or amount of surface runoff.

As described in the Project's stormwater control plan, runoff from roofs, sidewalks, patios, and paved areas would be directed via gravity to landscaped areas to above ground bioretention areas and above- and below-grade flow-through planters, sized to control the off-site stormwater flow rate consistent with City's C.3 requirements. Per City review for compliance with these requirements, the Project would not increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite, and the Project would increase pervious surface area on the Project site. Thus, there would be no impact.

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?

Less than Significant Impact. As discussed above, the Project would decrease impervious surfaces and increase pervious surfaces on the Project site.

The Project would be required to comply with the C.3 Provision of the MRP which provides specific design requirements for capacity including: the implementation of stormwater BMPs, volume control design, flow hydraulic design, and combination flow and volume design. As required by the C.3 Provision of the MRP, a Storm Water Management Plan would be reviewed and approved by the City of San José Public Works Department, Environmental Programs Division.

The Project would include the following site design measures:

- Planting trees adjacent to and in parking areas and adjacent to other impervious areas
- Reducing existing impervious surfaces
- Clustering structures and pavement
- Creating new pervious areas
- Constructing parking under buildings

The Project would include the following source control measures:

- Beneficial landscaping
- Good housekeeping (e.g. sweeping pavement and cleaning catch basin)
- Labeled storm drains
- Connection to sanitary sewer with covered trash/recycling enclosures and interior parking structures

Compliance with the C.3 Provision of the MRP would ensure that the Project would not exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Therefore, impacts would be less than significant.

iv. Impede or redirect flood flows?

No Impact. Per the SCVHP, the Project site is not located within a stream setback zone and would not alter the course of a stream or river. Therefore there would be no impacts.

v. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

No Impact. The Project site is located in Flood hazard Zone D. The Project site is located outside of any dam failure inundation zone or tsunami hazard zone. The Project site is relatively flat so the potential for risk release of pollutants due to project inundation is unlikely. Furthermore, the General Plan EIR concludes that the City of San José would avoid substantial effects from a possible seiche due to the location of salt restoration areas proximate to the San Francisco Bay. These salt ponds would minimize the effects of a potential seiche, limiting the impacts from a seiche within areas proposed for development within the General Plan, including the Project site. Therefore, due to the geographic location of the Project site, there would be no impacts due to flood hazard, dam failure inundation, tsunami, or seiche zones.

vi. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

No Impact. Water quality impacts other than those described in response threshold (a) above are not anticipated with Project implementation. The Valley Water 2021 Groundwater Management Plan identifies reducing impervious surfaces as a key strategy to protect subbasins. The Project would comply with this strategy by reducing 1,398 sf of impervious surfaces. Moreover, the Project site is under one acre and therefore is not required to obtain an NPDES CGP Activities. Project construction would require compliance with Santa Clara County's water quality guidelines and the City's Grading Ordinance and water quality guidelines to protect water quality through the use of erosion and sediment controls. Therefore, there would be no impact.

4.11 Land Use and Planning

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community?				X
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	

Existing Setting

The 0.56-acre Project site contains existing commercial uses. Immediately to the east of the Project site is a 99 Cents Only Store with a surface parking lot. Existing commercial retail buildings are located further east, across Brooklyn Avenue. Retail buildings are also positioned to the west of the Project site across Cleveland Avenue. Single-family residences are located immediately north of the Project site. Towards the south, across West San Carlos Street is a car dealership.

Existing Land Use Designation and Zoning District

The Project site is in unincorporated Santa Clara County. The County of Santa Clara zoning district for the Project site is CG, on Parcels 274-17-018 and 274-17-019, and R1 on parcels 274-17-020, 247-17-021, and 274-17-021. The Santa Clara County Zoning Ordinance describes the purpose of CG zoning to provide a wide variety of retail, service, and administrative establishments at readily accessible locations. R1 zoning allows for single-family dwelling units. There are no permitted residential units on any of the existing parcels that comprise the Project site. However, there is one singular unpermitted residential unit in the attic space of one of the commercial buildings.

The Project site is within the City's sphere of influence. The Project site is located in the West San Carlos Urban Village Area. This urban village area is intended to accommodate both commercial and residential uses with an emphasis on commercial activity. The West San Carlos Urban Village Plan and General Plan's land use designation for the Project site is MUC. This designation is intended to accommodate a mix of commercial and residential uses with an emphasis on commercial activity.

Applicable Plans, Policies, and Regulations

Santa Clara Valley Habitat Plan

The City is under the jurisdiction of the SCVHP, a collaborative effort intended to protect and enhance ecological diversity and function within a large section of Santa Clara County, while allowing for currently planned development and growth. The Habitat Plan provides a framework for the protection of natural

resources while streamlining and improving the environmental permitting process for both private and public development, including activities such as road, water, and other infrastructure construction and maintenance work. The Habitat Plan is intended to provide environmental benefit by resulting in the creation of a number of new habitat reserves larger in scale and more ecologically valuable than the fragmented, piecemeal habitats yielded by mitigating projects on an individual basis.

City of San José General Plan

The following policies in the General Plan have been adopted for the purpose of avoiding or mitigating land use impacts resulting from planned development within 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-1.18: 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, and to the extent feasible, avoid impacts of headlights on adjacent land uses.

Policy CD-1.24: 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-2.3: Enhance pedestrian activity by incorporating appropriate design techniques and regulating uses in private developments, particularly in Downtown, Urban Villages, Corridors, Main Streets, and other locations where appropriate.

a. Include attractive and interesting pedestrian-oriented streetscape features such as street furniture, pedestrian scale lighting, pedestrian oriented way-finding signage, clocks, fountains, landscaping, and street trees that provide shade, with improvements to sidewalks and other pedestrian ways.

b. Strongly discourage drive-up services and other commercial uses oriented to occupants of vehicles in pedestrian-oriented areas. Uses that serve the vehicle, such as car washes and service stations, may be considered appropriate in these areas when they do not disrupt pedestrian flow, are not concentrated in one area, do not break up the building mas of the streetscape, are consistent with other policies in this Plan, and are compatible with the planned uses of the area.

c. Provide pedestrian connections as outlined in the Community Design Connections Goal and Policies.

d. Locate retail and other active uses at the street level.

e. Create easily identifiable and accessible building entrances located on street frontages or paseos.

f. Accommodate the physical needs of elderly populations and persons with disabilities.

g. Integrate existing or proposed transit stops in project designs.

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).

West San Carlos Urban Village Plan Policies

Policy LU-2.1 Encourage mixed-use residential projects to be built at densities of 55 dwelling units to the acre or greater provided that the proposed site design is compatible with the surrounding neighborhood.

Policy LU-2.5 Where an existing commercial use redevelops within the Mixed-Use Commercial Character Area, the existing commercial square footage must be replaced with an equivalent commercial square footage in the new development, at a minimum. The replacement of existing commercial square footage requirement does not apply to certain 100% affordable housing developments.

Policy LU-3.1 Strongly encourage mixed uses and intensities that support High-Intensity Urban Transit ridership.

Policy LU-3.2 Incorporate publicly-accessible space in larger developments, especially residential mixed-use projects. Spaces could include publicly-accessible plazas that are privately owned and maintained.

Policy LU-4.1 Encourage the integration of deed restricted affordable units within residential development. A goal, and not a requirement of individual projects, is that 25 percent of the total new residential units constructed are affordable.

Policy LU-4.2 Integrate affordable housing within the West San Carlos Urban Village by prioritizing the use of the City's affordable housing programs within this Village.

Policy LU-4.3 Facilitate housing that is affordable to those employed in population serving businesses in the Urban Village area.

Policy UD-3.5 Provide proper height transitions between new, higher-density commercial and mixed-use development and adjacent single-family homes by using building setback, upper-story stepback, and landscaping to soften the transitions near property lines.

Policy UD-5.2 Provide proper height transitions between new, higher-density commercial and mixed-use development and adjacent single-family homes by using building setback, upper-story stepback, and landscaping to soften the transitions near property lines.

Policy UD-5.3 For new development adjacent to properties designated Residential Neighborhood (both inside and outside the Urban Village boundary), buildings and structures are encouraged to not intercept the 45-degree daylight plane as measured from the adjoining side or rear property line.

Policy UD-5.6 Provide a minimum five-foot landscape buffer planted with evergreen trees between new development and existing Residential Neighborhood designated properties.

Policy UD-5.8 Non-occupiable architectural features such as roof forms, chimneys, stairwells, and elevator housings may project above the maximum height limits as allowed per San José Municipal Code Section 20.85.040, as may be amended in the future, but shall not exceed the established daylight plane.

Discussion

a) Physically divide an established community?

No Impact. The five existing parcels that comprise the Project site do not have existing pathways connecting them through each parcel. The Project would combine the five existing parcels. Community access to walkways and access points would still exist along West San Carlos Street and Cleveland Avenue. Further, the building height would be within the allowed maximum building height established in the West San Carlos Urban Village Plan. As such, the Project would not physically divide an established community. Therefore, there would be no impact.

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?

Less than Significant Impact. Development requirements for the Project are displayed in **Table 3-1: Land Use Designation and Zoning District Requirement Comparison.** The Project would be consistent with the UV zoning requirements for lot area, FAR, density units per acre, front setbacks, and side setbacks. The Project would provide a rear setback adjacent to the residential property at the north of the Project site, meeting the intent of the zoning ordinance. However, the Project would utilize the State's Density Bonus Law waiver for consistency with the setback requirement. Additionally, the Project would be consistent with the UV land use designation density and FAR requirements.

As discussed in Section 4.1, Aesthetics, the use of the State's Density Bonus Law and waivers would make the Project consistent with the setback, 45-degree daylight plane, height transition, and landscape buffer requirements. Further, the Project would be consistent with maximum building height and linear retail activation requirements established in the West San Carlos Street Urban Village Plan.

The Project site is located within the SCVHP study area, however it is not designated as a natural community area or identified as an important habitat for endangered and threatened species and native vegetation has been cleared for residential, commercial, industrial, transportation, and recreational structures.

As mentioned above, the Project would include annexation into the City. The Santa Clara Local Agency Formation Commission (LAFCO) establishes policies on annexations within Santa Clara County.[30] The LAFCO general guidelines for annexation encourage annexation of areas within a city's urban service area, development within cities, and pursue annexation of unincorporated islands. LAFCO annexation policies discourage annexations of land outside of the city's urban service area. The Project site is located within an unincorporated urban island surrounded by the City and is not part of a special district. The Project site is within the City's urban service area. LAFCO annexation policies require definite and certain boundaries and pre-zoning. **Figure 3-1, Tentative Map** clearly defines the boundaries for annexation as part of the Project. The Project site would be pre-zoned as UV. The Project is not located on agricultural land and is not over five acres. As discussed in section 4.18, Transportation, the Project would not cause the number of vehicle trips per day to exceed 2,000. The Project's impact on utility providers would be less than significant, as discussed in Section 4.20, Utilities and Service Systems. As such, the Project would not conflict with LAFCO annexation policies. Furthermore, LAFCO establishes street annexation policies. The Project would be consistent with LAFCO's street annexation policies as the entire section of Cleveland Avenue adjacent to the Project site is included within the proposed annexation, which would allow for roadway maintenance and utility access.

With land use policy consistency from density bonus incentives and waivers, along with adherence to all other policies set forth by the General Plan, West San Carlos Urban Village Plan, and LAFCO, the Project would avoid any significant environmental impacts from conflicts with any land use plan, policy, or regulation. Thus, the Project would have a less than significant environmental impact.

[30] Santa Clara Local Agency Formation Commission. Policies on Annexation – Reorganization for Cities and Special Districts. https://santaclaralafco.org/resources/policies/policies-annexation-%E2%80%93-reorganization-cities-and-special-districts. Accessed January 2024.

4.12 Mineral Resources

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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
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

Existing Setting

Mineral resources known to exist in and near the Santa Clara Valley include cement, sand, gravel, crushed rock, clay, and limestone. Santa Clara County has also supplied a significant portion of the nation's mercury over the past century. According to the Surface Mining and Reclamation Act of 1975 (SMARA), the State Mining and Geology Board has designated the Communications Hill Area, bounded generally by the Union Pacific Railroad, Curtner Avenue, State Route 87, and Hillsdale Avenue as containing mineral deposits which are of regional significance as a source of construction aggregate materials. The Project site is located approximately 5 miles northwest of the Communications Hill Area.

Neither the State Geologist nor the State Mining and Geology Board has classified any other areas in San José as containing mineral deposits which are either of statewide significance or the significance of which requires further evaluation. Therefore, other than the Communications Hill area cited above, San José does not have mineral deposits subject to SMARA.

Applicable Plans, Policies, and Regulations

Surface Mining and Reclamation Act

The SMARA was enacted by the California Legislature in 1975 to address the need for a continuing supply of mineral resources, and to prevent or minimize the negative impacts of surface mining to public health, property and the environment. As mandated under SMARA, the State Geologist has designated mineral land classifications in order to help identify and protect mineral resources in areas within the state subject to urban expansion or other irreversible land uses which would preclude mineral extraction. SMARA also allowed the State Mining and Geology Board, after receiving classification information from the State Geologist, to designate lands containing mineral deposits of regional or statewide significance.

Pursuant to the mandate of the SMARA, the State Mining and Geology Board (SMGB) has designated the Communications Hill Area (Sector EE), bounded generally by the Southern Pacific Railroad, Curtner

Avenue, SR 87, and Hillsdale Avenue as containing mineral deposits that are of regional significance as a source of construction aggregate materials. Neither the State Geologist nor the SMGB have classified any other areas in San José as containing mineral deposits of statewide significance or requiring further evaluation.

Discussion

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?

No Impact. The Project is not located in an area known to contain regionally significant mineral resources and would not result in the loss of the availability of a known mineral resource of regional value. Thus, no impacts would occur.

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?

No Impact. The Project site is not located in an area that has been identified by the City of San José as a locally important mineral resource recovery site. Thus, no impacts would occur.

4.13 Noise

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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		
b) Generation of excessive groundborne vibration or groundborne noise levels?		X		
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	

Existing Setting

The Project site is impacted by various noise sources. Mobile sources of noise, especially cars and trucks, are the most common and significant sources of noise in most communities. Other sources of noise are the various land uses (i.e., residential, commercial, institutional, and recreational and parks activities) throughout the City that generate stationary-source noise.

Noise Measurements

To determine ambient noise levels in the Project area, three short-term (10-minute) noise measurements and one long-term (24-hour) noise measurement were taken using a Larson Davis SoundExpert LxT Type I integrating sound level meter on November 7 and November 8, 2023; refer to Appendix E: Acoustical Analysis for existing noise measurement data and **Figure 4-2, Noise Measurement Locations**. Short-term measurement 1 (ST-1) was taken to represent the ambient noise level at the residential northwest of the Project site on Cleveland Avenue, ST-2 was taken to represent existing noise levels on southwest of the Project site by Vaughn Avenue, and ST-3 was taken to represent the existing noise level at residential and commercial uses south of the Project site. Long-term measurement 1 (LT-1) were taken to represent existing ambient noise levels at the residential uses northeast of the Project site along Brooklyn Avenue. The primary noise sources during the noise measurements were traffic along Cleveland Avenue, West San

Carlos Street, Brooklyn Avenue, and stationary noise at commercial operations nearby. **Table 4-12: Noise Measurements,** provides the ambient noise levels measured at these locations.

