Initial Study

350/370 W. Trimble Road General Plan Amendment

File No.: GP17-007

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

September 2017

NEGATIVE DECLARATION

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

NAME OF PROJECT: 350/370 West Trimble Road General Plan Amendment

PROJECT FILE NUMBER: GP17-007

PROJECT DESCRIPTION: The project proposes a General Plan Amendment to change the General Plan land use designation on two separate portions of an approximately 68-acre site from IP (Industrial Park) to CIC (Combined Commercial/Industrial), totaling approximately 19.4 acres.

PROJECT LOCATION: Southwest corner of West Trimble Road and Orchard Parkway in San José

ASSESSORS PARCEL NO.: 101-02-013 and 101-02-014 **COUNCIL DISTRICT:** 4

APPLICANT CONTACT INFORMATION:
LBA REALTY, Scott Landsittel
1 Embarcadero Center Suite 710 San Francisco, California, 94111, (415) 981-9179

FINDING

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

NO MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

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

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

C. **AIR QUALITY** – The project will not have a significant impact on this resource, therefore no mitigation is required.

D. **BIOLOGICAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.

E. **CULTURAL RESOURCES** – The project will not have a significant impact on this resource,

therefore no mitigation is required.

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

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

H. **HAZARDS AND HAZARDOUS MATERIALS** – The project will not have a significant impact on this resource, therefore no mitigation is required.

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

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

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

L. **NOISE** – The project will not have a significant impact on this resource, therefore no mitigation is required.

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

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

O. **RECREATION** – The project will not have a significant impact on this resource, therefore no mitigation is required.

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

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

R. **MANDATORY FINDINGS OF SIGNIFICANCE**

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

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **Monday October 16th, 2017** any person may:

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

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

Rosalynn Hughey, Interim Director
Planning, Building and Code Enforcement

9/22/17
Date

Deputy

Circulation period: September 26, 2017 to October 16, 2017

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ACRONYMS AND ABBREVIATIONS

CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
EIR	Environmental Impact Report
MND	Mitigated Negative Declaration
NOD	Notice of Determination
RWQCB	Regional Water Quality Control Board
USFWS	United States Fish and Wildlife Service

SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 PURPOSE OF THE INITIAL STUDY

The City of San José as the Lead Agency, has prepared this Initial Study for the 350/370 West Trimble Road General Plan Amendment (GPA) in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 et. seq.), and the regulations and policies of the City of San José, California. The purpose of this Initial Study is to inform decision makers and the general public of the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project.

The project proposes to change the General Plan Land Use Designation of the 19.4-acre site from *IP Industrial Park* to *CIC Combined Industrial/Commercial*. This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project.

1.2 PUBLIC REVIEW PERIOD

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

Kieulan Pham, Environmental Project Manager
City of San José Department of Planning, Building and Code Enforcement (PBCE)
200 East Santa Clara Street, 3rd Floor Tower
San José, CA 95112
(408) 535-3844
Email: Kieulan.pham@sanjoseca.gov

The Initial Study and all documents referenced in it are available for public review in the Department of Planning, Building and Code Enforcement at San José City Hall, 200 East Santa Clara Street, 3rd floor, during normal business hours.

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

350 / 370 W. Trimble Road General Plan Amendment Project

2.2 LEAD AGENCY CONTACT

City of San José
Department of Planning, Building, and Code Enforcement
200 East Santa Clara Street, 3rd Floor
San José, CA 95113-1905

Kieulan Pham
Planner III
Email: Kieulan.pham@sanjoseca.gov
Phone: (408) 535-7898

2.3 PROJECT APPLICANT

Scott Landsittel
LBA Realty
One Embarcadero Center, Suite 710
San Francisco, CA 94111
Phone: (415) 981-9179
Email: slandsittel@lbarealty.com

2.4 PROJECT LOCATION

The project consists of two separate areas within the 68-acre Lumileds (lighting products) campus bounded by West Trimble Road on the north, Orchard Parkway on the east to Component Drive, and the Guadalupe River and trail on the west in the City of San José. Area A is approximately 10.2 acres in size, and is located at south of West Trimble Road and east of the Guadalupe River and trail. Area B is approximately 9.2 acres in size, and is located along the west side of Orchard Parkway, northwest of the intersection of Orchard Parkway and Component Drive (see Figure 3.0-1).

The project areas are within the North San José Development Policy (NSJDP) area. Area A is currently developed with surface parking and landscaping that is part of the existing Lumileds campus. Area B is mostly vacant but also includes a parking lot and some landscaping associated with the Lumileds campus. Existing office and industrial uses surround the site on the north and east sides, and vacant industrial lands are located to the south and east near Component Drive. The Guadalupe River and trail are located to the west of the site.

2.5 ASSESSOR'S PARCEL NUMBER

APN: 101-02-013 (portion)
APN: 101-02-014 (portion)

2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

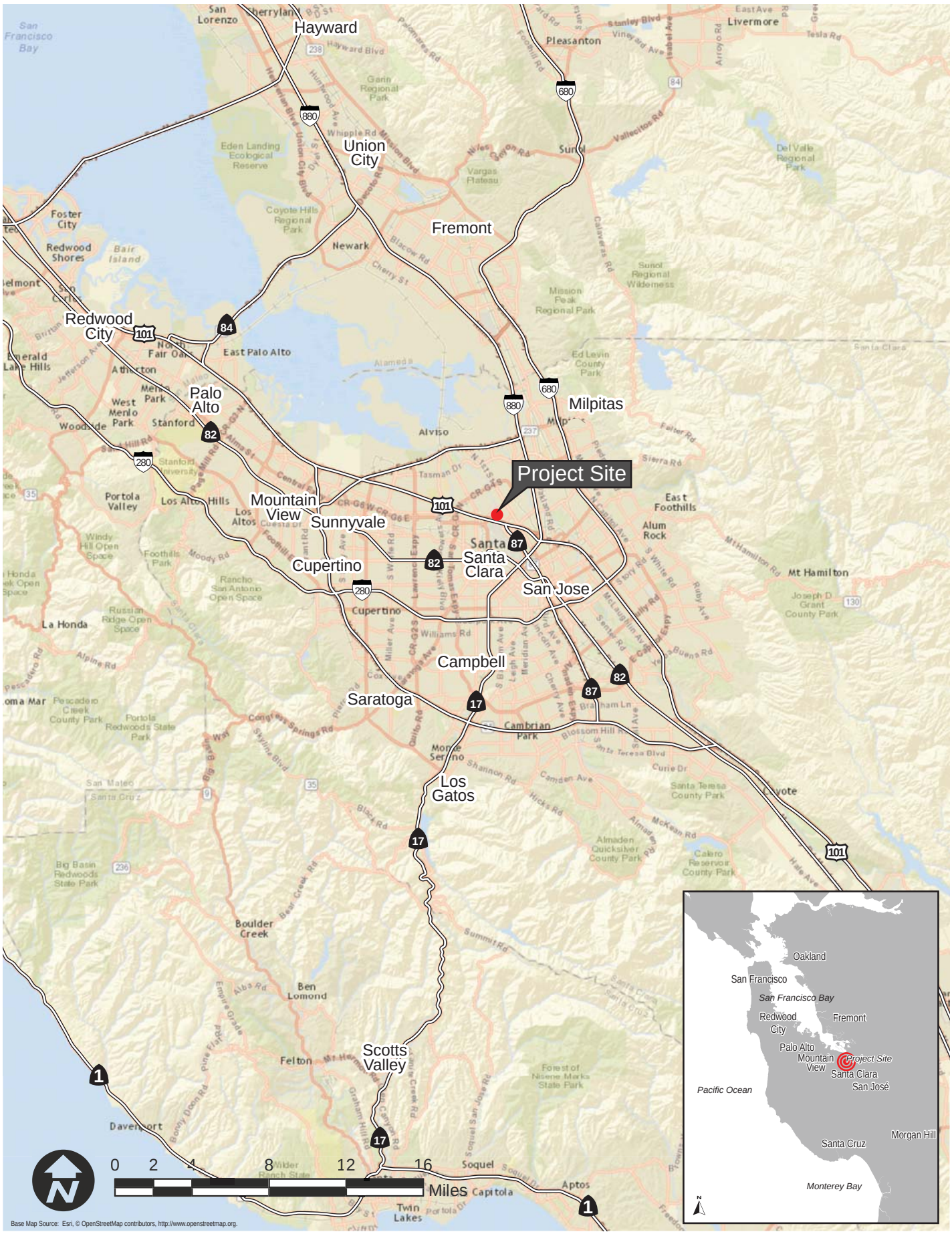
The General Plan Land Use designation for the project site is IP (Industrial Park) in the Envision San José 2040 General Plan. The site has a zoning designation of IP (PD) Planned Development District.