Table 4-12: Noise Measurements

Site No.	Location	L_{eq} (dBA)	L_{min} (dBA)	L_{max} (dBA)	L_{dn} (dBA)	Time	Date
ST-1	48 Cleveland Avenue	53.0	48.7	62.5	-	3:22 p.m. to 3:32 p.m.	11/7/2023
ST-2	318 Vaughn Avenue	57.4	49.4	67.7	-	3:39 p.m. to 3:49 p.m.	11/7/2023
ST-3	316 Arleta Avenue	59.5	49.1	68.7	-	3:53 p.m. to 4:03 p.m.	11/7/2023
LT-1	75 Brooklyn Avenue	54.1	36.9	84.2	57.2	4:40 p.m. to 4:40 p.m.	11/7/2023–11/8/2023
Source: Noise Measurements taken by Kimley-Horn on November 7th and 8th, 2023.							

Existing Mobile Noise

Existing roadway noise levels were calculated for the roadway segments in the Project vicinity. This task was accomplished using the Federal Highway Administration (FHWA) Highway Traffic Noise Prediction Model (FHWA-RD-77-108) and existing traffic volumes from Kimley-Horn Transportation Analysis (2023). Existing traffic volumes are obtained from the traffic modeling performed by Kimley-Horn. Day/night traffic distributions were based upon continuous hourly noise measurement data. Using this data and the FHWA traffic noise prediction methodology, traffic noise levels were calculated for existing conditions in 2023. The existing mobile noise in the Project area are generated along Cleveland Avenue, West San Carlos Street, and Brooklyn Avenue.

Existing Stationary Noise

The primary sources of stationary noise in the Project vicinity are those associated with the operations of nearby existing commercial spaces and residential uses surrounding of the Project site. The noise associated with these sources may represent a single-event noise occurrence, short-term noise, or long-term/continuous noise.

Sensitive Receptors

Noise exposure standards and guidelines for various types of land uses reflect the varying noise sensitivities associated with each of these uses. Residences, hospitals, schools, guest lodging, libraries, and churches are treated as the most sensitive to noise intrusion and therefore have more stringent noise exposure targets than do other uses, such as manufacturing or agricultural uses that are not subject to impacts such as sleep disturbance. As shown in **Table 4-13: Sensitive Receptors**, sensitive receptors near the Project site are primarily residential uses; refer to **Figure 4-3, Sensitive Receptor Locations**. These distances are measured from the Project site boundary to the sensitive receptor property line.

Table 4-13: Sensitive Receptors

	Receptor Description	Distance and Direction from the Project Site[1]
1	Residential Uses along Cleveland Avenue (west)	40 feet west
2	Residential Uses along Cleveland Avenue (east)	0 feet north
3	Residential Uses along Brooklyn Avenue	0 feet east
4	Residential Uses along Raymond Avenue	290 feet southeast
5	Residential Uses along Arleta Avenue	160 feet southeast
1. Distances are measured from the Project site boundary to the property line of the nearest sensitive receptor.		
Source: Google Earth, 2024.		

Source: Nearmap, 2024.

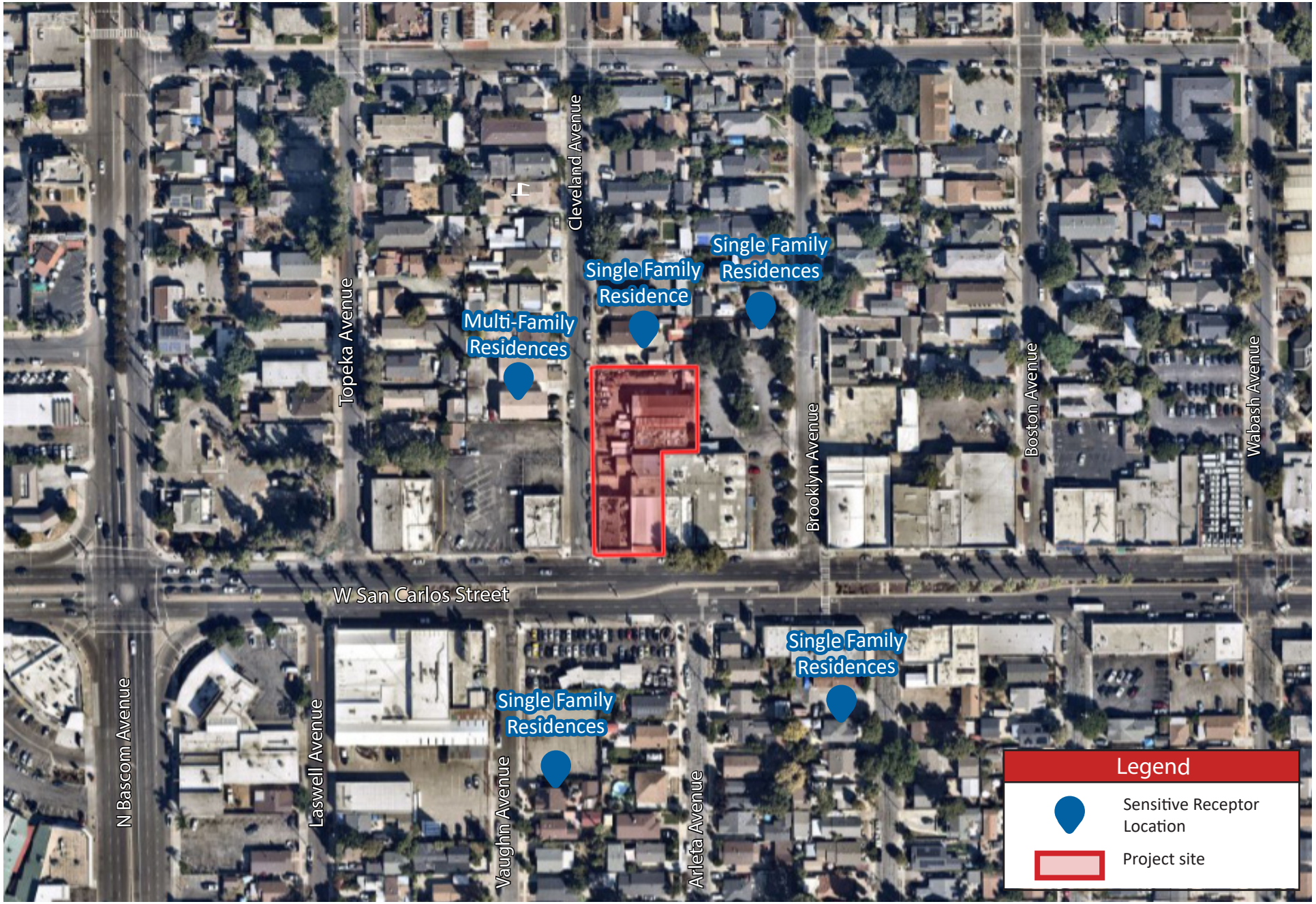
Figure 4-2, Noise Measurement Locations

1921 and 1927 West San Carlos Street Project

Draft Initial Study

Not to scale

Kimley»Horn



Source: Nearmap, 2024

Figure 4-3, Sensitive Receptor Locations

1921 and 1927 West San Carlos Street Project
Draft Initial Study

Not to scale

Kimley»Horn
Expect More. Experience Better.

Applicable Plans, Policies, and Regulations

US Environmental Protection Agency

The EPA offers guidelines for community noise exposure in the publication Noise Effects Handbook – A Desk Reference to Health and Welfare Effects of Noise. These guidelines consider occupational noise exposure as well as noise exposure in homes. The EPA recognizes an exterior noise level of 55 decibels day-night level (dB L_{dn}) as a general goal to protect the public from hearing loss, activity interference, sleep disturbance, and annoyance. The EPA and other Federal agencies have adopted suggested land use compatibility guidelines that indicate that residential noise exposures of 55 to 65 dB L_{dn} are acceptable. However, the EPA notes that these levels are not regulatory goals, but are levels defined by a negotiated scientific consensus, without concern for economic and technological feasibility or the needs and desires of any particular community.

California Environmental Quality Act

The State Office of Planning and Research Noise Element Guidelines include recommended exterior and interior noise level standards for local jurisdictions to identify and prevent the creation of incompatible land uses due to noise. The Noise Element Guidelines contain a land use compatibility table that describes the compatibility of various land uses with a range of environmental noise levels in terms of the CNEL. The guidelines also present adjustment factors that may be used to arrive at noise acceptability standards that reflect the noise control goals of the community, the community's sensitivity to noise, and the community's assessment of the relative importance of noise pollution.

California Noise Insulation Standards

The State of California establishes minimum noise insulation performance standards for hotels, motels, dormitories, apartment houses, and dwellings other than detached single-family dwellings as set forth in the 2007 CBC (Chapter 12, Section 1207.11.2). The noise limit is a maximum interior noise level of 45 dBA DNL. Where exterior noise levels exceed 60 dBA DNL, a report must be submitted with the building plans describing the noise control measures that have been incorporated into the design of the project to meet the noise limit. The General Plan facilitates the implementation of the Building Code noise insulation standards.

City of San José General Plan

The Noise Element of the General Plan, adopted November 1, 2011, establishes noise standards for planning purposes needed to examine outdoor and indoor noise levels acceptable for different uses. The standards relate to existing conditions in the City so that they are realistically enforceable and consistent with other General Plan policies. The Noise Element seeks to limit the impacts of noise on residents and employees in two ways. The Noise Element contains standards to determine the suitability of new land uses depending upon the extent of noise exposure in the area. The Noise Element's policies limit the extent of new noise sources that proposed development can add to existing noise levels in the surrounding area and through implementation of the City's Noise Ordinance, which limits what is commonly described as "nuisance noise."

The following lists applicable noise goals and targets that apply to the project obtained from the General Plan:

Goal EC-1: Community Noise Levels and Land Use Compatibility. Minimize the impact of noise on people through noise reduction and suppression techniques, and through appropriate land use 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 Day/Night Average Sound Level (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 San José 2040 General Plan traffic volumes to ensure land use compatibility and 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 (Table EC-1 in the General Plan, **Table 4-14: Land Use Compatibility Guidelines for Community Noise in San José** below). The acceptable exterior noise level objective is established for the City, except in the environs of the Mineta San José International Airport and the Downtown, as described below:

For new multi-family residential projects and for the residential component of mixed-use development, use a standard of 60 dBA DNL in usable outdoor activity areas, excluding balconies and residential stoops and porches facing existing roadways. Some common use areas that meet the 60 dBA DNL exterior standard will be available to all residents. Use noise attenuation techniques such as shielding by buildings and structures for outdoor common use areas. On sites subject to aircraft overflights or adjacent to elevated roadways, use noise attenuation techniques to achieve the 60 dBA DNL standards for noise from sources other than aircraft and elevated roadway segments.

Table 4-14: Land Use Compatibility Guidelines for Community Noise in San José provides the range of acceptable noise levels for various land uses in the City, as established by the General Plan.

Table 4-14: Land Use Compatibility Guidelines for Community Noise in San José

Land-Use Category	Exterior Noise Exposure (L_{dn}), in dBA		
	Normally Acceptable[1]	Conditionally Acceptable[2]	Normally Unacceptable[3]
Residential, Hotels and Motels, Hospitals, and Residential Care	Up to 60	>60 to 75	>75
Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds	Up to 65	>65 to 80	>80
Schools, Libraries, Museums, Meeting Halls, Churches	Up to 60	>60 to 75	>75
Office Buildings, Business Commercial, and Professional Offices	Up to 70	>70 to 80	>75
Sports Area, Outdoor Spectator Sports	Up to 70	>70 to 80	>65
Public and Quasi-Public Auditoriums, Concert Halls, Amphitheaters	-	>55 to 70	>70

1. Normally Acceptable – Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction. There are no special noise insulation requirements.
2. Conditionally Acceptable – New construction should be undertaken only after a detailed analysis of the noise reduction requirement is conducted and needed noise insulation features included in the design.
3. Normally Unacceptable – New construction should be discouraged and may be denied as inconsistent with the General Plan and City Code. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.
4. Outdoor open space noise standards do not apply to private balconies/patios.

Source: City of San José General Plan, 2014.

Policy EC-1.2: Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Categories 1, 2, 3 and 6) 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-1.7: 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-1.9: Require noise studies for land use proposals where known or suspected loud intermittent noise sources occur which may impact adjacent existing or planned land uses. For new residential development affected by noise from heavy rail, light rail, BART or other single-event noise sources, implement mitigation so that recurring maximum instantaneous noise levels do not exceed 50 dBA Lmax in bedrooms and 55 dBA Lmax in other rooms.

Policy EC-1.1:1 Require safe and compatible land uses within the Mineta International Airport noise zone (defined by the 65 CNEL contour as set forth in State law) and encourage aircraft operating procedures that minimize noise.

Policy EC-1.14: Require acoustical analyses for proposed sensitive land uses in areas with exterior noise levels exceeding the City's noise and land use compatibility standards to base noise attenuation techniques on expected Envision San José 2040 General Plan traffic volumes to ensure land use compatibility and General Plan consistency.

Policy EC-2.3: Require new development to minimize vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, a 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 vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction.

City of San José Municipal Code

Section 20.100.450, Hours of Construction within 500 Feet of a Residential Unit, of the San José Municipal Code (Municipal Code), specifies the following standard exceptions to the provisions of Section 20.100.450.

A. Unless otherwise expressly allowed in a Development Permit or other planning approval, no applicant or agent of an applicant shall suffer or allow any construction activity on a site located within 500 feet of a residential unit before 7:00 a.m. or after 7:00 p.m., Monday through Friday, or at any time on weekends. **Table 4-16: City of San José Zoning Ordinance Noise Standards** shows the San José standards for maximum noise level at the property line.

Table 4-15: City of San José Zoning Ordinance Noise Standards

Land Use Types	Maximum Noise Level in Decibels at Property Line
Any residential use adjacent to a property used or zoned for residential purposes	55
Commercial use adjacent to property used or zoned for residential purposes	55
Commercial use adjacent to a property used or zoned for commercial or other non-residential uses	60
Source: City of San José Municipal Code section 20.30.700. and 20.40.600	

Discussion

Significance Criteria

The following standards and significance criteria to evaluate potential noise and vibration impacts from the Project were utilized in accordance with the CEQA thresholds of significance outlined the in CEQA Thresholds below.

Construction Noise

Per General Plan Policy EC-1.7, the City considers projects involving 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 within 500 feet of residential land uses or within 200 feet of commercial land uses or offices to be significant and require the mitigation stated in Policy EC-1.7. The construction noise analysis also quantifies construction noise and compares the construction-related noise levels to the Federal Transit Administration (FTA)'s 8-hour average construction noise standards of 80 dBA L_{eq} at residential uses, 85 dBA L_{eq} at commercial uses, and 90 dBA L_{eq} at industrial uses.[31] The construction analysis compares construction noise to FTA thresholds for informational purposes.

Operational Noise

Per General Plan Policy EC-1.2, a significant permanent noise level increase would occur if the Project would result in: a) a noise level increase of 5 dBA L_{dn} or greater, with a future noise level of less than 60 dBA L_{dn}, or b) a noise level increase of 3 dBA L_{dn} or greater, with a future noise level of 60 dBA L_{dn} or greater. Additionally, 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.

Section 20.30.700 of the City's Municipal Code establishes a limit of 55 dBA for commercial areas adjacent to residential areas and 60 dBA for commercial uses adjacent to commercial areas, when measured at the property line. The analysis below compares generated noise levels to the Municipal Code standards, however, the Municipal Code is not used as a criterion to determine the significance of project impacts under CEQA.