2.7 HABITAT PLAN DESIGNATION

Land Cover Designation:	*Urban-Suburban*
Development Zone:	*Urban Development Equal to or greater than two acres covered*
Fee Zone:	*Burrowing Owl*
Wildlife Survey Areas:	*Tricolored Blackbird* (Area A only)

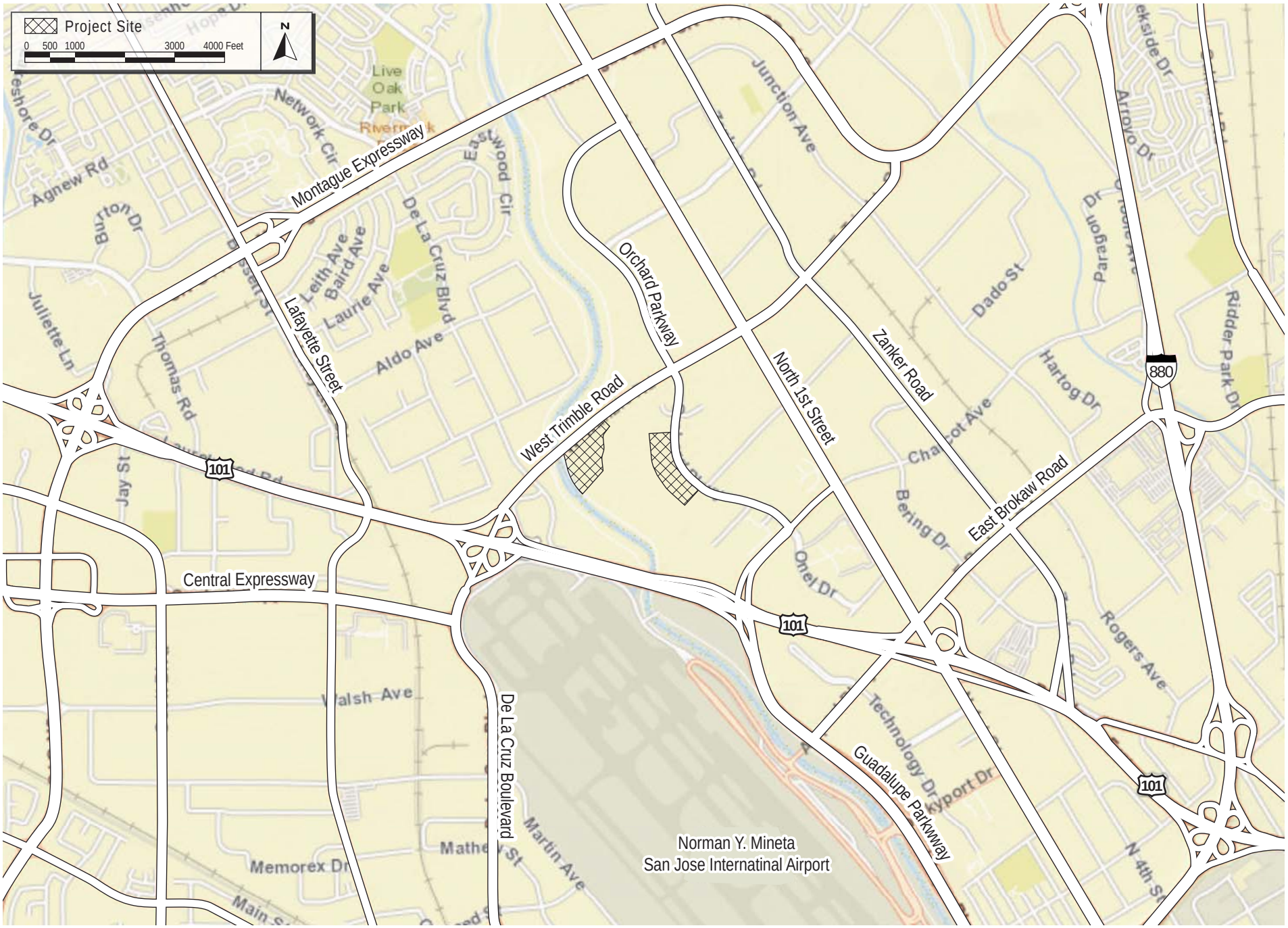
2.8 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