Vibration

General Plan Policy EC-2.3 relies on guidance developed by Caltrans to address vibration impacts from development projects in the City. A vibration limit of 12.7 millimeters per second (mm/sec; 0.5 inch/sec) PPV is used for buildings that are structurally sound and designed to modern engineering standards. A

[31] Federal Transit Administration; Transit Noise and Vibration Assessment Manual, 2018.

conservative vibration limit of five mm/sec (0.2 inches/sec) PPV has been used for buildings that are found to be structurally sound but where structural damage is a major concern. For historic buildings or buildings that are documented to be structurally weakened, a conservative limit of two mm/sec (0.08 inches/sec) PPV is used to provide the highest level of protection.

Methodology

Construction

Construction noise estimates are based upon typical noise levels generated by construction equipment published by the FTA and FHWA. Construction noise is assessed in dBA L_{eq}. This unit is appropriate because L_{eq} can be used to describe noise level from operation of each piece of equipment separately, and levels can be combined to represent the noise level from all equipment operating during a given period. The FTA Transit Noise and Vibration Impact Assessment Manual (2018) (FTA Noise and Vibration Manual) identifies a maximum 8-hour noise level standard of 80 dBA L_{eq} at residential uses, 85 dBA L_{eq} at commercial, and 90 dBA L_{eq} at industrial uses for short-term construction activities. Noise generated by short-term construction activities below the FTA's maximum 8-hour noise level standard would have a less than significant impact.

Reference noise levels are used to estimate noise levels at nearby noise-sensitive receptors based on a standard noise attenuation rate of 6 dB per doubling of distance (line-of-sight method of sound attenuation for point sources of noise). Construction noise is analyzed at a distance from the property line of the nearest receptor to the main construction activity at the Project site to provide an average, representative construction noise level for the various phases. Construction noise level estimates do not account for the presence of intervening structures or topography, which may reduce noise levels at receptor locations. Therefore, the noise levels presented herein represent a conservative, reasonable worst-case estimate of actual temporary construction noise

Operations

The analysis of the existing and future noise environments is based on noise prediction modeling and empirical observations. Reference noise level data are used to estimate the Project operational noise impacts from stationary sources. Noise levels are collected from field noise measurements and other published sources from similar types of activities are used to estimate noise levels expected with the Project's stationary sources. The reference noise levels are used to represent a worst-case noise environment as noise level from stationary sources can vary throughout the day. Reference noise level data are used to estimate the Project operational noise impacts from stationary sources. The Existing Year and With Project traffic noise levels in the Project vicinity were calculated using the FHWA Highway Noise Prediction Model (FHWA-RD-77-108)

Vibration

Groundborne vibration levels associated with Project construction-related activities were evaluated utilizing typical groundborne vibration levels associated with construction equipment, obtained from FTA published data for construction equipment. Potential groundborne vibration impacts related to structural damage and human annoyance were evaluated, considering the distance from construction activities to nearby land uses and typically applied criteria for structural damage and human annoyance.

Impact Analysis

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?

Less than Significant Impact with Mitigation Incorporated.

Construction

Construction-related activities would temporarily increase ambient noise levels in the Project site vicinity. Construction-related noise levels at and near the Project site would fluctuate depending on the level and type of construction activity on a given day. During construction, exterior noise levels could affect the various uses surrounding the Project site. Project construction would occur adjacent to existing commercial spaces and residential uses. However, construction activities would occur throughout the Project site and would not be concentrated at a single point near sensitive receptors. Therefore, noise levels shown below represent conservative estimates. Noise levels typically attenuate (or drop off) at a rate of 6 dB per doubling of distance from point sources, such as industrial machinery. During construction, exterior noise levels could affect the buildings near the construction site.

Construction activities associated with development of the Project would include demolition, site preparation, grading, paving, building construction, and architectural coating. Such activities would require excavators and bulldozers during demolition, graders, scrapers, and tractors during site preparation; graders, dozers, and tractors during grading; cranes, forklifts, generators, tractors, and welders during building construction; pavers, rollers, mixers, tractors, and paving equipment during paving; and air compressors during architectural coating. It should be noted that only a limited amount of equipment can operate near a given location at a particular time. Typical noise levels associated with individual construction equipment and noise levels at the nearest sensitive receptors are listed in **Table 4-16: Typical Construction Noise Levels**.

Table 4-16: Typical Construction Noise Levels

Equipment	Typical Noise Level (dBA) at 30 feet from Source	Typical Noise Level (dBA) at 50 feet from Source[1]	Typical Noise Level (dBA) at 120 feet from Source[1]
Air Compressor	84	80	72
Backhoe	84	80	72
Compactor	86	82	74
Concrete Mixer	89	85	77
Concrete Pump	86	82	74
Concrete Vibrator	80	76	68
Dozer	89	85	77
Generator	86	82	74
Grader	89	85	77
Impact Wrench	89	85	77
Jack Hammer	92	88	80
Loader	84	80	72
Paver	89	85	77
Pneumatic Tool	89	85	77
Pump	81	77	69
Roller	89	85	77
Saw	80	76	68

Equipment	Typical Noise Level (dBA) at 30 feet from Source	Typical Noise Level (dBA) at 50 feet from Source[1]	Typical Noise Level (dBA) at 120 feet from Source[1]
Scraper	89	85	77
Shovel	86	82	74
Truck	88	84	76

[1] Calculated using the inverse square law formula for sound attenuation: $dBA_2 = dBA_1+20Log(d_1/d_2)$
Where: dBA_2 = estimated noise level at receptor; dBA_1 = reference noise level; d_1 = reference distance; d_2 = receptor location distance.
Source: Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, September 2018.

Noise impacts for mobile construction equipment are typically assessed as emanating from the center of the equipment activity or construction site. For the Project, this center point would be approximately 120 feet from the nearest sensitive receptor and 30 feet from the nearest commercial receptor. These sensitive uses may be exposed to elevated noise levels during Project construction. The FHWA Roadway Construction Noise Model (RCNM) was used to calculate noise levels during construction activities; refer to Appendix E. The Roadway Construction Noise Model is a computer program used to assess construction noise impacts and allows for user-defined construction equipment and user-defined noise limit criteria. Noise levels were calculated for each construction phase and are based on the equipment used, distance to the nearest property/receptor, and acoustical use factor for equipment.

The noise levels calculated show estimated exterior construction noise at the closest sensitive and commercial receptors. Based on the calculations using the Roadway Construction Noise Model as shown in **Table 4-17: Project Construction Noise Levels**, construction noise levels would range from approximately 78.2 dBA L_{eq} to 90.9 dBA L_{eq} at the nearest commercial receptors and 66.1 dBA L_{eq} to 78.9 dBA L_{eq} at the nearest residential receptors.

Table 4-17: Project Construction Noise Levels

Construction Phase	Receptor Location			Modeled Exterior Noise Level (dBA L_{eq}) [2,3]	Noise Threshold (dBA L_{eq}) [4]	Exceeded?
	Land Use	Direction	Distance (feet) [1]			
Demolition	Commercial	East	30	90.9	85	**Yes**
	Residential	North	120	78.9	80	No
	Residential	West	120	78.9	80	No
Site Preparation	Commercial	East	30	88.0	85	**Yes**
	Residential	North	120	76.0	80	No
	Residential	West	120	76.0	80	No
Grading	Commercial	East	30	89.0	85	**Yes**
	Residential	North	120	77.0	80	No
	Residential	West	120	77.0	80	No
Building Construction	Commercial	East	30	88.1	85	**Yes**
	Residential	North	120	76.0	80	No
	Residential	West	120	76.0	80	No
Paving	Commercial	East	30	89.8	85	**Yes**
	Residential	North	120	77.8	80	No
	Residential	West	120	77.8	80	No
Architectural Coating	Commercial	East	30	78.2	85	**Yes**
	Residential	North	120	66.1	80	No
	Residential	West	120	66.1	80	No

Notes:
1. Distance is from the nearest receptor to the main construction activity area on the Project site. Not all equipment would operate at the closest distance to the receptor.
2. Modeled noise levels conservatively assume the simultaneous operation of all pieces of equipment.
3. The Federal Transit Authority Noise and Vibration Manual establishes construction noise standards of 80 dBA $L_{eq(8\text{-}hour)}$ for residential uses and 86 dBA $L_{eq(8\text{-}hour)}$ for commercial uses.

Source: Federal Highway Administration, *Roadway Construction Noise Model,* 2006. Refer to Appendix A for noise modeling results.

As shown in **Table 4-17: Project Construction Noise Levels**, the loudest noise level would be 90.9 dBA L_{eq} at the nearest commercial use, which is above the Federal Transit Authority's (FTA) 85 dBA L_{eq} standard at commercial receptors. At the closest sensitive receptors, construction noise levels would remain below the FTA's 80 dBA L_{eq} standard. While the FTA construction noise standard is not the City's adopted CEQA threshold for construction noise, it is presented for informational purposes.

The City does have construction noise standards that limit construction schedules and times when within 500 feet of residences and 200 feet of commercial spaces. These limitations would only be required if substantial noise generating activities lasted more than 12 months. The Project construction is anticipated to occur for an 18-month period and substantial noise generation activities involved with Project construction would occur for more than 12 months. Therefore, the Project would be subject to the Policy EC-1.7 of the San José General Plan. Further, as shown in **Table 4-17*:* Project Construction Noise Levels**,

noise levels at the closest commercial receptors are exceeding the FTA's construction noise standards. Actual construction-related noise activities would be lower than the conservative levels described above and would cease upon completion of construction. Due to the variability of construction activities and equipment for the Project, overall construction noise levels would be intermittent and would fluctuate over time. In addition, the noise levels above assume that construction noise is constant, when, in fact, construction activities and associated noise levels would generally be brief and sporadic, depending on the type, intensity, and location of construction activities. The Contractor would also equip all construction equipment, fixed and mobile, with properly operating and maintained noise mufflers, consistent with manufacturer's standards per the City's Standard Permit Conditions. However, to ensure consistency with the General Plan Policy EC-1.7, Mitigation Measure NOI-1 would be implemented.

As mentioned above, uses near the Project site include residences and commercial spaces. These sensitive uses may be exposed to elevated noise levels during Project construction. However, the Project would be required to adhere to the Standard Permit Conditions and Mitigation Measure NOI-1 which would require the preparation of a Construction Noise Logistics Plan. The Standard Permit Conditions are required to ensure that construction noise levels do not exceed the City's standards and that time-of-day restrictions are adhered to and would ensure that all construction equipment is equipped with properly operating and maintained mufflers and other state required noise attenuation devices. The proposed Project construction would have some demolition, grading, building construction and would last more than 12 months. Therefore, with implementation of these conditions and Mitigation Measure NOI-1, construction noise impacts to nearby receptors would be less than significant

Standard Permit Conditions

Construction-Related Noise. Noise minimization measures include, but are not limited to, the following:

i. Pile Driving is prohibited.

ii. Limit construction to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific "construction noise mitigation plan" and a finding by the Director of PBCE that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential use.

iii. Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.

iv. Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.

v. Prohibit unnecessary idling of internal combustion engines.

vi. 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.

vii. Utilize "quiet" air compressors and other stationary noise sources where technology exists.

viii. Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the Project site.

ix. 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.

x. If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket barrier along surrounding building facades that face the construction sites.

xi. 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.

Mitigation Measure:

Impact Statement NOI-1

Project construction would exceed the City's General Plan Policy EC-1.7 construction noise standards and would temporarily result in substantial noise-generating activities for more than 12 months adjacent to residential uses.

Mitigation Measure NOI-1 Construction Noise Logistics Plan

Prior to demolition or grading permit issuance (whichever comes first), the Applicant shall provide a Construction Noise Logistics Plan that includes the following measures:

- Post signs at gates and other places where vehicles may congregate reminding operators of the State's Airborne Toxic Control Measure (ATCM) limiting idling to no more than 5 minutes.
- A sign regarding the construction schedule of the Project, legible at 50 feet shall be posted at the Project construction site. The sign shall be reviewed and approved by the Director of PBCE or Director's designee, prior to posting.
- Prior to issuance of any Grading or Building Permit, the Contractor shall provide evidence that at all times during construction activities an on-site construction staff member shall be designated as a Noise Disturbance Coordinator.

Construction Traffic Noise

Construction noise may be generated by large trucks moving materials to and from the Project site. Large trucks would be necessary to deliver building materials as well as remove dump materials. Cut and fill would not be required during the grading process. Based on the CalEEMod default assumptions for this Project, as analyzed in the Air Quality and Greenhouse Gas Emissions Analysis in Appendix A, the Project

would generate the highest number of daily trips during the overlapping building construction, paving, and architectural coating phases. The model estimates that the Project would generate up to 73 worker trips and 12 vendor trips per day for building construction, 18 worker trips for paving, and 15 worker trips for architectural coating. Because of the logarithmic nature of noise levels, a doubling of the traffic volume (assuming that the speed and vehicle mix do not also change) would result in a noise level increase of 3 dBA. Nearby roadways used to access the site, such as Cleveland Avenue and West San Carlos Street, have a minimum ADT of 560 trips. Therefore, 118 Project construction trips (106 worker trips plus 12 vendor trips) would not double the existing traffic volume per day on any of the nearby roadway segments. Construction related traffic noise would not be noticeable and would not create a significant noise impact.

California establishes noise limits for vehicles licensed to operate on public roads using a pass-by test procedure. Pass-by noise refers to the noise level produced by an individual vehicle as it travels past a fixed location. The pass-by procedure measures the total noise emissions of a moving vehicle with a microphone. When the vehicle reaches the microphone, the vehicle is at full throttle acceleration at an engine speed calculated for its displacement.

For heavy trucks, the State pass-by standard is consistent with the federal limit of 80 dBA. The State pass-by standard for light trucks and passenger cars (less than 4.5 tons gross vehicle rating) is also 80 dB at 15 meters from the centerline. According to the FHWA, dump trucks typically generate noise levels of 77 dBA and flatbed trucks typically generate noise levels of 74 dBA, at a distance of 50 feet from the truck.

Operations

As discussed above, the closest sensitive receptors are residential uses surrounding the Project site. The City's stationary source exterior Zoning Ordinance Noise Standards for residential areas is 55 dBA L_{eq}. The land use compatibility standard for residential areas is also up to 60 dBA L_{dn} for normally acceptable conditions. Generally, traffic volumes on Project area roadways would have to approximately double for the resulting traffic noise levels to increase by 3 dBA. Therefore, permanent increases in ambient noise levels of less than 3 dBA are considered to be less than significant.

Traffic Noise

According to Appendix F: Local Transportation Analysis, the Project is expected to generate 485 net daily trips, which would result in noise increases on Project area roadways. In general, a traffic noise increase of less than 3 dBA is barely perceptible to people, while a 5-dBA increase is readily noticeable.[32] Generally, traffic volumes on Project area roadways would have to approximately double for the resulting traffic noise levels to increase by 3 dBA. Therefore, permanent increases in ambient noise levels of less than 3 dBA are considered to be less than significant.

As described in Appendix E, future development associated with the Project would result in additional traffic on adjacent roadways, thereby potentially increasing vehicular noise near existing and proposed land uses. However, the resulting additional ADT would not double the existing traffic volumes on the surrounding roadways. Additionally, the highest increase would be 2.6 dBA L_{dn} and would not generate a perceptible noise level change of 3.0 dBA. Therefore, impacts would be less than significant.

[32] Caltrans, Technical Noise Supplement to the Traffic Noise Analysis Protocol, 2013. https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/env/tens-sep2013-a11y.pdf. Accessed January 2024.