General Plan Amendment



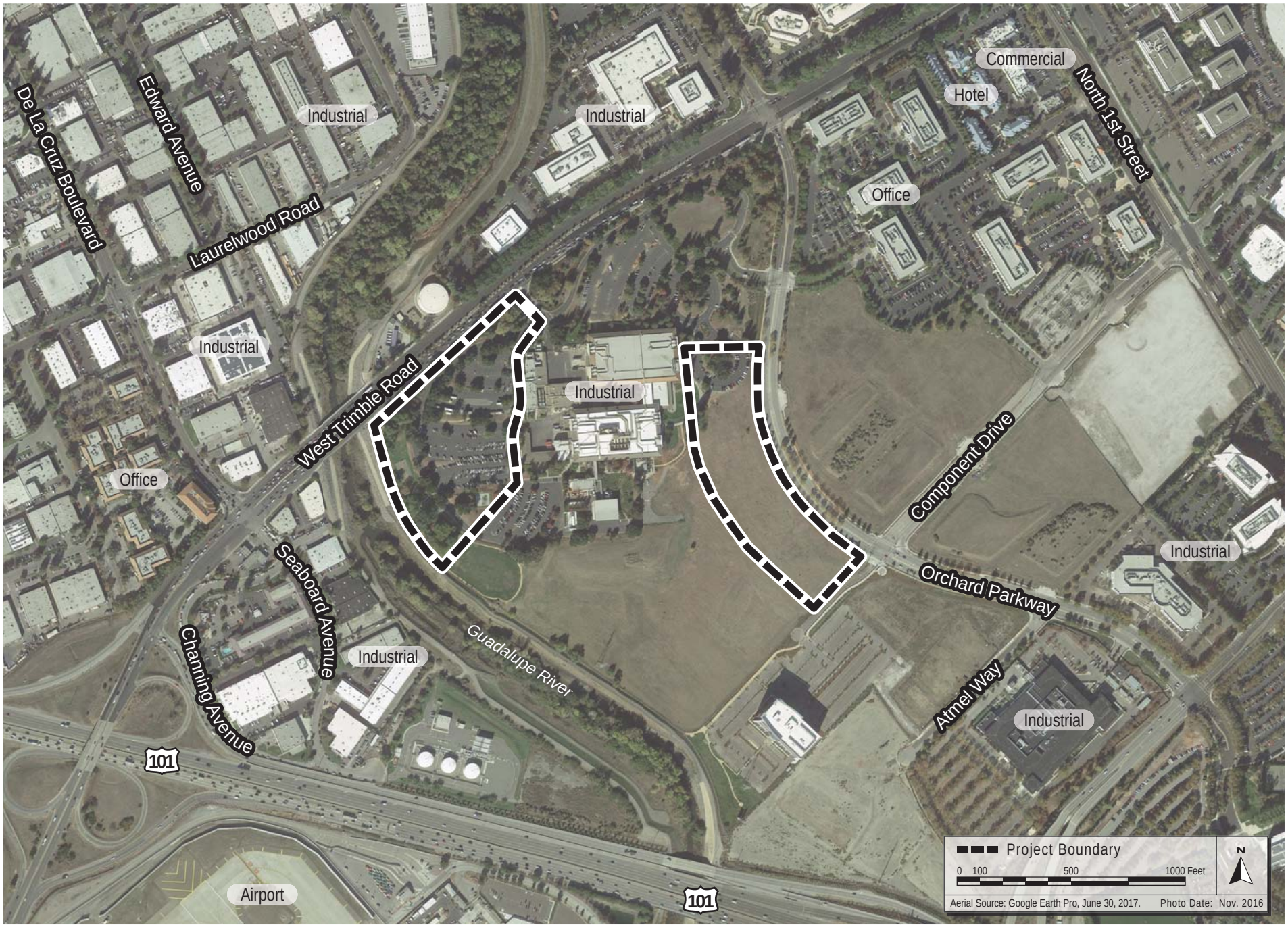
REGIONAL MAP

FIGURE 2.0-1



VICINITY MAP

FIGURE 2.0-2



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 2.0-3

SECTION 3.0 PROJECT DESCRIPTION

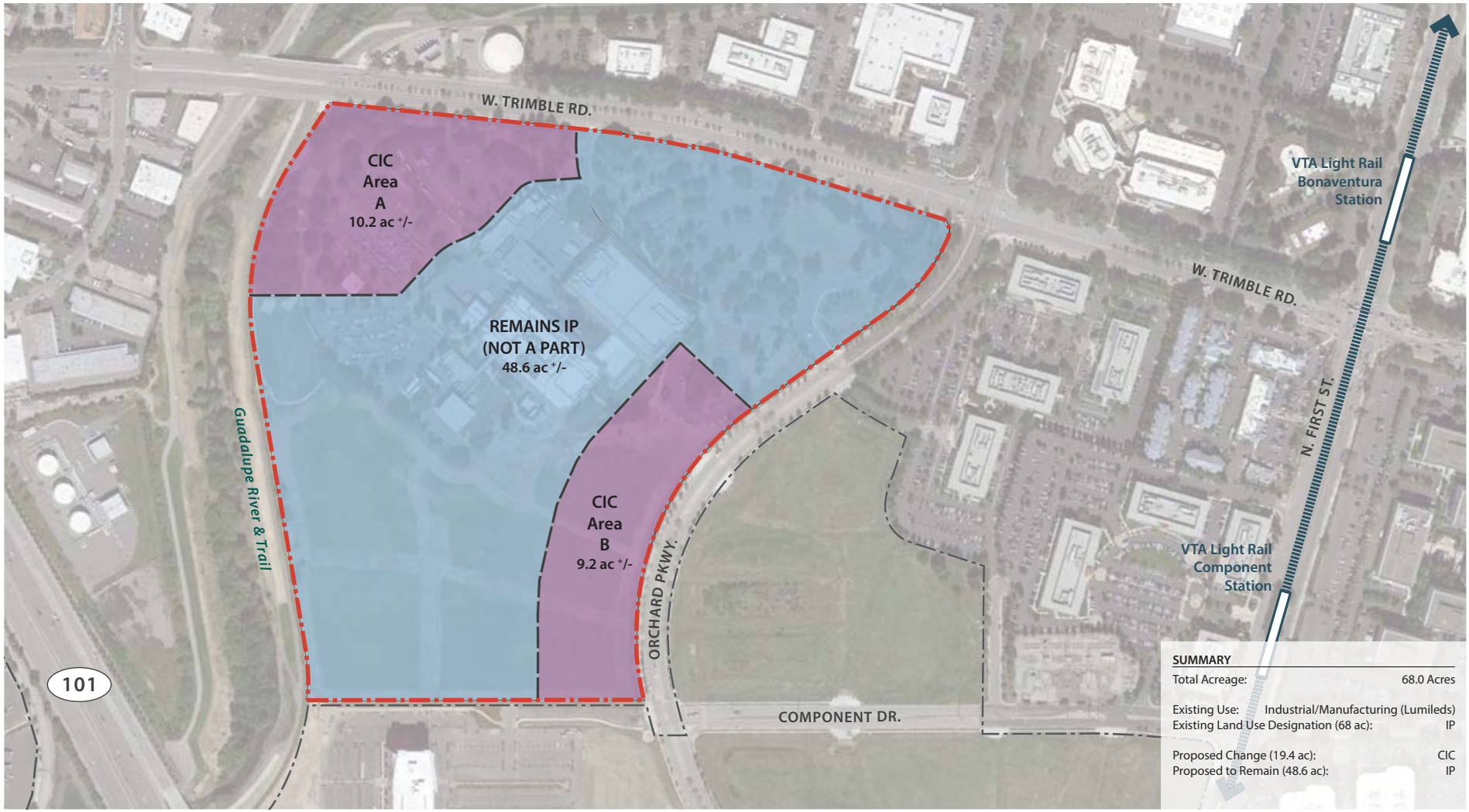
3.1 PROJECT SITE

The project is a General Plan Amendment on two separate parcels of land on the 68-acre Lumileds campus located on the south side of West Trimble Road between the Guadalupe River and trail and Orchard Parkway. Area A is approximately 10.2 and Area B is approximately 9.2 acres as shown n Figure 2.0-4. For the purposes of this Initial Study, the two sites together (approximately 19.4 acres) are considered to be the "project site", except in cases where impacts associated with one area do not apply to the other. In those cases, the areas are defined as "Area A" and Area "B".

3.2 GENERAL PLAN AMENDMENT (GPA)

The project proposes a General Plan Amendment to change the land use designation on the two separate portions of the Lumileds campus from *IP (Industrial Park)* to *CIC (Combined Commercial/Industrial)*. The *CIC* designation allows flexibility for the development of a mixture of compatible commercial and industrial uses, including retail uses. Properties with this designation are intended for commercial, office, or industrial developments or a compatible mix of these uses.

Approval of the proposed GPA would allow these sites to be rezoned for commercial uses at some point in the future, subject to the availability of commercial square footage under the North San José Area Development Policies (NSJADP). No specific development is proposed for these sites at this time. Additional project-specific CEQA review would be required at the time a future rezoning or site development application is submitted to the City of San José.



GENERAL PLAN AMENDMENT DIAGRAM

FIGURE 3.0-1

SECTION 4.0 ENVIRONMENTAL CHECKLIST AND IMPACT DISCUSSION

This section presents the discussion of impacts related to the following environmental subjects in their respective subsections:

4.1	Aesthetics	4.10	Land Use and Planning
4.2	Agricultural and Forestry Resources	4.11	Mineral Resources
4.3	Air Quality	4.12	Noise and Vibration
4.4	Biological Resources	4.13	Population and Housing
4.5	Cultural Resources	4.14	Public Services
4.6	Geology and Soils	4.15	Recreation
4.7	Greenhouse Gas Emissions	4.16	Transportation/Traffic
4.8	Hazards and Hazardous Materials	4.17	Utilities and Service Systems
4.9	Hydrology and Water Quality	4.18	Mandatory Findings of Significance

The discussion for each environmental subject includes the following subsections:

- **Environmental Checklist –** The environmental checklist, as recommended by CEQA, identifies environmental impacts that could occur if the proposed project is implemented. The right-hand column of the checklist lists the source(s) for the answer to each question. The sources are identified at the end of this section.
- **Impact Discussion** – This subsection discusses the project's impact as it relates to the environmental checklist questions. For significant impacts, feasible mitigation measures are identified. "Mitigation measures" are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section15370). Each impact is numbered using an alphanumeric system that identifies the environmental issue. For example, **Impact HAZ-1** denotes the first potentially significant impact discussed in the Hazards and Hazardous Materials section. Mitigation measures are also numbered to correspond to the impact they address. For example, **MM NOI-2.3** refers to the third mitigation measure for the second impact in the Noise section.