Stationary Noise Sources

Implementation of the Project would create new sources of noise in the Project vicinity from residential and recreational sources, mechanical equipment, loading areas, parking lot noise, and landscape maintenance.

Residential and Recreational Sources

Noise that is typical of residential and recreational areas includes group conversations, pet noise, vehicle noise (see discussion below) and general maintenance activities. Noise from residential stationary sources would primarily occur during the "daytime" activity hours of 7:00 a.m. to 7:00 p.m. Furthermore, the residences would be required to comply with the noise standards set forth in the City's General Plan and Municipal Code.

The Project area may include some crowd noise caused by the recreational activities at the proposed second floor community deck and playground. Crowd noise is dependent on several factors including vocal effort, impulsiveness, and the random orientation of the crowd members. The nearest sensitive property line would be located approximately 10 feet from the proposed gathering areas (i.e., community deck, courtyard). At this distance, crowd noise would be approximately 50.3 dBA at the nearest sensitive receptor property line to the north. Therefore, crowd noise at the closest existing sensitive receptors would not exceed the City's 55 dBA standard. A less than significant impact would occur in this regard. Therefore, impacts associated with recreational noise would not produce levels in exceedance of General Plan Policy EC-1.1 and EC-1.2 and would be less than significant.

Mechanical Equipment

Regarding mechanical equipment, the Project would generate stationary-source noise associated with heating, ventilation, and air conditioning units. Heating, ventilation, and air conditioning units typically generate noise levels of approximately 55.4 dBA L_{dn} at 50 feet. A majority of the mechanical equipment would be located within the proposed building and would not be perceptible at the nearest sensitive receptors due to building and wall attenuation. The nearest audible mechanical equipment would be located on the roof of the proposed building approximately 60 feet from the nearest sensitive receptor property line. At 60 feet, mechanical equipment noise levels would be 53.8 dBA L_{dn} without accounting for any noise attenuating structures. This noise level is below the City's 55 dBA exterior standard for residential uses. Additionally, the noise level would not raise the ambient noise level of 57.2 dBA L_{dn} at existing sensitive receptors by more than 5 dBA. Thus, impacts from mechanical equipment would not exceed the City's General Plan standards in Policy EC 1.1 and EC-1.2 and would be less than significant.

Loading Areas

The Project is a mixed-use development that would necessitate occasional deliveries for the retail use. The primary noise associated with deliveries is the arrival and departure of trucks. Normal deliveries typically occur during daytime hours. During loading and unloading activities, noise would be generated by the trucks' diesel engines, exhaust systems, and brakes during low gear shifting' braking activities; backing up toward the docks/loading areas; dropping down the dock ramps; and maneuvering away from the docks. The Project is not anticipated to require a significant number of truck deliveries and the majority of deliveries for the retail use would consist of vendor deliveries in light-duty trucks and vans and would be infrequent and irregular. The Project's loading areas would be within the retail parking lot or located on along West San Carlos Street. While there would be temporary noise increases during truck maneuvering and engine idling, these impacts would of short duration and infrequent. Due to the vehicle

type, duration of loading activities, and infrequency of deliveries, noise impacts related to loading areas would not reach levels that exceed the City's General Plan standards in Policy EC-1.1 and EC-1.2 and would be less than significant.

Parking Areas

Noise impacts associated with on-site parking would be considered minimal since the parking area would be enclosed within the building structure. Further, some parking lot noise currently exists on-site for the existing commercial uses. As such, noise associated with on-site parking lot activities is not anticipated to exceed the City's Noise Standards or the San José Land use Compatibility Standards during operation. Therefore, noise impacts from on-site parking lots would not reach levels that exceed the City's General Plan Policy EC-1.1 and EC-1.2 and would be less than significant.

Landscape Maintenance Activities

Development and operation of the Project includes landscaping that would require periodic maintenance. Landscape Maintenance activities would be spread throughout the site and would occur at the closest point to sensitive receptors adjacent to the Project site. Maintenance activities would operate during daytime hours for brief periods of time as allowed by the City Municipal Code and would not permanently increase ambient noise levels in the Project vicinity and would be consistent with activities that currently occur at the surrounding uses. Therefore, with adherence to the City's Municipal Code, impacts associated with landscape maintenance would not produce levels in exceedance of General Plan Policy EC-1.1 and EC-1.2 and would be less than significant.

With incorporation of Standard Permit Conditions and the above Mitigation Measure for Project construction, the Project would have a less than significant impact with mitigation incorporated

b) Generation of excessive groundborne vibration or groundborne noise levels?

Less than Significant Impact with Mitigation Incorporated.

Increases in groundborne vibration levels attributable to the Project would be primarily associated with construction-related activities. Construction on the Project site would have the potential to result in varying degrees of temporary groundborne vibration, depending on the specific construction equipment used and the operations involved. Ground vibration generated by construction equipment spreads through the ground and diminishes in magnitude with increases in distance. The effect on buildings located in the vicinity of the construction site often varies depending on soil type, ground strata, and construction characteristics of the receiver building(s). The results from vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibration at moderate levels, to slight damage at the highest levels. Groundborne vibrations from construction activities rarely reach levels that damage structures.

The nearest off-site structure is located adjacent to the east of the active construction zone. As analyzed in Appendix E, based on FTA vibration data, at 5 feet the vibration velocities from construction equipment would be approximately 0.79 PPV above the City's 0.20 PPV threshold listed under Policy EC-2.3 in General Plan**.** Thus, the Project would implement Mitigation Measure NOI-2 to reduce potential construction vibration impacts at the nearest buildings. Mitigation Measure NOI-2 would include screening distances for specified construction equipment to ensure nearby buildings are not impacted by high construction vibration levels. It is also noted that construction activities would occur throughout the Project site and

would not be concentrated at the point closest to the nearest buildings/structures, and thus the frequency of vibration events would be intermittent and temporary. As such, the Project would not exceed the City's 0.20 in/sec PPV threshold with the implementation of Mitigation Measure NOI-2, and a less than significant impact would occur in this regard.

The Project operations would not generate groundborne vibration that could be felt at surrounding uses. Project operations would not involve railroads or substantial heavy truck operations, and therefore would not result in vibration impacts at surrounding uses. As a result, impacts from vibration associated with Project operation would be less than significant.

Mitigation Measure:

Impact Statement NOI-2

Project construction would exceed the City's General Plan Policy EC-2.3 construction vibration standards by approximately 0.79 PPV and would temporarily result in substantial vibration-generating activities to nearby off-site structures.

Mitigation Measure NOI-2

The Project Applicant will require contractor(s) to comply with a Vibration Management Plan and implement minimum allowable setbacks from nearby buildings/structures to the north and west for heavy machinery. For all new construction, the contractor(s) will not use pile drivers, pavement breakers, or blasting equipment. In addition, when construction is required in direct proximity to the existing residences to the north and/or the residences immediately west of the Project site, the contractor(s) will observe the following minimum allowable setbacks for specified construction equipment:

- Jackhammers shall not be used within 8 feet of any building.
- Rock Breakers shall not be used within 12 feet of any building.
- Loaded Trucks shall not be sued within 14 feet of any building.
- Large Bulldozers shall not be used within 15 feet of any building.

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?

Less than Significant Impact. The Project is within two miles of the San José International Airport. However, according to the City's aircraft noise contour projections, the Project site is located outside the noise impact area of San José International Airport. Additionally, there are no private airstrips located within the Project vicinity. Therefore, the Project would not expose people residing or working in the Project area to excessive airport- or airstrip-related noise levels and no mitigation is required.

4.14 Population and Housing

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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	
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				X

Existing Setting

The population of the City is approximately 959,256 persons as of January 1, 2023.[33] The California Department of Finance estimates 2.86 residents per household in the City. According to the General Plan EIR, the City estimates approximately 138,442 additional households in San José by 2035 to a total of 429,350 households. The unemployment rate for the City of as of November 2023 was 3.9 percent.[34]

To meet the current and projected housing needs in the City, the General Plan identifies areas for mixed-use and residential development to accommodate 120,000 new dwelling units by 2040 and 470,000 new jobs within the General Plan Land Use designation area.

The Project site is within the West San Carlos Street Urban Village Plan, which was included in the Horizon 1 Growth Area of the General Plan. The General Plan identifies the West San Carlos Urban Village Plan area to accommodate 980 new jobs and 1,245 new dwelling units.

Applicable Plans, Policies, and Regulations

California Government Code Sections 65580–65589

California Government Code Sections 65580–65589.8 include provisions related to the requirements for housing elements of local government general plans. Among these requirements, some of the necessary elements include an assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. Additionally, to assure that counties and cities recognize their

[33] California Department of Finance. Table 2: E-5 City/County Population and Housing Estimates. https://dof.ca.gov/wp-content/uploads/sites/352/Forecasting/Demographics/Documents/E-1_2023PressRelease.pdf. Accessed November 30, 2023.
[34] United States Bureau of Labor Statistics. Western – Labor Force Statistics. https://www.bls.gov/regions/west/data/xg-tables/ro9xg02.htm. Accessed January 2024.

responsibilities in contributing to the attainment of the state housing goals, the statute calls for local jurisdictions to plan for, and allow the construction of, a share of the region's projected housing needs.

Regional Transportation Plan/ Sustainable Community Strategy

The Regional Transportation Plan (RTP)/ Sustainable Community Strategy for the Bay Area region was adopted on July 18, 2013. This regional plan sets integrated development, housing and transportation goals with the aim of reducing GHG emissions.

Affordable Housing Programs

The City of San José has demonstrated a commitment to ensuring that affordable housing is available to moderate, low, and very-low income households by adopting an Inclusionary Housing Ordinance and a Housing Impact Fee resolution (collectively, the Affordable Housing Programs). The Inclusionary Ordinance requires that 15 percent of all new market-rate developments of 20 or more units include an affordable housing component. The Housing Impact Fee requires that developers of new market-rate rental housing pay $18-per-square foot to fund additional affordable housing projects in the City.

Municipal Code

The City's Municipal Code, Chapter 5.08, Inclusionary Housing Requirements, provides specific requirements for on-site inclusionary housing for new residential developments. This requires that 15 percent of the total dwelling units in the residential development shall be made available for purchase at an affordable housing cost to those households earning no more than 110 percent of the area median income. These units cannot be sold to those earning more than 120 percent of the area median income. Rental developments are required to provide 9 percent of the total dwelling units in the residential development at an affordable rental housing cost to moderate income households, and 6 percent of the total dwelling units in the residential development shall be made available for rent at an affordable housing cost to very low-income households.

City of San José Envision San José 2040 General Plan

The City's General Plan includes the following housing policies applicable to the Project:

Policy H-2.1: Facilitate the production of extremely low-, very low-, low-, and moderate-income housing by maximizing use of appropriate policies and financial resources at the federal, state, and local levels; and various other programs.

Policy H-2.2: Integrate affordable housing in identified growth locations and where other housing opportunities may exist, consistent with the Envision General Plan.

West San Carlos Urban Village Plan Policies

The West San Carlos Urban Village Plan includes the following housing policies applicable to the Project.

Goal LU-4: Support a range of housing types within the West San Carlos Urban Village and increase the supply of the Village's residential units consistent with the housing growth assigned by the Envision San José 2040 General Plan, about 1,245 units.

Policy LU-4.1: Encourage the integration of deed restricted affordable units within residential development. A goal, and not a requirement of individual projects, is that 25 percent of the total new residential units constructed are affordable.

Policy LU-4.2: Integrate affordable housing within the West San Carlos Urban Village by prioritizing the use of the City's affordable housing programs within this Village.

Policy LU-4.3: Facilitate housing that is affordable to those employed in population serving business in the Urban Village area.

Discussion

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)?

Less than Significant Impact. The Project would develop 94 residential units in the City, which would result in an increase of approximately 269 residents.[35] The Project site exists within the Mixed-Use Commercial Character Area of the West San Carlos Urban Village Plan, which aims to add new residential units while also increasing commercial square footage. The retail use proposed as part of the Project would create an estimated 11 jobs within the City.[36] As identified in the General Plan EIR, the City currently has an existing ratio of jobs per resident of 0.8. The General Plan EIR identified that at full buildout of the General Plan, the existing ratio of jobs per employed resident would be increased to a job per employed resident ratio of 1.3. The jobs provided by the Project could help address the jobs to housing ratio within the City.

The West San Carlos Urban Village Area is identified as a Planned Housing Growth Area, with planned 1,245 dwelling units. According to the General Plan, 395 units have been already entitled as of the end of 2021. The West San Carlos Urban Village has a remaining dwelling unit growth capacity of 850 units. The 94 dwelling units from the Project would not meet nor exceed the remaining growth capacity of 850 units established by the City. As such, the Project would not substantially induce unplanned population growth. Therefore, there would be a less than significant impact.

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No Impact. The 0.56-acre Project site contains various existing commercial uses. There are no existing permitted residential units on the Project site. However, there is one singular unpermitted residential unit in the attic space of one of the commercial buildings. Implementation of the Project would create 94 dwelling units and would not result in the displacement of a substantial number of residential units or people such that construction of replacement housing would be required. Thus, no impacts would occur.

[35] The California Department of Finance estimates 2.86 residents per household in San José. The Project includes 94 residential units. ((2.86)*(94)) = 268.84 residents.
[36] The City calculates one job per 300 SF of retail/commercial/office space. (City of San José Envision 2040, 2011) ((1,946 SF retail/commercial) + 1,425 SF office) / 300 SF = 11.24 jobs)

4.15 Public Services

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
a) 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:				
i) Fire protection?			X	
ii) Police protection?			X	
iii) Schools?			X	
iv) Parks?			X	
v) Other public facilities?			X	

Existing Setting

To meet the current and projected housing needs in the City, the General Plan identifies areas for mixed-use and residential development to accommodate 120,000 new dwelling units by 2040.

Fire Protection Services

Fire protection services in the City are provided by the SJFD. The City has 34 fire stations.[37] The nearest fire station to the Project site is Station 4 located at 710 Leigh Avenue, approximately 0.69-mile southeast of the Project site. The next closest fire station to the Project site is Station 10, located at 511 South Monroe Street, approximately 0.84 miles southeast of the Project site.

SJFD had 103,145 emergency incidents in the City in 2021-2022. The Priority 1 (red lights/sirens) Response Time compliance was at 71 percent in the 2021-2022 year, while the Priority 2 (no red lights/sirens)

[37] San José Fire Department. Stations. https://www.sanjoseca.gov/your-government/departments-offices/fire-department/fire-stations. Accessed on December 4, 2023.

Response Time compliance was at 92 percent, compared to the standard of 80 percent.[38] According to current SJFD protocols, fires in structures that are four stories or taller in height require responses from more than one fire station.

Police Protection

Police protection services are provided to the Project site by the San José Police Department. Headquarters are located at 201 West Mission Street, approximately 2.15 miles northeast of the Project site.

Schools

The Project site is located within the Luther Burbank School District and Campbell Unified High School District boundaries(CUHSD).[39] [40] Students in the Project site area would attend Luther Burbank School (grades K-8) and Del Mar High School (grades 9-12).[41]

Other Public Facilities, Libraries

The San José Public Library System consists of one main library and 23 branch libraries. The main library, Dr. Martin Luther King, Jr. Library, is located at 150 East San Fernando Street, approximately 2.54 miles northeast of the Project site. The nearest library branches to the Project site are listed below.[42]

- Rose Garden Branch Library located at 1580 Naglee Avenue, approximately 0.54 miles northeast of the Project site.
- Bascom Branch Library located at 1000 South Bascom Avenue, approximately 1.07 miles south of the Project site.

Applicable Plans, Policies, and Regulations

Police Services

All law enforcement agencies within California are organized and operate in accordance with the applicable provisions of the California Penal Code. This code sets forth the authority, rules of conduct, and training for police officers.

Fire Protection

The California Fire Code contains regulations relating to construction and maintenance of buildings and the use of premises. Fire hazards are addressed mainly through the application of the State Fire Code that addresses access, including roads, and vegetation removal in high fire hazard areas, fire hydrants, automatic sprinkler systems, fire alarm systems, fire and explosion hazards safety, and many other general and specialized fire safety requirements for new and existing buildings and premises.

California Occupational Safety and Health Administration

In accordance with CCR Title 8 Sections 1270 "Fire Prevention" and 6773 "Fire Protection and Fire Equipment" the California Occupational Safety and Health Administration has established minimum

[38] City of San José. San José Fire Department. https://www.sanjoseca.gov/home/showpublisheddocument/106586/638343612103991822. Accessed on November 30, 2023.
[39] GreatSchools. See What School District You Are In. https://www.greatschools.org/school-district-boundaries-map/. Accessed on December 4, 2023.
[40] Campbell Union High School District. School Locator. http://www.schoolworksgis.com/SL/CampbellUHSD/schoollocator.html. Accessed on December 4, 2023.
[41] Santa Clara County Office of Education. Public Schools Directory. https://publicschooldirectory.sccoe.org/viewschool.aspx?dt=4. Accessed December 4, 2023.
[42] City of San José Public Library. Locations and Hours. https://www.sjpl.org/locations. Accessed on December 4, 2023.

standards for fire suppression and emergency medical services. The standards include, but are not limited to, guidelines on the handling of highly combustible materials, fire hose sizing requirements, restrictions on the use of compressed air, access roads, and the testing, maintenance, and use of all firefighting and emergency medical equipment.

California Health and Safety Code

State fire regulations are set forth in Sections 13000 et seq. of the California Health and Safety Code. This includes regulations for building standards (as also set forth in the CBC), fire protection and notification systems, fire protection devices such as extinguishers and smoke alarms, high-rise building and childcare facility standards, and fire suppression training.

Schools

Senate Bill 50

SB 50 (1998), which is funded by Proposition 1A, limits the power of cities and counties to require mitigation of developers as a condition of approving new development and provides instead for a standardized fee. SB 50 generally provides for a 50/50 state and local school facilities match. SB 50 also provides for three levels of statutory impact fees. The application level depends on whether state funding is available; whether the school district is eligible for state funding; and whether the school district meets certain additional criteria involving bonding capacity, year-round schools, and the percentage of moveable classrooms in use.

California Government Code sections 65995-65998 sets forth provisions to implement SB 50. Specifically, in accordance with Section 65995(h), the payment of statutory fees is "deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization…on the provision of adequate school facilities." The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code.

Pursuant to Government Code section 65995(i), "A state or local agency may not deny or refuse to approve a legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization as defined in Section 56021 or 56073 on the basis of a person's refusal to provide school facilities mitigation that exceeds the amounts authorized pursuant to this section or pursuant to Section 65995.5 or 65995.7, as applicable."

California Education Code Section 17620(a)(1) states that the governing board of any school district is authorized to levy a fee, charge, dedication, or other requirement against any construction within the boundaries of the district, for the purpose of funding the construction or reconstruction of school facilities.

California Government Code, Section 65995(b), and Education Code Section 17620

SB 50 amended California Government Code Section 65995, which contains limitations on Education Code Section 17620, the statute that authorizes school districts to assess development fees within school district boundaries. Government Code Section 65995(b)(3) requires the maximum square footage assessment for development to be increased every two years, according to inflation adjustments. On January 27, 2016, the State Allocation Board (SAB) approved increasing the allowable amount of statutory school facilities fees (Level I School Fees) from $3.36 to $3.39 per square foot of assessable space for

residential development of 500 sf or more, and from $0.54 to $0.55 per square foot of chargeable covered and enclosed space for commercial/industrial development (State Allocation Board, 2016). School districts may levy high fees if they apply to the SAB and meet certain conditions.

City of San José Envision San José 2040 General Plan

The City's General Plan includes the following public services policies applicable to the Project:

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 and pedestrian facilities and other standards set forth in local, state, and federal regulations.

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 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.

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-2.6: Locate all new residential development over 200 units in size within 1/3 of a mile walking distance of an existing or new park, trail, open space or recreational school grounds open to the public after normal school hours or shall include one or more of these elements in its project design.

Parks

Parkland Dedication Ordinance and Park Impact Ordinance

The City of San José enacted the Parkland Dedication Ordinance (PDO)[43] in 1988 to help meet the demand for new neighborhood and community parkland generated by the development of new residential subdivisions. In 1992, the City Council adopted the Park Impact Ordinance (PIO)[44], which is similar to the PDO, but applies to new non-subdivided residential projects such as apartment buildings. These ordinances are consistent with provisions of the California Quimby Act (GC § 66477), Mitigation Fee Act (GC § 66000), Subdivision Map Act (GC § 66410), and associated federal statutes.

Consistent with these ordinances, housing developers are required to dedicate land, improve parkland, and/or pay a parkland fee in lieu of land dedication for neighborhood and community parks under the PDO and PIO. Pursuant to these ordinances a residential project's parkland obligation under the PDO and PIO is equivalent in value or property to three acres for every 1,000 new residents added by the housing development, pay an in-lieu fee, construct new park facilities, or a provide combination of these.

Discussion

a) 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:

i. Fire protection?

Less than Significant Impact. Development of the Project would incrementally increase the demand for fire protection services because it introduces new residents. Refer to Section 4.14, Population and Housing, for a discussion of Project impacts related to planned housing growth in the City and West San Carlos Urban Village. The increase in demand for fire services from the 94 dwelling units is negligible as compared to the planned increase in fire demand from the 850 planned dwelling units within the West San Carlos Urban Village Area. Further, the Project site was initially considered to have a residential density of 50 units per acre. Thus, not all housing sites are unplanned. Although the SJFD is not currently meeting Priority 1 Response Time standards, it is anticipated that the planned construction and/or relocation of stations as described in the General Plan, will improve response times. The General Plan found with implementation of Policy ES-3.1, there would be a less than significant impact to police and fire services. Furthermore, the Project would be constructed in accordance with current building codes, Fire Codes, and City policies to avoid unsafe building conditions. Thus, impacts would be less than significant.

[43] City of San José. City of San José Municipal Code Title 19.38. https://library.municode.com/ca/san_jose/codes/code_of_ordinances?nodeId=TIT19SU_CH19.38PADE. Accessed January 2024.
[44] City of San José. City of San José Municipal Code Title 14.25. https://library.municode.com/ca/san_jose/codes/code_of_ordinances?nodeId=TIT14PUWOIM_CH14.25PAIMRE_PT3PAIMRE_14.25.350USPAIMFE#:~:text=27949.)-,14.25.,Income%20Households%20within%20the%20City. Accessed January 2024.

ii. Police protection?

Less than Significant Impact. Although a new mixed-use building with retail/commercial and residential uses would be constructed on the Project site, the Project would be located in an existing urbanized area and would not result in a substantial increase in demand on police services. It is not anticipated to increase response times to the Project site or vicinity. The Project does not propose or require new or physically altered police protection facilities. Compliance with the General Plan policies would help to ensure that the San José Police Department meets and maintains the City's response time objectives over the long-term. Therefore, impacts would be less than significant.

iii. Schools?

Less than Significant Impact. The Project site is located within the Luther Burbank School District and the CUHSD boundaries. Buildout of the General Plan is estimated to generate 134 students in the Luther Burbank School District and 3,751 students in the CUHSD (includes Del Mar High School). The Project could lead to an increase in demand for services within the CUHSD and Luther Burbank School District. CUHSD high school student generation rates for multi-family residential development are approximately 0.1004 students per unit.[45] The Luther Burbank School District does not have its own elementary and middle school student generation rates. The adjacent school district northeast of Luther Burbank School District is the Santa Clara Unified School District (SCUSD). SCUSD generation rates were used as the district serves similar surrounding areas to the Project site. SCUSD has an elementary student generation rate of 0.0962 and a middle school generation rate of 0.0373 students per multi-family unit.[46] Based on these student generation rates, the proposed 94 residential units would generate an estimated nine new high school students out of the estimated 3,751 and 13 elementary and middle school students out of the estimated 134. The Project would not exceed student generation estimates in the CUHSD and Luther Burbank School District from the General Plan.

State Law specifies an acceptable method of offsetting a project's effect under CEQA on the adequacy of school facilities is the payment of a school impact fee prior to the issuance of a building permit.[47] CUHSD and Luther Burbank School District collect impact fees from new developments under the provisions of SB 50. Payment of the applicable impact fees by the project applicant, and ongoing revenues that would come from property taxes, sales taxes, and other revenues generated by the Project, would fund improvements associated with school services. Under the provisions of SB 50, a project's impacts on school facilities are fully mitigated via the payment of the requisite new school construction fees established pursuant to Government Code Section 65995.While the Project would increase the number of school children attending public schools in the area of the Project, it would comply with state law regarding fee payment for school impacts and not exceed the estimated student growth anticipated under the General Plan. Thus, impacts would be less than significant.

[45] Campbell Union High School District. Residential and Commercial/Industrial Development School Fee Justification Study. https://4.files.edl.io/8e00/06/07/22/173800-6c0c3585-485d-41c1-93e7-f3cc7c37632c.pdf. Accessed on December 6, 2023.
[46] Santa Clara Unified School District. Residential and Commercial/Industrial Development School Fee Justification Study. https://resources.finalsite.net/images/v1678804671/santaclarausdorg/rep5yes3baogysw9ntle/SantaClaraUSD_FS_2122_Fn.pdf. Accessed January 2024.
[47] State of California. California Government Code Section 65996. https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=65996. Accessed January 2024.

iv. Parks?

Less than Significant Impact. As discussed in Section 4.14, Population and Housing, the Project would not substantially impact nor exceed the planned growth for the City accounted for within the General Plan. Therefore, it would not result in new or substantially more severe park impacts than what was identified in the General Plan EIR. The Project includes shared, private open space and amenity areas for the future residents in the deed restricted affordable housing development. Residents of the proposed development may utilize nearby parks, which would incrementally increase park demand. However, usage of the on-site private recreation amenities and compliance with the PDO/PIO program would result in a less than significant impact on parks

v. Other public facilities?

Less than Significant Impact. The Project could lead to a demand on other public facilities, such as libraries, within the City. The General Plan EIR concluded that development and redevelopment allowed under the General Plan would be adequately served by existing and planned library facilities. As discussed in Section 4.14, Population and Housing, the Project would not substantially impact nor exceed the planned growth for the City accounted for within the General Plan.. The increased demand for libraries from the Project's 94 dwelling units would be negligible compared to the demand for libraries accounted for from the planned increase in demand of public facilities from the 120,000 total dwelling units considered in the General Plan buildout and deemed to be adequately served by the General Plan EIR. Further, as mentioned above, the Project site was initially considered to have a residential density of 50 units per acre. As such, not all housing units constructed for the Project would be unplanned. Therefore, there would be a less than significant impact.

4.16 Recreation

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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
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	

Existing Setting

The City of San José oversees 202 neighborhood-serving parks and ten regional parks. The closest recreational area to the Project site is the Municipal Rose Garden at 1469 Naglee Avenue, located approximately 0.44 miles north. Additionally, Buena Vista Park is located approximately 0.51 miles southeast of the Project site and Hester Park is approximately 0.52 miles northeast of the Project Site.

The Project includes 10,483 sf of outdoor and indoor shared, private open space areas for residents, including playgrounds and a community room.

Applicable Plans, Policies, and Regulations

The Quimby Act

The Quimby Act authorizes cities and counties to adopt ordinances requiring new development to dedicate land or pay fees or provide a combination of both for park improvements.[48]

Parkland Dedication Ordinance and Park Impact Ordinance

The City of San José enacted the PDO in 1988 to help meet the demand for new neighborhood and community parkland generated by the development of new residential subdivisions. In 1992, the City Council adopted the PIO, which is similar to the PDO, but applies to new non-subdivided residential projects such as apartment buildings. These ordinances are consistent with provisions of the California Quimby Act (GC § 66477), Mitigation Fee Act (GC § 66000), Subdivision Map Act (GC § 66410), and associated federal statutes.

[48] California Government Code §66477

Consistent with these ordinances, housing developers are required to dedicate land, improve parkland, and/or pay a parkland fee in lieu of land dedication for neighborhood and community parks under the PDO and PIO. Pursuant to these ordinances a residential project's parkland obligation under the PDO and PIO is equivalent in value or property to three acres for every 1,000 new residents added by the housing development, pay an in-lieu fee, construct new park facilities, or a provide combination of these.

City of San José Envision San José 2040 General Plan

The City's General Plan includes the following public services policies applicable to the project:

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.

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.

Discussion

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?

No Impact. The Project would increase the City's population by approximately 269 persons, as discussed in Section 4.14, Population and Housing. Although the Project could increase the use of these recreational facilities by increasing City population, the increased use was accounted for in the General Plan EIR. As discussed in Section 4.14, Population and Housing, the Project would not substantially impact nor exceed the planned growth for the City accounted for within the General Plan. Further, the Project includes the annexation of the Project site, which would require the Project to contribute to property taxes for the City. The relatively limited increase in the population accounted for in the General Plan combined with the City's on-going park operation and maintenance plans to accommodate population growth, which receive funding contributions through property taxes, would not result in a substantial physical deterioration of parks or other recreation facilities. Therefore, there would be no impact.

b) Refer to Section 4.16 Public Services, Discussion Impact A(iii). 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?

Less than Significant Impact. The 94 residential units in the residential portion of the Project would be subject to the requirements outlined within the PDO/PIO program. The Project's proposed recreational facilities are private, located within the housing development portion of the Project site. The Project would not require the construction or expansion of public recreational facilities which might have an adverse physical effect on the environment. Therefore, compliance with the PDO/PIO program would result in a less than significant impact on parks.

4.17 Transportation

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?				X
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?				X
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
d) Result in inadequate emergency access?				X

Existing Setting

The Project site is developed as existing commercial uses. Main access to the Project site is proposed through two 26-foot wide city standard driveways, via Cleveland Avenue, and no vehicular access is proposed via West San Carlos Street. Existing traffic operations and effects of the Project were in the Local Transportation Analysis (LTA), included as Appendix F.

Regional and Local Access

The following local and regional roadways provide access to the Project site:

San Carlos Street is a four-lane collector street in the east-west direction that provides indirect access to the Project site as well as to commercial businesses and residential land uses. The roadway has a posted speed limit of 35 and 25 mph and provides sidewalks on both sides of the street. Two hour limited on-street parking is allowed on both sides of street. There are no bike lanes on either side of the street.

San Carlos Street/Stevens Creek Boulevard are designated as Grand Boulevard per the General Plan. West San Carlos Street is designated as Grand Boulevard as per the General Plan in the immediate vicinity of the Project site. Grand Boulevards are defined as major transportation corridors that connect City neighborhoods and are primary routes for VTA light-rail, bus rapid transit, and other local buses. Automobiles, bicycles, and trucks are accommodated along this corridor, however, if there are conflicts, transit is given priority over other modes. Grand Boulevard accommodate moderate to high traffic

volumes of through traffic, accommodates pedestrians with ample sidewalks on both sides, and enhanced pedestrian amenities around transit stops.