Important Note to the Reader

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

The City of San José currently has policies that address existing conditions (e.g., air quality, noise, and hazards) affecting a proposed project, which are also addressed in this section. This is consistent with one of the primary objectives of CEQA and this document, which is to provide objective

information to decision-makers and the public regarding a project as a whole. The CEQA Guidelines and the courts are clear that a CEQA document (e.g., EIR or Initial Study) can include information of interest even if such information is not an "environmental impact" as defined by CEQA.

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

4.1 AESTHETICS

4.1.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒	1, 2, 3
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐	1, 2, 3, 5
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐	1, 2, 3
d) Create a new source of substantial light or glare which will adversely affect day or nighttime views in the area?	☐	☐	☒	☐	1, 2, 3

4.1.2 Setting

The approximately 19.4-acre project site is located at the southwest corner of the intersection of West Trimble Road and Orchard Parkway in North San José. The project site is currently developed with surface parking lots, sidewalks, landscaping, and trees. A sand volleyball court and basketball court are located on Area A only. The project site is flat and only visible from the immediate area. The visual character of the site is that of a typical industrial office park.

The project site is located in an industrial office park area of North San José. The project site is bounded on the north, east, and south sides by existing office and industrial uses. The west side of the project site is bound by the Guadalupe River levee and trail. The surrounding area is characterized by existing industrial office uses. Photographs of the project site and surrounding area are shown on the following pages.

PHOTO 1: Viewing northeast along the Area A frontage on W. Trimble Road.

PHOTO 2: Viewing south across a large parking lot in Area A from the northern portion of the site.

PHOTO 3: Viewing east across a parking lot in Area A from the western portion of the site.

PHOTO 4: Viewing southeast across the recreation area in Area A from the northwest corner of Area A.

PHOTO 5: Viewing north along the Area B frontage on Orchard Parkway from the southeast corner of the site.

PHOTO 6: Viewing south along the Area B frontage on Orchard Parkway from the northeast corner of the site.

The Envision San José 2040 General Plan includes policies applicable to all development projects in San José. The following policies are specific to visual character and scenic resources and would be applicable to future redevelopment of the site under the proposed land use designation:

Envision San José 2040 Relevant Aesthetics Policies

Policy	Description
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.

In addition to applicable General Plan policies, future development on the project site allowed under the proposed General Plan land use designation would be required to comply with the following City policies and guidelines, as applicable:

- San José Outdoor Lighting Policy (City Council Policy 4-3, as revised 6/20/00)
- San José Commercial Design Guidelines
- San José Industrial Design Guidelines

4.1.3 Impact Discussion

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

The project site is located in an industrial/office area of North San José and not located within a scenic view shed or along a scenic highway. Intermittent views of the Diablo Range foothills are available from the project site looking northeast. Portions of the Santa Cruz Mountain foothills are also visible to the southwest of the project site. Views of the surrounding foothills in either direction are interrupted by existing buildings and landscape trees. The Guadalupe River levee is visible from the project site. The project site is not located in a gateway or a rural scenic corridor as defined by the 2011 Envision San José 2040. **(No Impact)**

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

The project site is not located along a state scenic highway and no scenic resources such as heritage trees or rock outcroppings are present on the site. There are no buildings located on the project site. The buildings located on the Lumileds campus are not designated as historic resources by the City of San José or Santa Clara County.[1] **(No Impact)**

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

The existing industrial campus site is not a scenic resource. The proposed General Plan amendment does not include specific development of the site; however, it is anticipated that future redevelopment of the site would include new buildings, parking, and landscaping. This would represent a visual change to the property and would be noticeable to occupants of nearby businesses and industrial development. The site would appear more developed to recreational users of the Guadalupe River Trail. However, since the project site is surrounded by industrial park uses and is located in proximity to existing commercial and industrial uses along the North First Street corridor, future commercial and industrial development on the site would be generally compatible with the visual character of the surroundings.

Future redevelopment of the site under the proposed *Combined Industrial/Commercial* land use designation would be reviewed in accordance with the City's Commercial Design Guidelines, Industrial Design Guidelines, and the City's Outdoor Lighting Policy (Council Policy 4-3). This would be completed during the Planning Permit stage (i.e. Site Development or Planned Development Permit) as part of the City's planning review process. For this reason and those stated above, the future redevelopment of the site under the proposed land use designation would not substantially degrade the existing visual character of the site or its surroundings. **(Less Than Significant Impact)**

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

[1] City of San José. *Historic Resources Inventory.* Accessed September 1, 2017. Available at: http://www.sanjoseca.gov/DocumentCenter/View/35475

The existing industrial campus adjacent to the project site includes sources of light and glare. The increase in night lighting from future development on the site would not significantly increase the ambient light levels in the area, which are already dominated by existing light sources from surrounding industrial/office uses.

As described above, future redevelopment would be required to conform to the City's Commercial and Industrial Design Guidelines and to the standards of the City's Outdoor Lighting Policy for Private Development (Council Policy 4-3). The City's planning review processes will ensure compatibility of the lighting and building materials of future redevelopment on the site with the surrounding uses. For these reasons, future redevelopment of the site under the proposed *Combined Industrial/Commercial* land use designation would not create a source of substantial light or glare that would affect views in the area. (**Less Than Significant Impact)**

4.1.4 Conclusion

Conformance with existing General Plan policies will ensure that future redevelopment of the project site under the proposed *Combined Industrial/Commercial* land use designation would not result in a significant aesthetics impact. **(Less Than Significant Impact)**

4.2 AGRICULTURAL AND FORESTRY RESOURCES

4.2.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
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?	☐	☐	☐	☒	1, 2, 3, 6
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	1, 2, 3
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))?	☐	☐	☐	☒	1, 2, 3
d) Result in a loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒	1, 2, 3
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?	☐	☐	☐	☒	1, 2, 3, 6

4.2.2 Setting

4.2.2.1 *Agricultural Resources*

The California Farmland Mapping and Monitoring Program (FMMP) produces maps and statistical data for analyzing impacts on California's agricultural resources. Agricultural land is rated according to soil quality and irrigation status, and the best quality land is categorized as Prime Farmland. The maps are updated every two years with the use of a computer mapping system, aerial imagery, public review, and field reconnaissance.

The California Land Conservation Act of 1965 (Williamson Act) enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use.

The project site is not designated as farmland, nor is it the subject of a Williamson Act contract. According to the *Santa Clara County Important Farmland 2014* map, the project site is designated as Urban and Built-Up Land, meaning that the land contains a building density of at least six units per 10-acre parcel. Common examples of Urban and Built-Up Land include residential, industrial, and

commercial purposes; golf courses; landfills; airports; sewage treatment; and water control structures.

Various policies in the City of San José's General Plan have been adopted for the purpose of avoiding or mitigating agricultural impacts resulting from planned development within the City. Future redevelopment would be subject to the agricultural policies listed in the General Plan, including the following:

Envision San José 2040 Relevant Agricultural Resources Policies

Policy	Description
Policy LU-12.3	Protect and preserve the remaining farmlands within San José's sphere of influence that are not planned for urbanization in the timeframe of the Envision General Plan through the following means: • Limit residential uses in agricultural areas to those which are incidental to agriculture. • Restrict and discourage subdivision of agricultural lands. Encourage contractual protection for agricultural lands, such as Williamson Act contracts, agricultural conservation easements, and transfers of development rights. • Prohibit land uses within or adjacent to agricultural lands that would compromise the viability of these lands for agricultural uses. • Strictly maintain the Urban Growth Boundary in accordance with other goals and policies in this Plan.
Policy LU-12.4	Preserve agricultural lands and prime soils in non-urban areas in order to retain the aquifer recharge capacity of these lands.

4.2.2.2 *Forestry Resources*

The project site does not contain forest land. No forest or timberland is located in the vicinity of the site.

4.2.3 Impact Discussion

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use?

The project site is not used for agricultural purposes. The site is not designated by the Department of Conservation as farmland of any type. For these reasons, the proposed project would not result in impacts to agricultural resources. **(No Impact)**

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

The project site is not zoned for agriculture, and it is not the subject of a Williamson Act contract. The project would not conflict with existing zoning for agriculture. **(No Impact)**

c) Conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production?

The project site is not zoned for forest land or timberland. One parcel on the project site is developed with multi-family residential units, and three parcels are vacant. The surrounding area is developed with urban uses and is not zoned or used for forest land or timberland. The project would not conflict with existing zoning for forest land, timberland, or timberland production. **(No Impact)**

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

Neither the project site, nor any of the properties adjacent to the project site or in the vicinity, is used for forest land or timberland. Future redevelopment of the project site under the proposed land use designation would, therefore, not impact forest land or timberland. **(No Impact)**

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?

According to the *Santa Clara County Important Farmland 2014* map, the project site and surrounding area are designated as Urban and Built-Up Land. Future redevelopment of the project site would not result in conversion of any forest or farmlands. **(No Impact)**

4.2.4 Conclusion

Neither changing the General Plan land use designation of the site nor future redevelopment of the project site would have an impact on agricultural land, agricultural activities, or forestry resources in the area. **(No Impact)**

4.3 AIR QUALITY

4.3.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐	1, 2, 3, 8
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐	7,8 9,10,11
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?	☐	☐	☒	☐	7,8 9,10
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐	7,8, 9, 10, 11,
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐	1, 2, 3

4.3.2 Setting

4.3.2.1 *Climate and Topography*

The City of San José is located in the Santa Clara Valley within the San Francisco Bay Area Air Basin. The project area's proximity to both the Pacific Ocean and the San Francisco Bay has a moderating influence on the climate. This portion of the Santa Clara Valley is bounded by the San Francisco Bay to the north and the Santa Cruz Mountains to the southwest, and the Diablo Range to the east. The surrounding terrain greatly influences winds in the valley, resulting in a prevailing wind that follows the valley's northwest-southwest axis.

4.3.2.2 *Regional and Local Criteria Pollutants*

Major criteria pollutants, listed in "criteria" documents by the U.S. Environmental Protection Agency (USEPA) and the California Air Resources Board (CARB), include ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, and suspended particulate matter (PM). These pollutants can have health effects such as respiratory impairment and heart/lung disease symptoms.

Violations of ambient air quality standards are based on air pollutant monitoring data and are judged for each air pollutant. The Bay Area, as a whole, does not meet state or federal ambient air quality standards for ground level ozone and fine particulate matter ($PM_{2.5}$) and state standards for particulate matter (PM_{10}). The area is considered in attainment or unclassified for all other pollutants.

4.3.2.3 *Local Community Risks/Toxic Air Contaminants and Fine Particulate Matter*

Besides criteria air pollutants, there is another group of substances found in ambient air referred to as Toxic Air Contaminants (TACs). TACs tend to be localized and are found in relatively low concentrations in ambient air. Exposure to low concentrations over long periods, however, can result in adverse chronic health effects. Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs (based on the Bay Area average).

Fine Particulate Matter ($PM_{2.5}$) is a complex mixture of substances that includes elements such as carbon and metals; compounds such as nitrates, organics, and sulfates; and complex mixtures such as diesel exhaust and wood smoke. Long-term and short-term exposure to $PM_{2.5}$ can cause a wide range of health effects. Common stationary sources of TACs and $PM_{2.5}$ include gas stations, dry cleaners, and diesel backup generators. The other, more significant, common source is motor vehicles on roadways and freeways.

Mobile TAC sources within 1,000 feet of the project site include US 101, located approximately 1,000 feet from the southwestern boundary of Area A, West Trimble Road, located adjacent to the north side of Area A, and Orchard Parkway, located adjacent to the eastern boundary of Area B.

4.3.2.4 *Sensitive Receptors*

The Bay Area Air Quality Management District (BAAQMD) defines sensitive receptors as facilities where sensitive receptor population groups (children, the elderly, the acutely ill, and the chronically ill) are likely to be located. These land uses include residences, school playgrounds, child-care centers, retirement homes, convalescent homes, hospitals, and medical clinics.

4.3.2.5 *Regulatory Framework*

Federal, State, and Regional

Federal, state, and regional agencies regulate air quality in the San Francisco Bay Area Air Basin, within which the proposed project is located. At the federal level, the USEPA is responsible for overseeing implementation of the Federal Clean Air Act and its subsequent amendments. CARB is the state agency that regulates mobile sources throughout the state and oversees implementation of the state air quality laws and regulations, including the California Clean Air Act.

BAAQMD is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area Air Basin. BAAQMD has permit authority over stationary sources, acts as the primary reviewing agency for environmental documents, and develops regulations that must be consistent with or more stringent than, federal and state air quality laws and regulations.

Regional Air Quality Management Districts, such as BAAQMD, must prepare air quality plans specifying how state air quality standards would be met. BAAQMD's most recent adopted plan is the Bay Area 2017 Clean Air Plan (CAP). The 2017 CAP includes a wide range of control measures designed to decrease emissions of the air pollutants that are most harmful to Bay Area residents, such

as particulate matter, ozone, and toxic air contaminants; to reduce emissions of methane and other "super-Greenhouse gases" that are potent climate pollutants in the near-term; and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

For all proposed projects, BAAQMD recommends implementation of the updated Basic Construction Mitigation Measures whether or not construction-related emissions exceed applicable thresholds.

Envision San José 2040 General Plan

In connection with the implementation of the CAP, various policies in the General Plan have been adopted for the purpose of avoiding or mitigating air quality impacts from development projects. All future redevelopment under the proposed land use designation would be subject to the air quality policies listed in the General Plan, including the following:

Envision San José 2040 Relevant Air Quality Policies

Policy	Description
Policy MS-10.1	Assess projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines and relative to state and federal standards. Identify and implement air emissions reduction measures.
Policy MS-10.2	Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region's Clean Air Plan and State law.
Policy MS-11.1	Require completion of air quality modeling for sensitive land uses such as new residential developments that are located near sources of pollution such as freeways and industrial uses. Require new residential development projects and projects categorized as sensitive receptors to incorporate effective mitigation into project designs or be located an adequate distance from sources of toxic air contaminants (TACs) to avoid significant risks to health and safety.
Policy MS-11.2	For projects that emit toxic air contaminants, require project proponents to prepare health risk assessments in accordance with BAAQMD-recommended procedures as part of environmental review and employ effective mitigation to reduce possible health risks to a less than significant level. Alternatively, require new projects (such as, but not limited to, industrial, manufacturing, and processing facilities) that are sources of TACs to be located an adequate distance from residential areas and other sensitive receptors.
Policy MS-11.5	Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.
Policy MS-13.1	Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.
Policy 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.
Policy CD-3.3	Within new development, create and maintain a pedestrian-friendly environment by

	connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.
Policy 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.