South Bascom Avenue is a six-lane collector street in the north-south direction. This street provides direct access to commercial businesses and residential land uses. The roadway has a posted speed limit of 35 mph. Sidewalks on provided on either side of the street. Limited two-hour on-street parking is allowed on both sides of street. There are no bike lanes on either side of the street. The roadway is designated as a Grand Boulevard per Envision 2040 General Plan.

Cleveland Avenue is a two-lane street, east of Project site, that provides direct access to the Project site. The roadway is a residential with sidewalks on both side of the street. On-street parking is only allowed on the east side of the street. The roadway does not have a posted speed limit, but it is assumed to be 25 mph based on the roadway type.

Brooklyn Avenue is a two-lane street that provides direct access to the existing residential land uses. The roadway is a residential with sidewalk on both side of the street. On-street parking is only allowed on northbound direction along this street. The roadway does not have a posted speed limit, but it is assumed to be 25 mph based on the roadway type.

Wabash Avenue is a two-lane street, east of Project site, that provides direct access to residential uses and to Lincoln High School. The roadway is a residential with sidewalks on both side of the street. On-street parking is allowed on both side of the street. The posted speed limit on this road is 25 mph.

The Project site is located within the designated West San Carlos Street Urban Village per the General Plan. As per General Plan, Urban Villages are designed to provide a vibrant and inviting mixed-use setting to attract pedestrians, bicyclists, and transit users of all ages and to promote job growth. Urban Villages are a key component of the General Plan aimed to accommodate future job and housing growth.

Pedestrian and Bicycle Facilities

Pedestrian and bicycle activity within Project vicinity are active along several facilities with an established pedestrian and bicycle infrastructure. Connected sidewalks at least seven feet wide to more than 10 feet wide are available on both sides of all major City roadways in the study area with adequate lighting and signing. At the two signalized study intersections, marked crosswalks and Americans with Disabilities Act standard curb ramps are provided. At the unsignalized intersection of San Carlos Street and Brooklyn Avenue, marked pedestrian crossing across San Carlos St with Rectangular Rapid Flashing Beacon is provided. A pedestrian refuge island in the median is also provided along this pedestrian crossing.

Within the vicinity of the Project site, there are no bicycle facilities under existing conditions. Class II bike lanes start along Stevens Creek Boulevard on either side from Di Salvo Avenue, west of the Project site. Class II bike lanes are also provided along San Carlos St., east of Leigh Avenue.

Near the Project site, all surrounding streets including West San Carlos St. and Cleveland Avenue. provide sidewalk facilities for pedestrian access. Overall, the existing pedestrian facilities near the Project site have adequate connectivity and provide pedestrian with routes to the surrounding land uses.

The San José Better Bike Plan 2025 indicates that bike facilities are planned in the Project study area and the following facility improvement would benefit the Project:

- Class IV Protected Bike Lanes
  - San Carlos Street from Bascom Avenue to 4th Street.
  - Stevens Creek Boulevard. from east of North Tantau Avenue to Bascom Avenue.

Transit Service

Transit services in the study area include buses provided by the Santa Clara VTA. The Project study area is served by the following major transit routes:

- Bus Route 23
  - De Anza Coll – Alum Rock via Stevens Creek Boulevard.
  - Frequent service every 15 minutes on weekdays and weekends.
  - Nearest transit stops to the Project site – At West San Carlos Street and South Bascom Avenue and West San Carlos Street and Wabash Avenue intersection.
- Bus Route 523
  - San José State – Lockheed Martin via De Anza.
  - Rapid service every 20 minutes on weekdays and every 30 minutes on weekends.
  - Nearest transit stops to the Project site – At West San Carlos Street and South Bascom Avenue and West San Carlos Street and Wabash Avenue intersection.

Route 23 is a bus route which operates on weekdays from 5:10 AM to 1:31 AM and on weekends from 5:43 AM to 1:24 AM. It provides frequent local service for commuters between De Anza College and Alum Rock Station. Route 523 is a rapid bus route which operates on weekdays from 6:11 AM to 10:41 PM and on weekends from 7:06 AM to 8:41 PM. It provides rapid services for commuters between Lockheed Martin Transit Center to 7th & Santa Clara.

Existing bus stops within vicinity of the Project site include the following:

- At intersection of Bascom Avenue and West San Carlos Street in the eastbound and westbound direction with shelter and seating.
- At intersection of West San Carlos Street and Wabash Avenue and Leland Avenue in the eastbound and westbound direction with no amenities (i.e., shelter and seating).

Applicable Plans, Policies, and Regulations

Metropolitan Transportation Commission

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 RTP, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted the final Plan Bay Area in July 2013 which includes the region's Sustainable Communities Strategy and the most recently adopted RTP (2040).

Santa Clara Valley Transportation Agency Congestion Management Program

In accordance with California Statute, Government Code 65088, Santa Clara County has established a CMP. The intent of the CMP legislation is to develop a comprehensive transportation improvement program among local jurisdictions that will 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. The CMP requires review of substantial individual projects, which might on their own impact the CMP transportation system. Specifically, the CMP Traffic Impact Analysis measures impacts of a project on the CMP Highway System. Compliance with the CMP requirements ensures a city's eligibility to compete for State gas tax funds for local transportation projects.

San José Transportation Impact Policy 5-1

As established in City Council Policy 5-1 "Transportation Analysis Policy" (2018), the City of San José uses VMT as the metric to assess transportation impacts from new development under CEQA, as suggested by SB 743. According to the policy, a residential project's transportation impact would be less than significant if the project VMT is greater than (1) 15 percent or more below the existing average citywide per capita VMT or (2) 15 percent below the existing regional average VMT per capita, whichever is lower. An employment (e.g., office, R&D) project's transportation impact would be less than significant if the project VMT is greater than 15 percent below the existing average regional per employee VMT. For industrial projects (e.g., warehouse, manufacturing, distribution), the impact would be less than significant if the project VMT is less than existing average regional per employee VMT. The threshold for a retail project is whether it generates a net increase in the total existing 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 LTA to analyze non-CEQA transportation issues, which may include local transportation operations, intersection level of service, site access and circulation, and neighborhood transportation issues such as pedestrian and bicycle access, and to recommend needed transportation improvements.

City of San José Envision San José 2040 General Plan

The City's General Plan includes the following transportation policies applicable to the Project:

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, fund needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand.

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-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-8.6: Allow reduced parking requirements for mixed-use developments and for developments providing shared parking or a comprehensive TDM [travel demand measure] program, or developments located near major transit hubs or within Villages and Corridors and other growth areas.

Policy TR-8.7: Encourage private property owners to share their underutilized parking supplies with the general public and/or other adjacent private developments.

Policy TR-8.8: Promote use of unbundled private off-street parking associated with existing or new development, so that the sale or rental of a parking space is separated from the rental or sale price for a residential unit or for non-residential building square footage.

Policy TR-8.9: Consider adjacent on-street and City-owned off-street parking spaces in assessing need for additional parking required for a given land use or new development.

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-2.3: Enhance pedestrian activity by incorporating appropriate design techniques and regulating uses in private developments, particularly in Downtown, Urban Villages, Corridors, Main Streets, and other locations where appropriate.

Policy CD-2.10: Recognize that finite land area exists for development and that density supports retail vitality and transit ridership. Use land use regulations to require compact, low-impact development that efficiently uses land planned for growth, especially for residential development which tends to have a long life-span. Strongly discourage small-lot and single-family detached residential product types in growth areas.

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.

Policy CD-3.6: Encourage a street grid with lengths of 600 feet or less to facilitate walking and biking. Use design techniques such as multiple building entrances and pedestrian paseos to improve pedestrian and bicycle connections.

Discussion

a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

No Impact. In accordance with General Plan policies, the Project will facilitate pedestrian and bicycle access and safety. Pedestrian and bicycle improvements include a sidewalk along Cleveland Avenue of up to 10 ft, a sidewalk of up to 21 ft and 4 inches along West San Carlos Street and bike racks for parking. The Project would also provide in-lieu monetary contribution for the future Class IV protected bike lanes along San Carlos Street frontage, consistent with City ordinances.

The existing network of sidewalks and crosswalks in the Project site area have adequate connectivity and would provide residents with walkable routes to nearby bus stops, retail, and other points of interest in the immediate Project site area. In addition, a designated pedestrian crossing is provided across San Carlos Street at Brooklyn Avenue, which connects to the sidewalk on the southside of San Carlos Street. The closest bus station by the Project site is at West San Carlos Street and Wabash Avenue intersection on San Carlos Street which can be accessed using existing sidewalks and existing pedestrian crossing at Brooklyn Avenue. Per San José Better Bike Plan 2025, Class IV protected bike lanes are planned along San Carlos Street from Bascom Avenue to 4th Street. As mentioned above, the Project would provide monetary contributions to these bike lanes.

Pursuant to the City's Municipal Code Section 20.90.900, the residential and retail components would meet the screening criteria for travel demand measure exemptions as a restricted affordable residential project and as a local-serving retail with 100,000 square-feet or less without drive-through operations, respectively. Therefore, a travel demand measure Plan is not required. A total of 27 vehicle parking spaces for residential component (19 spaces for residents and 8 spaces for staff) and 11 vehicle parking spaces for the retail component are identified for the Project site. Per Chapter 20.90.900, the Project is required to provide 24 bicycle parking spaces for the residential component and 1 bicycle parking space for the retail component. The Project site plan proposes a total parking supply of 50 bicycles parking spaces (48 long-term and 2 short-term) for the residential component and 8 bicycle parking spaces (6 long-term and 2 short-term) for the retail component.

For these reasons, the Project is consistent with goals, policies, and programs adopted by the City and VTA for encouraging alternative transportation modes and increasing the safety and performance of transit, bicycle, and pedestrian facilities and would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. Therefore, there would be no impact.

b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

No Impact. The housing component of the Project would meet the screening criteria for a VMT analysis exemption as a residential project in a planned growth area near high-quality transit and with transit-

supportive residential density of 168 dwelling units per acre. The retail square footage would meet the screening criteria of local-serving retail with 100,000 sf of total gross floor area or less without drive-through operations. Therefore, the Project is exempt from a VMT evaluation and there would be no impact.

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

No Impact. The Project was reviewed by the City to determine if adequate site access and on-site circulation is provided and to identify any access issues. The review, summarized below and included in Appendix F, was based on the current site plans, and in accordance with generally accepted traffic engineering standards and City of San José requirements.

Site Access

Main access to Project site is proposed through two driveways via Cleveland Avenue and no access is proposed via West San Carlos Street. The southern driveway will primarily be used to access parking for retail land use and the northern driveway will be primarily for residential land use.

The Project will provide on-site pedestrian and bicycle facilities and provide transit access to the existing facilities along San Carlos St. within the vicinity of the Project site. Pedestrian and bicycle improvements include sidewalk along Cleveland Avenue and bike racks for parking. Access to transit facilities within the vicinity of the Project site is provided via existing network of sidewalks and crosswalks.

A sight distance analysis was conducted in Appendix F, Transportation Analysis. According to the analysis, the Project driveway locations are feasible as they satisfy the minimum stopping sight distance required for all approaches on Cleveland Avenue, determined by American Association of State Highway and Transportation Officials Guidelines, and provide sufficient sight distance for traffic conditions. Thus, Passenger vehicles, garbage trucks, and emergency vehicles are able to circulate and access the Project site without conflict.

Vehicular On-Site Circulation

The parking for the Project provides commercial and resident access from two driveways via Cleveland Avenue with up to 50 total parking spaces. The southern driveway would primarily be used to access parking for retail land use and the northern driveway would be primarily for residential land use. Analysis using the American Association of State Highway and Transportation Officials template revealed that passenger vehicles could adequately access the driveway, maneuver through the parking aisle, and access the parking spaces without conflicting into other vehicles or stationary objects.

Trash enclosure is proposed near the northeast corner of the Project site. Waste collection vehicles would be able to enter the Project site driveways to pick up bins and exit the site without conflict. Turning templates for this delivery vehicle indicate that the 26-foot wide driveways along Cleveland Avenue provide sufficient vehicle access to and from the Project site without conflict. The Project provides sufficient vertical clearance for the rear-road waste collection vehicles that allow vehicles enter the garage without any conflicts.

Based on the above analysis, the Project would not substantially increase hazards due to a geometric design feature. Thus, the Project would result in no impact.

d) Result in inadequate emergency access?

No Impact. In the event of an emergency, a Fire Truck can access the Project site from both driveways providing direct fire access for emergency personnel. All driveways are a minimum of 26 feet wide, provide at least 10-foot high clearance, and satisfies the 20-foot horizontal and 10-foot vertical minimum access clearances from the 2022 CA Fire Code. Since the Project has been designed to provide adequate emergency access, there would be no impact.

Operational Transportation Issues Not Required Under CEQA

The following information is not required under CEQA but, is provided here for informational purposes to help the decision makers in their consideration of the Project.

Trip Generation

Trip generation rates for the Project land uses were calculated using trip generation rates from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition. A trip is defined as a single or one-directional vehicle movement in either the origin or destination at the Project site. In other words, a trip can be either "to" or "from" the site. In addition, a single customer visit to a site is counted as two trips (i.e. one to and one from the site). Daily, AM, and PM peak hour trips for the Project were calculated with average trip rates. Per the City's direction, the following ITE land uses were applied to the proposed development:

- ITE 223 Affordable Housing (Income Limits) – 94 proposed dwelling units (studio and 1-3 BM DU)
- ITE 822 Strip Retail Plaza – 1,946 sf retail use (tenant use to be determined)

Development of the Project with all applicable trip reductions and credits is anticipated to generate a net total of 558 additional daily trips, 52 AM peak hour trips, and 56 PM peak hour vehicle trips to the roadway network. **Table 4-18: Estimated Project Trip Generation** shows the estimated trip generation of the Project.

Table 4-18: Estimated Project Trip Generation

LAND USE / DESCRIPTION	PROJECT SIZE	TOTAL DAILY TRIPS	AM PEAK TRIPS			PM PEAK TRIPS		
			TOTAL	IN	/ OUT	TOTAL	IN	/ OUT
Trip Generation Rates (ITE)								
Affordable Housing (Income Limits) [ITE 223]	Per DU	4.81	0.50	29%	/ 71%	0.46	59%	/ 41%
Strip Retail Plaza [ITE 822]	Per 1,000 Sq Ft	54.45	2.36	60%	/ 40%	6.59	50%	/ 50%
1. Baseline Vehicle-Trips								
Residential – PATH (1921-1927 W San Carlos)	94.00 DU	452	47	14	/ 33	43	25	/ 18
Retail – PATH (1921-1927 W San Carlos)	1.946 1,000 Sq Ft	102	5	3	/ 2	13	7	/ 6
Baseline Gross Project Vehicle-Trips		**558**	**52**	**17**	**/ 35**	**56**	**32**	**/ 24**
2. Location-based Mode Share Adjustments								
Urban Low-Transit Reduction (Mode Share)	-13%	(73)	(7)	(3)	/ (4)	(8)	(5)	/ (3)
Project Vehicle-Trips After Reduction		**481**	**45**	**14**	**/ 31**	**48**	**27**	**/ 21**
Notes:								
Affordable Apartment Land Uses assumed based on proposed site plan from BKF Engineers (8/13/2023)								
Daily, AM, and PM trips based on average land use rates from the Institute of Traffic Engineers Trip Generation 11th Edition								
A 13% Mode Share Reduction from San José Transportation Analysis Handbook 2018 was applied since the project is located in an "Urban Low-Transit" area.								