4.3.2.6 *Significance Thresholds*

As discussed in Section 15064(b) of the CEQA Guidelines, the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the lead agency and must be based to the best extent possible on scientific and factual data. The City has carefully considered the thresholds prepared by BAAQMD in May 2017 and regards these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin. Evidence supporting these thresholds has been presented in the following documents:

- BAAQMD. *CEQA Air Quality Guidelines*. Updated May 2017.
- BAAQMD. *Revised Draft Options and Justification Report California Environmental Quality Act Thresholds of Significance.* October 2009.
- California Air Pollution Control Officers Association. *Health Risk Assessments for Proposed Land Use Projects*. July 2009.
- California Environmental Protection Agency, California Air Resources Board. *Air Quality and Land Use Handbook: A Community Health Perspective.* 2005.

The analysis in this Initial Study is based upon the general methodologies in the most recent BAAQMD *CEQA Air Quality Guidelines* (dated May 2017) and numeric thresholds identified for the San Francisco Bay Area Air Basin in the May 2017 *BAAQMD CEQA Air Quality Guidelines*, as shown in Table 4.3-1.

Table 4.3-1: Thresholds of Significance Used in Air Quality Analyses (Project Level)

Pollutant	Construction	Operation-Related	
	Average Daily Emissions (pounds/day)	Average Daily Emissions (pounds/day)	Maximum Annual Emissions (tons/year)
ROG, NO_x *	54	54	10
PM_{10}	82 (exhaust)	82	15
$PM_{2.5}$	54 (exhaust)	54	10
Fugitive Dust ($PM_{10}/PM_{2.5}$)	Best Management Practices	None	None
Local CO	None	9.0 ppm (8-hr average)	20.0 ppm (1-hr average)
Risk and Hazards for New Sources and Receptors (Project)	Same as Operational Threshold	• Increased cancer risk of >10.0 in one million • Increased non-cancer risk of > 1.0 Hazard Index (chronic or acute) • Ambient $PM_{2.5}$ increase: > 0.3 μ/m^3 [Zone of influence: 1,000-foot radius from property line of source or receptor]	

Table 4.3-1: Thresholds of Significance Used in Air Quality Analyses (Project Level)			
Pollutant	**Construction**	**Operation-Related**	
	Average Daily Emissions (pounds/day)	**Average Daily Emissions (pounds/day)**	**Maximum Annual Emissions (tons/year)**
Risk and Hazards for New Sources and Receptors (Cumulative)	Same as Operational Threshold	• Increased cancer risk of >100 in one million • Increased non-cancer risk of > 10.0 Hazard Index (chronic or acute) • Ambient $PM_{2.5}$ increase: > 0.8 μ/m^3 [Zone of influence: 1,000-foot radius from property line of source or receptor]	
Accidental Release of Acutely Hazardous Materials	None	Storage or use of acutely hazardous materials locating near receptors or new receptors locating near stored or used acutely hazardous materials considered significant	
Odors	None	5 confirmed complaints per year averaged over three years	

*ROG: reactive organic gases; NO_x: nitrogen oxides

Source: *Bay Area Air Quality Management District CEQA Guidelines* (updated May 2011) and BAAQMD. *Revised Draft Options and Justification Report California Environmental Quality Act Thresholds of Significance*. October 2009.

BAAQMD recommends that local agencies use different approaches for evaluating impacts from specific development projects when compared to long-range plans subject to program-level analysis under CEQA. Although the project involves a modification to the City's long-range General Plan, this analysis also assumes redevelopment of an infill site with commercial and industrial uses. To analyze the effect of future development, the assumed development will be evaluated and compared to project-level thresholds. The evaluation of plan-level impacts is primarily a function of consistency with the Bay Area 2017 Clean Air Plan, as discussed in Section 4.3.3 below.

4.3.3 Impact Discussion

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

The proposed General Plan Amendment would allow future industrial, commercial and/or office redevelopment on an infill site that is currently served by pedestrian, bicycle, and transit facilities. Future commercial/industrial development under the proposed designation of *Combined Industrial/Commercial* would be required to include energy control measures to be consistent with the CAP's control measures, based upon a project-specific air quality analysis The project would not result in a significant impact related to consistency with the 2017 CAP. **(Less Than Significant Impact)**

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

General Plan Policy MS-10.1 requires the assessment of projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines, state, and federal standards. BAAQMD has identified thresholds of significance for criteria pollutant emissions and criteria air pollutant precursors, including ROG, NO_x, PM_{10}, and $PM_{2.5}$. Developments below the significant

thresholds are not expected to generate sufficient criteria pollutant emissions to violate any air quality standard or contribute substantially to an existing or projected air quality violation. In addition, the City of San José Greenhouse Gas (GHG) Reduction Strategy identifies a series of GHG emissions reduction measures to be implemented by development projects, mandatory compliance with these standards is discussed in Section 4.7, Greenhouse Gas Emissions. The proposed project includes an amendment to the General Plan that would facilitate potential future industrial and commercial uses on the project site and does not include a specific development proposal. Thus, the proposed project would not directly result in any construction- or operational-related criteria air pollutant emissions. Potential future development under the proposed project would be subject to review on a project-by-project basis and would be required to comply with City and BAAQMD standards including the Basic Construction Measures for reducing dust and exhaust from construction. **(Less Than Significant Impact)**

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?

Non-attainment pollutants of concern for the San Francisco Bay Air Basin are ozone, PM_{10} and $PM_{2.5}$. In developing thresholds of significance for air pollutants, BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project exceeds the significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions. Future construction on the site would be required to implement BAAQMD's Best Management Practices for dust control in accordance with the City's General Plan policies MS-13.1 and MS-13.3. For these reasons, the proposed General Plan Amendment would not result in a cumulatively considerable net increase of a criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard, including releasing emissions that exceed quantitative thresholds for ozone precursors. **(Less Than Significant Impact)**

d) Expose sensitive receptors to substantial pollutant concentrations?

While there are sensitive receptors adjacent to the project site, the future commercial and industrial development allowed under the proposed General Plan Amendment is not expected to result in any localized emissions that could expose sensitive receptors in the surrounding environment to unhealthy air pollutant levels. Commercial light industrial uses allowed under the proposed *Combined Industrial/Commercial* designation are not stationary sources of toxic air contaminants, and do not involve significant diesel-powered trucks that generate mobile TAC emissions.

Future construction under the proposed land use designation would require the use of diesel equipment (e.g., generators, excavators, dozers, graders, etc.). The exhaust from diesel equipment contains diesel particulate matter, which is a known TAC. Depending on the proximity and duration of use, the operation of diesel equipment on the project site during future construction activities under the proposed land use designation has the potential to expose the occupants of the surrounding residences to substantial TAC emissions.

Consistent with General Plan Policy MS-13.1, this impact would be addressed at the time a specific project is proposed on the project site and mitigation measures (e.g., use of alternative fuel construction equipment) would be required to reduce the impact to a less than significant level, if necessary. Once construction is complete, operation of the future development would not be a source TAC emissions and, therefore, would not expose sensitive receptors to substantial pollutant concentrations. **(Less Than Significant Impact)**

e) Create objectionable odors affecting a substantial number of people?