Trip distribution and assignment for the Project was assumed based on the Project site driveway location, the freeway ramp location, community characteristics, and professional engineering judgement. The Project trip assignment and distribution for the Project is presented in Appendix F. The study intersections are anticipated to operate at acceptable LOS during the AM and PM peak hour under Background conditions and Project conditions, with the exception of the unsignalized San Carlos Street and Brooklyn Avenue Intersection. As shown in **Table 4-19: Intersection Operations Summary for Background Conditions** below, all study intersections are anticipated to operate at acceptable LOS during the AM and PM peak hour during Background Conditions. The Project is not anticipated to create a significant traffic impact under Project conditions. As shown in **Table 4-23: Intersection Operations Summary for Background Plus Project Conditions**, the addition of Project trips is not anticipated to cause a significant adverse effect at any study intersection as they operate at acceptable LOS.

Table 4-19: Intersection Operations Summary for Background Conditions

Intersection	LOS Criteria	Control Type	Background Conditions							
			AM Peak				PM Peak			
			LOS	Delay (sec)	v/c Ratio	Crit. Delay (sec)	LOS	Delay (sec)[1]	v/c Ratio	Crit. Delay (sec)
South Bascom Ave / Stevens Creek Blvd / W. San Carlos St	D	Signalized	D	40.2	0.606	39.9	D	44.1	0.674	49.7
Wabash Ave / Leland Ave / W. San Carlos Blvd	D	Signalized	C	20.9	0.486	17.7	B	14.9	0.472	12.8

Table 4-20: Intersection Operations Summary for Background Plus Project Conditions

Intersection	LOS Criteria	Control Type	Project Conditions													
			AM Peak							PM Peak						
			LOS	Delay (sec)	v/c Ratio	Crit v/c Change	Crit. Delay (sec)	Avg Crit Delay Change	Impact	LOS	Delay (sec)	v/c Ratio	Crit v/c Change	Crit. Delay (sec)	Avg Crit. Delay Change	Impact
South Bascom Ave / Stevens Creek Blvd / W. San Carlos St	D	Signalized	D	40.4	0.616	0.01	40.1	0.20	NO	D	44.8	0.699	0.025	51.0	1.30	NO
Wabash Ave / Leland Ave / W. San Carlos Blvd	D	Signalized	C	20.8	0.488	0.002	17.7	0.00	NO	B	14.8	0.475	0.003	12.7	-0.10	NO

4.18 Tribal Cultural Resources

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 that is: i) Listed or eligible for listing in the California		X		
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)?		X		
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		

Existing Setting

Per Appendix J of the General Plan EIR, the Project site is located in the City's Central Planning Area. The Central Planning Area is identified as being archaeologically sensitive, with recorded prehistoric and historic archaeological sites present. The Project site is also identified as an area of "high sensitivity at depth" for paleontological resources (General Plan EIR, Figure 3.11-1). Native American resources in Santa Clara County have been found near areas populated by oak, buckeye, laurel, and hazelnut, as well as near a variety of plant and animal resources. Typically, these sites are also found near watercourses and bodies

of water. The General Plan EIR does not identify any previously identified archaeological or paleontological resources as present within the Project site. The Project site is located on a flat terrace in an open area and approximately 1.5 miles from a watercourse indicating that the likelihood for Native American resources to occur on-site is low.

Applicable Plans, Policies, and Regulations

The City's General Plan includes policies applicable to all development projects in San José. The following policies are specific to tribal cultural resources and are applicable to the Project.

Vibration

Policy EC-2.3: Require new development to minimize vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, a vibration limit of 0.08 inches/second (in/sec) PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. For reference, a jackhammer has a PPV of 0.09 in/sec at a distance of 25 feet. A vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction.

Policy IP-12.3: Use the Environmental Clearance process to identify potential impacts and to develop and incorporate environmentally beneficial actions, particularly those dealing with the avoidance of natural and human-made hazards and the preservation of natural, historical, archaeological and cultural resources.

Discussion

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 that is: i) Listed or eligible for listing in the California:

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)?

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?

Less than Significant Impact with Mitigation Incorporated. 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. See Appendix G: Tribal Consultation for information on communications with local California Native American tribes.

Given the paleontological sensitivity of the Project site, previously unknown unrecorded deposits could be discovered during ground disturbing construction activities. Project activities such as site clearing, preparation, excavation, or grading and, trenching, boring etc. could potentially encounter buried tribal resources. Should this occur, the ability of the deposits to convey their significance, either as containing information about prehistory or history, as possessing traditional or cultural significance to the Native American or other descendant communities, would be materially impaired. The General Plan goals and policies include direction for the protection of such resources. However, future ground-disrupting activities within the Project site could have the potential to uncover and damage or destroy unknown resources. Implementation of Mitigation Measure TRI-1 would reduce the Project's impact to potentially uncover and damage or destroy unknown tribal cultural resources to less than significant.

Mitigation Measure

Impact Statement TRI-1:

Project construction has the potential to uncover and/or damage potential tribal resources during ground disturbance.

Mitigation Measure TRI-1

If tribal cultural resources are encountered during excavation and/or grading of the Project site, the Project Applicant shall notify the Tamien Nation Representative of the discovery.

4.19 Utilities and Service Systems

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Require or result in the relocation or construction of new or expanded water, 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	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X	
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
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
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X	

Existing Setting

The Project site is located within the Urban Service Area of the City of San José and is currently served by City services and franchised hauling. Utilities, services, and hauling are furnished to the Project site by the following providers:

Wastewater Treatment: Wastewater treatment and disposal is provided by the San José/Santa Clara Regional Wastewater Facility (RWF), formerly known as the San José /Santa Clara Water Pollution Control Plant (WPCP). Sanitary sewer lines are maintained by the City of San José.

Water Service: San José Water Company (SJWC).

Storm Drainage: City of San José.

Solid Waste: GreenWaste Recovery (Garbage), GreenWaste Recovery (Recycling) and Green Waste Recovery (Yard Trimmings).

Electricity: PG&E and SJCE.

Telecommunications: AT&T, Comcast, Viasat, Frontier, and Spectrum

Applicable Plans, Policies, and Regulations

Assembly Bill 939

The California Integrated Waste Management Act of 1989, or AB 939, established the Integrated Waste Management Board, required the implementation of integrated waste management plans, and mandated the local jurisdictions divert from the landfill at least 50 percent of solid waste generated beginning January 1, 2000.

Assembly Bill 341

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

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.

California Green Building Standards Code Compliance for Construction, Waste Reduction, Disposal, and Recycling

In January 2023, the State of California adopted the most recent version of C CALGreen, establishing mandatory green building standards for all new amd qualifying remodeled structures 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. These standards include a mandatory set of guidelines, as well as more rigorous voluntary measures, for new construction projects to achieve specific green building performance levels:

- Reducing indoor water use by 20 percent;
- Reducing wastewater by 20 percent;
- Recycling and/or salvaging 65 percent of nonhazardous construction and demolition debris, or meeting the local construction and demolition waste management ordinance, whichever is more

stringent (see City-specific CALGreen building code requirements in the local regulatory framework section below); and

- Providing readily accessible areas for recycling by occupant.

Urban Water Management Plan

Pursuant to The State Water Code, water suppliers providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet (approximately 980 million gallons) of water annually must prepare and adopt an urban water management plan (UWMP) and update it every five years. As part of a UWMP, water agencies are required to evaluate and describe their water resource supplies and projected needs over a 20-year planning horizon, water conservation, water service reliability, water recycling, and opportunities for water transfers, and contingency plans for drought events. The City of San José adopted its most recent UWMP in 2015. Water service to the downtown area is provided by the San José Water Company, which gets its water from a variety of sources including groundwater (approximately 43 percent), imported surface water (approximately 52 percent),recycled water (approximately 2 percent), and local mountain surface water (approximately 3 percent).[49]

San José Zero Waste Strategic Plan/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 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 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 photos, 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.

Private Sector Green Building Policy

The City's Green Building Policy for private sector new construction encourages building owners, architects, developers, and contractors to incorporate meaningful sustainable building goals early in building design process. This policy establishes baseline green building standards for private sector new

[49] San José Water Company. 2020 Urban Water Management Plan. Available at: https://www.sjwater.com/sites/default/files/2021-06/2020%20UWMP%20FINAL%20with%20Appendices.pdf. Accessed December 5th, 2023.

construction and provides a framework for the implementation of these standards. It is also intended to enhance the public health, safety, and welfare of San José residents, workers, and visitors by fostering 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.

City of San José Envision San José 2040 General Plan

The City's General Plan includes the following utility and service policies applicable to the Project:

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-3.2: 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 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.

Discussion

a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Water Supply

Less than Significant Impact. SJWC estimated that the total water demand for their service area could reach approximately 160,877 acre-feet per year by 2040.[50]

The Project would have a water demand of approximately 27,530 gallons per day (gpd).[51] This is equivalent to approximately 30.86 acre-feet per year. Water usage associated with the Project would represent less than 0.001 percent of the City-wide water production of 109,499.41 acre-feet for 2022[52]. The increase in demand was accounted for in the 2020 UWMP, which calculated future service area water demands to be 335,000 acre-feet by 2040. Therefore, the demand that would be generated by the Project would be within the growth projections for water demand in the SJW system. In addition, implementation of the General Plan policies, existing regulations and local programs would ensure that the Project would reduce water consumption including expansion of the recycled water system and implementation of water conservation measures. Thus, relocation or construction of new or expanded water facilities would not be needed and there would be a less than significant impact.

Wastewater

Less than Significant Impact. According to the General Plan EIR, development under the General Plan is estimated to generate 30.8 million gallons per day (mgd) of average dry weather influent flow. Since the City has approximately 38.8 mgd of excess treatment capacity, planned growth in the City is not expected to exceed the allotted capacity. As discussed in the General Plan EIR, the San José-Santa Clara RWF in Alviso is the regional wastewater treatment facility that provides wastewater treatment services for the Project site. A determination of excess treatment capacity at the RWF takes into account current uses within the City and within the treatment plant's service boundaries.

As discussed in Section 4.14, Population and Housing, the Project would not substantially impact nor exceed the planned growth for the City accounted for within the General Plan. The water demand for the Project is assumed to become wastewater. Therefore, the Project's wastewater generation would be approximately 27,529 gpd. Environmental impacts from the construction of new or expanded facilities would be avoided by utilization of existing facilities, which are currently well below capacity. The projected wastewater demand of the Project would not result in an exceedance of the millions of gallons of excess capacity at the RWF. Further, there is an existing 8-inch sanitary sewer main along the West San Carlos Street frontage, which would serve the Project site. Implementation of the General Plan policies, existing regulations and local programs would ensure that the San José-Santa Clara RWF has sufficient treatment capacity to accommodate growth, as well as reduce the potential for future exceedances of the RWQCB effluent limit. Thus, the treatment capacity of the RWF as a result of the Project would be sufficient and would not require relocation or construction of new or expanded wastewater facilities and there would be a less than significant impact.

Stormwater

Less than Significant Impact. As discussed in Section 4.10, Hydrology and Water Quality, implementation of the Project would increase pervious surfaces on-site and include flow-through stormwater planters, a

[50] SJWC. (July 2018). Cambrian Park Plaza Project Water Supply Assessment.
[51] SJWC uses a residential water demand factor of 100 gallons per capita per day for all new residents, a commercial water demand factor of 0.25 gallons per day (gpd) per sf of commercial space, and an office water demand factor of 0.10 gpd per day per sf of office space. Total Water Demand = (100 gal/day*269 new residents) + (0.25 gal/day/sq ft *1,946 sq ft) + (0.10 gal/day/sf*1,425 sf) = 27,529 gpd
[52] City of San José. Water: Total Citywide Water Use. https://www.sanjoseca.gov/your-government/departments-offices/environmental-services/climate-smart-san-jos/climate-smart-data-dashboard/water-total-citywide-water-use. Accessed December 6, 2023.

Proprietary Media Filter System, and connection to existing storm drains. Additionally, there is an existing 18-inch storm drain main along West San Carlos Street frontage, which may serve the Project site. The General Plan EIR, concluded that with the regulatory programs currently in place, stormwater runoff from new development would have a less than significant impact on stormwater quality. With implementation of a Stormwater Control Plan consistent with RWQCB, compliance with the City's regulatory policies pertaining to stormwater runoff, and addition of the proposed drainage improvements, operation of the Project would not require or result in the relocation or construction of new stormwater drainage and there would be a less than significant impact.

Electric Power, Natural Gas, and Telecommunications Facilities

Less than Significant Impact. SJCE would continue to provide electricity services for the Project site. Telecommunications would continue to be provided by AT&T, Comcast, Viasat, Frontier, and Spectrum. Therefore, the Project would not require or result in the relocation or construction of new or expanded electric power, natural gas, or telecommunications facilities and there would be a less than significant impact.

b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Less than Significant Impact. The Project would generate a water demand of 27,529 gpd. Water usage associated with the Project would represent less than 0.001 percent of the City-wide water production of 109,499.41 acre-feet for 2022. SJWC estimated that the total water demand for their service area could reach approximately 160,877 acre-feet per year by 2040. The increase in demand was accounted for in the 2020 UWMP, which calculated future service area water demands to be 335,000 acre-feet by 2040. Therefore, the demand that would be generated by the Project would be within the growth projections for water demand in the SJW system.

City water demand could exceed water supply with implementation of the General Plan during dry and multiple dry years after 2020. Implementation of the General Plan EIR policies, existing regulations and local programs would ensure that the Project would reduce water consumption including expansion of the recycled water system and implementation of water conservation measures. Thus, impacts would be less-than-significant.

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?

No Impact. As discussed in the General Plan EIR, the San José-Santa Clara RWF in Alviso is the regional wastewater treatment facility that provides wastewater treatment services for the Project site. Development under the General Plan is estimated to generate 30.8 mgd of average dry weather influent flow. Since the City has approximately 38.8 mgd of excess treatment capacity, planned growth in the City is not expected to exceed the City's allotted capacity. As mentioned above, the Project would not substantially impact nor exceed the planned growth for the City accounted for within the General Plan. The Project's wastewater generation would be approximately 27,529 gpd. The projected wastewater demand of the Project would not result in an exceedance of the millions of gallons of excess capacity at the RWF. Implementation of the General Plan policies, existing regulations and local programs would

ensure that the San José-Santa Clara RWF has sufficient treatment capacity to accommodate growth, as well as reduce the potential for future exceedances of the RWQCB effluent limit.

Environmental impacts from the construction of new or expanded facilities would be avoided by utilization of existing facilities. The projected wastewater demand of the Project, by itself, would not result in an exceedance of capacity at the RWF. Thus, the treatment capacity of the RWF would not be exceeded as a result of the Project or the Project's contribution to existing treatment commitments. Therefore, there would be no impacts.

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?

And,

e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Less than Significant Impact. Santa Clara County's Integrated Waste Management Plan (IWMP) was approved by the California Integrated Waste Management Board in 1996 and was reviewed in 2004 and 2007. According to the IWMP, Santa Clara County has adequate disposal capacity beyond 2022. In October 2007, the San José City Council adopted a Zero Waste Resolution which set a goal of 75 percent waste diversion by 2013 and zero waste by 2022. The City landfills approximately 700,000 tons per year of solid waste including 578,000 tons per year at landfill facilities in San José. The City has an annual disposal allocation for 395,000 tons per year. With the current disposal allocation, Newby Island Sanitary Landfill is intended to reach capacity in 2041.