No new stationary odor sources, such as food processing, are anticipated as part of future redevelopment of the site with residential uses. While construction activities can create odors, odors during construction would be temporary and would not affect a substantial number of people. For these reasons, future redevelopment of the project under the proposed *Combined Industrial/Commercial* land use designation would not create objectionable odors affecting a substantial number of people. **(Less Than Significant Impact)**

4.3.4 Conclusion

Future redevelopment of the project site with commercial and industrial uses under the proposed *Combined Industrial/Commercial* land use designation, in conformance with existing General Plan policies and City Council Policy, would not result in air quality impacts greater than those previously identified in the 2011 Envision San José 2040 General Plan FPEIR and supplement. **(Less Than Significant Impact)**

4.4 BIOLOGICAL RESOURCES

4.4.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
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 Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?	☐	☐	☒	☐	1,2,3
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 CDFW or USFWS?	☐	☐	☒	☐	1, 2,3,12
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒	1, 2, 3
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, impede the use of native wildlife nursery sites?	☐	☐	☒	☐	1, 2, 3
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐	1, 2, 3, 13
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?	☐	☐	☒	☐	1, 2, 3, 12

4.4.2 Setting

4.4.2.1 *Regulatory Framework*

Special-Status Species

Special-status species include those plant and wildlife species that have been formerly listed, are proposed as Endangered or Threatened, or are candidates for such listing under the Federal Endangered Species Act (ESA) or California Endangered Species Act (CESA). These acts afford protection to both listed and proposed species. In addition, California Department of Fish and Game (CDFG) Species of Special Concern (species that face extirpation in California if current population and habitat trends continue) and U.S. Fish and Wildlife Service (USFWS) Birds of Conservation Concern are all considered special-status species due to the special consideration they are warranted under CEQA. Plant species on California Native Plant Society (CNPS) Lists 1 and 2 are also considered special-status plant species and must be considered under CEQA.

The project site is currently developed with surface parking lots and landscaping. The project site lacks natural cover or communities and does not provide habitat for special-status plant or wildlife species since the site is developed with parking lot uses.

Migratory Bird Treaty Act

Most birds in the United States (including non-status species) and their active nests (those with eggs and/or young) are protected by the Migratory Bird Treaty Act of 1918 and the California Fish and Game Code. The federal Migratory Bird Treaty Act (MBTA: 16 USC Section 703, Supp. I, 1989) prohibits killing, possessing, or trading in migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, bird nests, and eggs. Construction disturbance during the breeding season could result in a violation of the MBTA such as the incidental loss of fertile eggs or nestlings, or nest abandonment.

California Fish and Game Code

The California Fish and Game Code includes regulations governing the use of, or impacts on, many of the state's fish, wildlife, and sensitive habitats. Certain sections of the Fish and Game Code describe regulations that pertain to certain wildlife species. Fish and Game Code Sections 3503, 2513, and 3800 (and other sections and subsections) protect native birds, including their nests and eggs, from all forms of take. Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered "taking" by CDFW.

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

The Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (VHP), which encompasses a study area of 519,506 acres (or approximately 62 percent of Santa Clara County), was adopted by six local entities in Santa Clara County. The plan went into effect in October 2013 and the newly created Santa Clara Valley Habitat Agency is charged with implementing the plan. The area for which development activities are covered by the plan is located primarily within the Llagas/Uvas/Pajaro, Coyote Creek, and Guadalupe Watersheds. The VHP was developed through a

partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, the Santa Clara Valley Water District, and the Santa Clara Valley Transportation Authority (collectively termed the 'Local Partners'), the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife.

The VHP is a conservation program to promote the recovery of endangered species in portions of Santa Clara County while accommodating planned development, infrastructure, and maintenance activities.

The species of concern identified in the VHP include, but are not limited to, the California tiger salamander, California red-legged frog, western burrowing owl, Bay Checkerspot butterfly, and a number of species endemic to serpentine grassland and scrub. Projects and activities of the jurisdictions in Santa Clara County which are not Permittees, are not covered under the SCVHP.

The proposed project site is located within the study area of the VHP. The project site is designated as Urban-Suburban land cover and is located within the Urban Areas land cover fee zone. This land cover type comprises areas where the native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures, and is defined as one or more structures per 2.5 acres. These include areas that have structures, paved and impermeable surfaces, horticultural plantings, and lawns smaller than 10 acres.

Vegetation found in Urban Suburban land cover is mostly composed of nonnative or cultivated plant species. Private development occurring within this land cover that is equal to or greater than two acres in size is considered a covered activity under the VHP. There are no land cover fees associated with the Urban Areas fee zone.

The project site is located with the study area of the VHP and redevelopment of the project site is considered a covered activity under the plan and would be subject to all applicable VHP fees and conditions. The entire site is located within the Burrowing Owl Fee Zone, which requires the payment of a burrowing owl fee by the project applicant. The western portion of Area A is also located within the Wildlife Survey Area for the Tricolored Blackbird and is required to comply with VHP Condition 17, which requires pre-construction surveys for the species to ensure that project activities do not directly affect nesting tricolored blackbird colonies.

Envision San José 2040 General Plan

The Envision San José 2040 General Plan includes the following policies that are specific to biological resources and applicable to development projects in San José:

Envision San José 2040 Relevant Biological Resources Policies

Policy	Description
Policy ER-5.1	Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.
Policy ER-5.2	Require that development projects incorporate measures to avoid impacts to nesting

migratory birds.

Policy MS-21.4	Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.
Policy MS-21.5	As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.
Policy MS-21.6	As a condition of new development, require, where appropriate, the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.
Policy MS-21.8	For Capital Improvement Plan or other public development projects, or through the entitlement process for private development projects, require landscaping including the selection and planting of new trees to achieve the following goals: 1. Avoid conflicts with nearby power lines. 2. Avoid potential conflicts between tree roots and developed areas. 3. Avoid use of invasive, non-native trees. 4. Remove existing invasive, non-native trees. 5. Incorporate native trees into urban plantings in order to provide food and cover for native wildlife species. 6. Plant native oak trees and native sycamores on sites which have adequately sized landscape areas and which historically supported these species.
Policy CD-1.24	Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Any adverse effect on the health and longevity of such trees should be avoided through design measures, construction, and best maintenance practices. When tree preservation is not feasible include replacements or alternative mitigation measures in the project to maintain and enhance our Community Forest.

San José Tree Ordinance

The City of San José maintains the urban landscape by controlling the removal of ordinance trees on private property (San José Municipal Code Section 13.32). Ordinance trees are defined as trees exceeding 56 inches in circumference, or approximately 18 inches in diameter, at a height of 24 inches above natural grade. Ordinance trees are generally mature trees that help beautify the City, slow the erosion of topsoil, minimize flood hazards, minimize the risk of landslides, increase property values, and improve local air quality. A tree removal permit would be required from the City of San José for the removal of ordinance-sized trees.

City of San José Riparian Corridor Policy

The Riparian Corridor Policy sets guidelines on how areas along natural streams should be treated and establishes development guidelines for general site design, as well as guidance for the design of buildings, landscaping, and public recreation facilities related to their interface with riparian corridors. The riparian policy indicates that "all buildings, structures, impervious surfaces, outdoor activity areas, and ornamental landscaped areas should be separated at a minimum of 100 feet from the edge of the riparian corridor (or top of bank, whichever is greater)." The City's policy allows for

exceptions based on adjacent land uses and setback, existing setbacks, and other factors. The setback for a particular project is typically determined on a case-by-case basis.

4.4.3 Impact 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 CDFW or USFWS?

b) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?

The site itself does not include a watercourse or provide habitat that facilitates the movement of any native resident or migratory fish or wildlife species. Measures will be required for any future development on the site to ensure that impacts to nesting birds will be reduced to less than significant levels as discussed below.

Special-Status Plants and Wildlife

Based on previous field investigations conducted on adjacent properties, no special-status plant species were observed within the project area and it is unlikely any special-status plant species have potential to occur within the project area.[2] While no special-status wildlife species have been observed or are expected to forage on the project site[3], it is possible that the landscaping and mature trees throughout the site could provide habitat for urban-adapted bird species.