The Project would generate approximately 562.8[53] pounds per day (ppd) of solid waste, a net increase of 144.79[54] ppd over the existing development. The General Plan EIR concluded that the increase in solid waste generated by full buildout under the General Plan would not cause the City to exceed the capacities of the operating landfills that serve the City. Solid waste generation from implementation of the Project would be minimized with the ongoing implementation of the City's Zero Waste Strategic Plan. Compliance with the General Plan policies, existing regulations, and local programs would ensure that the Project would not result in significant impacts to landfill capacities to accommodate the City's increased service population. Therefore, there would be a less than significant impact.

[53] Estimated solid waste generation rates were obtained from CalRecycle. Total ppd generated by Project = 1,946 SF of retail*(2.5 lb/100 sf/day)/100 + 1,425 SF of office space*(0.006 lbs/day/sq ft) + 94 residential units*(5.4 lbs/day/dwelling unit) = 562.8 ppd

[54] CalRecycle uses a solid generate rate of 0.9 lb/100 SF/day for auto dealers and service stations and 0.046 lb/sf/day for commercial retailers. Total ppd generated by existing project = (4,248 SF *(0.9 lb/100 SF/day)/100) + (8,256*(0.046 lb/sf/day)= 418.01 ppd. Net increase = 562.8 ppd - 418.01 ppd = 144.79 ppd

4.20 Wildfire

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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
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
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
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

Existing Setting

The 0.56-acre Project site is located within an urban area and is predominately surrounded by residential and commercial uses. The Project site is zoned as "Non-VHFHSZ" on the Very High Hazard Severity Zones in LRA Map dated October 2008 and "LRA Incorporated" on the Fire Hazard Severity Zones in LRA Map dated October 2007.[55] The Project site is also outside of the Santa Clara County Wildland Urban Interface

[55] California Department of Forestry and Fire Protection. VHFHSZ in SRA. Available at: https://34c031f8-c9fd-4018-8c5a-4159cdff6b0d-cdn-endpoint.azureedge.net/-/media/osfm-website/what-we-do/community-wildfire-preparedness-and-mitigation/fire-hazard-severity-zones/fire-hazard-severity-zones-map-2022/fire-hazard-severity-zones-maps-2022-files/fhsz_county_sra_11x17_2022_santaclara_2.pdf . Accessed on September 27th, 2023.

Fire Area.[56] The nearest VHFHSZ is approximately six miles southwest of the Project site. See **Figure 4-4, Fire Hazard Severity Area** and **Figure 4-5, Santa Clara County Wildland Urban Interface Fire Area**.

The City has participated in the development of a multi-jurisdictional hazard plan by ABAG. The hazard mitigation plan, Taming Natural Disasters, includes mitigation activities and strategies for dealing with hazards that are likely to impact the Bay Area, including wildfires. The City has also adopted an Emergency Operations and Evacuation Plan, which includes standard operating procedures for hazards, including urban/wildland interface fires. The Plan identifies the responsibilities of City personnel and coordination with other agencies to ensure the safety of San José citizens in the event of a fire, geologic, or other hazardous occurrence.

Applicable Plans, Policies, and Regulations

Wildland-Urban Interface Fire Area Standards in the California Building Code

The 2007 CBC requires that any new buildings proposed in State Responsibility Areas, Local Agency VHFHSZ, or Wildland-Urban Interface Area (as designated by the enforcing agency) be constructed to meet the Wildland-Urban Interface Fire Area Building Standards. The CBC establishes minimum standards for materials and material assemblies in order to provide a reasonable level of exterior wildfire exposure protection for buildings in wildland-urban interface areas.

City of San José Envision San José 2040 General Plan

The City's General Plan includes the following wildfire policies applicable to the Project:

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, continue to 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.

Discussion

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

No Impact. The City's adopted Emergency Operations and Evacuation Plan includes standard operating procedures for hazards, including urban/wildland interface fires. Because the Project site is located in the Non-VHFHSZ and is outside of the Wildland Urban Interface Fire Area, the Project would not substantially impair the City's Emergency Operations and Evacuation Plan. Thus, no impacts would occur.

[56] County of Santa Clara. Santa Clara County Wildland Urban Interface Fire Area. Available at: https://stgenpln.blob.core.windows.net/document/WUIFA_Adopted_Map.pdf. Accessed on September29, 2023.

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?

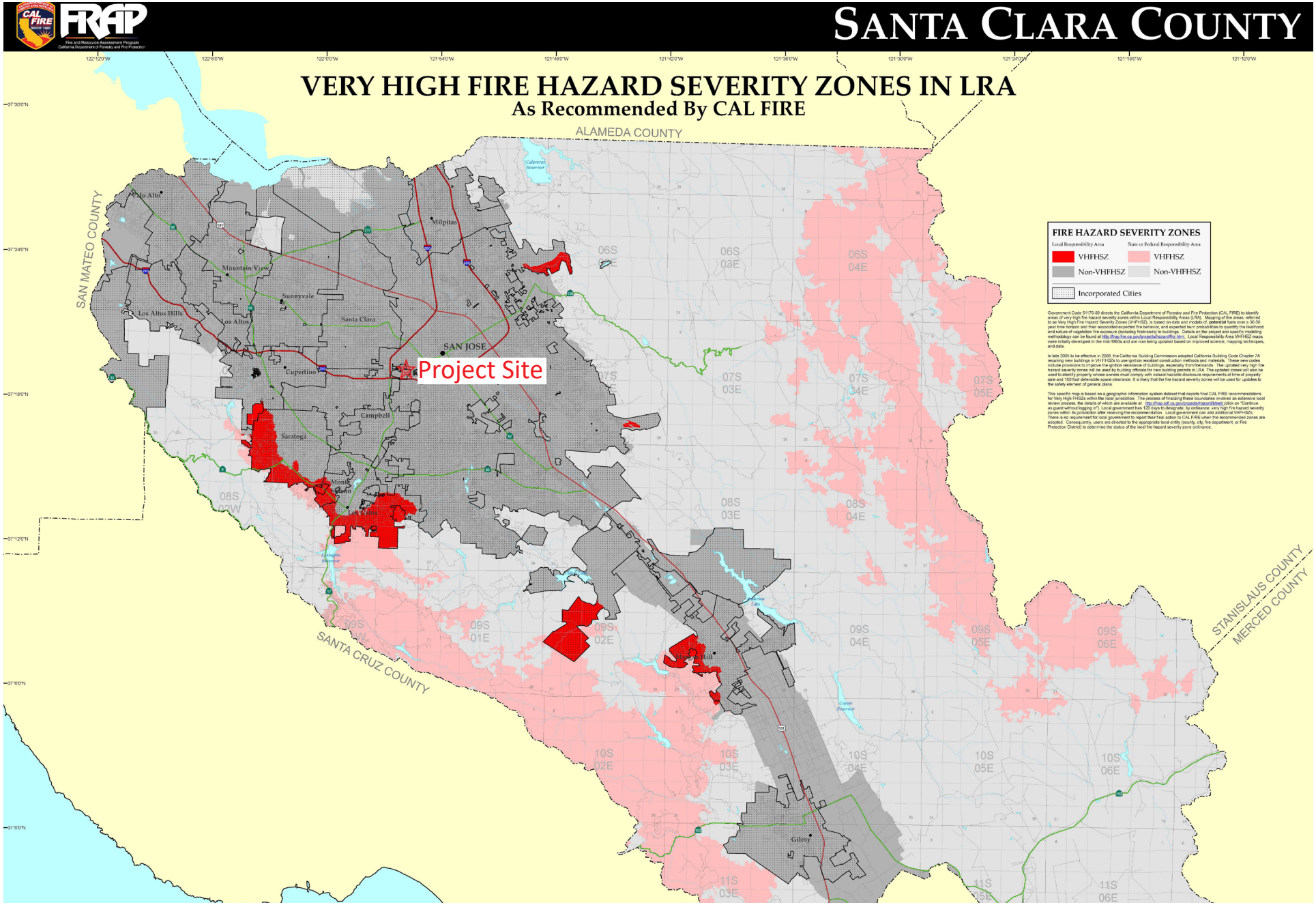
No Impact. The Project site is not located within a VHFHSZ and it is outside of the Wildland Urban Interface Fire Area. In addition, the Project site is relatively flat and in an urbanized area with residential and commercial buildings. Thus, no impacts would occur.

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?

No Impact. As previously discussed, all Project components would be located outside of a VHFHSZ. Impacts associated with the development of the Project within the Project area analyzed throughout this document. Additionally, as part of the City's process, the City will review all plans for adequate fire suppression, fire access, and emergency evacuation. Adherence to standard City policies would result in no impacts.

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?

No Impact. As noted above, the Project site is located within the Non-VHFHSZ and outside of the Wildland Urban Interface Fire Area. In addition, the Project site is relatively flat and the proposed on-site detention/infiltration basins and facilities would limit the release of stormwater from the site. Therefore, the Project would not expose people to flooding or landslides as a result of runoff, post-fire slope instability or drainage changes. Thus, no impacts would occur.



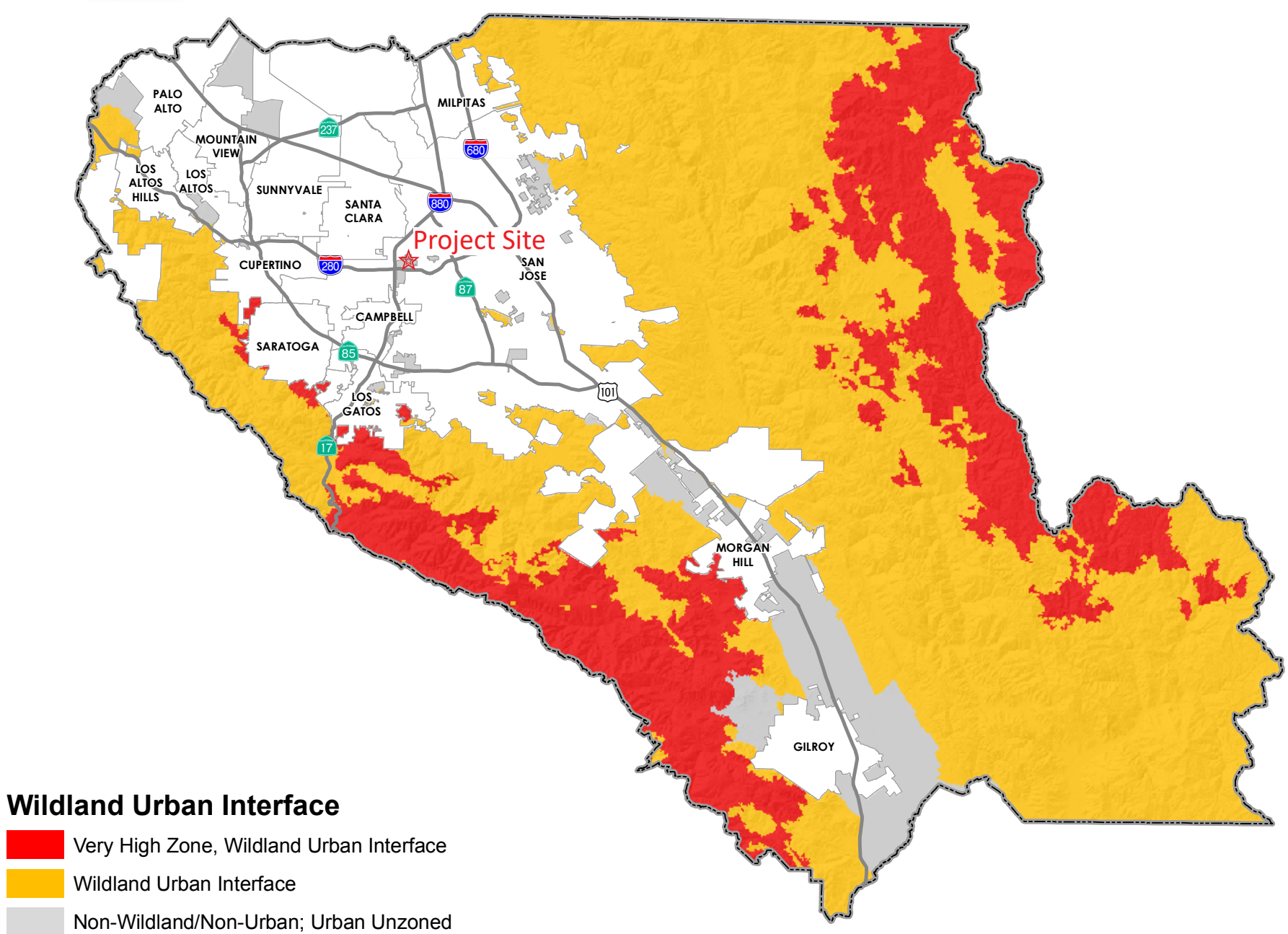
Source: CalFire, 2008

Figure 4-4, Fire Hazard Severity Area

1921 and 1927 West San Carlos Street Project
Draft Initial Study

Not to scale

Kimley»Horn



Source: Santa Clara County, 2024

Figure 4-5, Santa Clara County Wildland Urban Interface Fire Area

1921 and 1927 West San Carlos Street Project
Draft Initial Study

Not to scale

Kimley»Horn

4.21 Mandatory Findings of Significance

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Does the project:				
a) 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
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	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

Discussion

a) 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?

No Impact. As discussed in the individual sections, the Project would not degrade the quality of the environment with the implementation of identified Standard Permit Conditions and mitigation measures. As discussed in Section 4.4, Biological Resources, the Project would not have a significant impact on sensitive habitat or species.

As identified Section 4.5, Cultural Resources; Section 4.7, Geology and Soils; and Section 4.19, Tribal Cultural Resources; the Project would not have a potentially significant impact on historic, archeological, paleontological, cultural, or tribal cultural resources.

As described in the environmental topic sections of this Initial Study, no impacts were found to be significant and unavoidable, and the Project would not have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly. As such, there would be no impact.

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)?

Less than Significant Impact. Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects "that are individually limited, but cumulatively considerable." As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means "that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." In addition, under Section 15152(f) of the CEQA Guidelines, where a lead agency has determined that a cumulative effect has been adequately addressed in a prior EIR, the effect is not treated as significant for purposes of later environmental review and need not be discussed in detail.

The Project would result in temporary air quality and noise impacts during construction. The Project also has the potential to impact the public and environment as a result of the decommissioning and removal of the existing UST, exceeding PCE regulatory screening levels, and exceeding the FAA's navigable airspace filing requirement. Impacts to tribal cultural resources may also occur during Project construction. With the implementation of the identified mitigation measures, Conditions of Project Approval, Standard Permit Conditions, and consistency with adopted City policies, Project impacts would be mitigated to a less than significant level. As the identified impacts would be mitigated, the Project would not have cumulatively considerable impacts.

The Project would have a less than significant impact on aesthetics, cultural resources, energy, geology and soils, GHG emissions, hydrology and water quality, land use and planning, population and housing, public services, recreation, and utilities and service systems, and would not contribute to cumulative impacts to these resources. The Project would not impact agricultural and forest resources, biological resources, mineral resources, transportation, and wildfire. Therefore, the Project would not contribute to a significant cumulative impact on these resources.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Less than Significant Impact. Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the proposed project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include construction impacts related to air quality and noise. However, implementation of mitigation measures and General Plan policies would reduce these impacts to a less than significant level. No other direct or indirect adverse effects on human beings have been identified.

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