The trees on and adjacent to the project site could provide nesting habitat for birds, including migratory birds and raptors. Nesting birds are among the species protected under provisions of the Migratory Bird Treaty Act and California Fish and Game Code Sections 3503, 3503.5, and 2800. Future redevelopment of the site during the nesting season (i.e., February 1 to August 31) could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes abandonment and/or loss of reproductive effort is considered a taking by the CDFW. Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute an impact. Future construction activities such as tree removal and site grading that disturb a nesting bird or raptor on-site or immediately adjacent to the construction zone would also constitute an impact.

In conformance with the California State Fish and Game Code, the provisions of the Migratory Bird Treaty Act, and General Plan policies ER-5.1 and ER-5.2, future redevelopment under the proposed land use designation would be required to implement measures to avoid and/or reduce impacts to nesting birds (if present on or adjacent to the site) to a less than significant level.

At the time of future development, the project applicant shall implement the measures below, or equivalent, to reduce impacts to nesting birds (if present on or adjacent to the site).

[2] City of San Jose. *Orchard Parkway Development Project Draft Initial Study/Addendum Analysis.* February 2016.
[3] Ibid.

- If possible, construction, including tree removals, should be scheduled between September and December (inclusive) to avoid the nesting season. If this is not possible preconstruction surveys for nesting raptors and other migratory breeding birds (including tri-colored blackbirds) shall be conducted by a qualified ornithologist to identify active nests that may be disturbed during project implementation onsite and within 250 feet of the site. Between January and April (inclusive) preconstruction survey shall be conducted no more than 14 days prior to initiation of construction activities (including any ground-disturbing activities) or tree relocation or removal. Between May and August (inclusive), preconstruction surveys shall be conducted no more than 30 days prior to the initiation of these activities. The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area for nests.

- If an active nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist shall, in consultation with the California Department of Fish and Wildlife (CDFW), designate a construction-free buffer zone (typically 250 feet for raptors and 100 fee for other birds) around the nest, which shall be maintained until after the breeding season has ended and/or a qualified ornithologist has determined that the young birds have fledged.

- The applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement prior to issuance of any grading or building permit.

Implementation of General Plan policies and conformance with state and federal laws protecting nesting birds would reduce potential impacts to candidate, sensitive, and/or special status species to a less than significant level. **(Less Than Significant Impact)**

c) 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 CDFW or USFWS?

City of San José Riparian Corridor Policy

The Riparian Corridor Policy sets guidelines on how areas along natural streams should be treated and establishes development guidelines for general site design, as well as guidance for the design of buildings, landscaping, and public recreation facilities related to their interface with riparian corridors. The riparian policy indicates that "all buildings, structures, impervious surfaces, outdoor activity areas, and ornamental landscaped areas should be separated at a minimum of 100 feet from the edge of the riparian corridor (or top of bank, whichever is greater)." The City's policy allows for exceptions based on adjacent land uses and setback, existing setbacks, and other factors. The setback for a particular project is typically determined on a case-by-case basis.

The western boundary of Area A is located adjacent to the Guadalupe River levee. Future development allowed under the proposed GPA would be subject to the City's Riparian Corridor Policy setback requirements. Conformance with the Riparian Corridor Policy and General Plan

policies would ensure that the future redevelopment of the site would result in a less than significant impact on the riparian corridor of the Guadalupe River. **(Less than Significant Impact)**

d) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

The project site does not contain any federally protected wetlands. Future development on the site would therefore, not have any impacts to wetlands. **(No Impact)**

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

City of San José Tree Ordinance

An Arborist Report was completed by HMH, Incorporated (HMH) for the project site. A copy of this report, dated June 28, 2017 is included as Appendix A. The arborist report inventoried a total of 733 trees over the entire developed Phillips Lumileds site, which includes the proposed GPA sites (Areas A and B), as well as the central developed campus area and street trees along Orchard Parkway. Approximately 304 trees are located on the GPA sites, including the following types: coast live oak, Monterey Pine, olive, pin oak, American sweet gum, coast redwood, cork oak, valley oak, deodar cedar, London plane, and Raywood ash.

Trees removed during the future redevelopment of the site would be replaced in accordance with existing General Plan policies (MS-21.4, MS-21.5, and MS-21.6) and the Municipal Code (Section 13.28) as a condition of approval. The species of trees to be planted would be determined in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement at the Site Development or Planned Development Permit phase. Tree replacement would occur on-site, or the applicant would pay an in-lieu fee to Our City Forest to compensate for the loss of trees on-site. Compliance with local regulations and policies during future redevelopment would reduce impacts to the urban forest to a less than significant level. **(Less Than Significant 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?

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (VHP)

The entire project site is located with the study area of the Santa Clara Valley Habitat Conservation Plan (VHP). Redevelopment of the project site would be considered a covered activity under the plan and would be subject to all applicable VHP fees and conditions. The project site is designated as *Urban-Suburban* land cover and is located within the Urban Areas land cover fee zone. There are no fees associated with this land cover type.

The project site is located with the study area of the VHP and redevelopment of the project site is considered a covered activity under the plan and would be subject to all applicable VHP fees and conditions. The entire site is located within the Burrowing Owl Fee Zone, which requires the payment of a burrowing owl fee by the project applicant. The western portion of Area A is also located within the Wildlife Survey Area for the Tricolored Blackbird and is required to comply with VHP Condition 17, which requires pre-construction surveys for the species to ensure that project activities do not directly affect nesting tricolored blackbird colonies.

Nitrogen Deposition on Serpentine Habitat

Nitrogen deposition is known to have damaging effects on many of the serpentine plants in the VHP study area, as well as the host plants that support the Bay checkerspot butterfly. All major remaining populations of the butterfly and many of the sensitive serpentine plant populations occur in areas subject to air pollution from vehicle exhaust and other sources throughout the Bay Area including the project area. Because serpentine soils tend to be nutrient poor, and nitrogen deposition artificially fertilizes serpentine soils, nitrogen deposition facilitates the spread of invasive plant species.

The displacement of these species, and subsequent decline of the several federally-listed species, including the butterfly and its larval host plants, has been documented on Coyote Ridge in central Santa Clara County. Nitrogen tends to be efficiently recycled by the plants and microbes in infertile soils such as those derived from serpentine, so that fertilization impacts could persist for years and result in cumulative habitat degradation. The impacts of nitrogen deposition upon serpentine habitat and the Bay checkerspot butterfly can be correlated to the amount of new vehicle trips that a project is expected to generate. The nitrogen deposition fees collected under the VHP for new vehicle trips will be used as mitigation to purchase and manage conservation land for the Bay checkerspot butterfly and other sensitive species. The nitrogen deposition fee applies to all Fee Zones and will be assessed as a fee per new daily vehicle trip over existing conditions.

The VHP provides a mechanism for an individual project to make a fair share contribution to an established mitigation fee program to address cumulative nitrogen impacts. At the time of future development, payment of the VHP nitrogen deposition fee based on the current number of new daily trips would mitigate the project's future cumulative contribution to a less than significant level. **(Less Than Significant Impact)**

Burrowing Owls

The project site is within the burrowing owl fee area for the VHP; therefore, future development of the site could harm burrowing owls during construction. The future project would be required to conduct pre-construction surveys in accordance with Condition 15 of the VHP and pay the burrowing owl fee.

Should site grading occur during the nesting season for this species (February 1 through August 31), nests and nestlings that may be present would likely be destroyed. Overwintering burrowing owls may also be buried in their roost burrows outside of the nesting season (September 1 through January 31).

The following measures will be required for future project development to ensure that burrowing owls will not be harmed by construction activities. Completion of the following measures, including the payment of VHP fees, will reduce the potential impacts to burrowing owls to a less than significant level, consistent with Condition 15 of the VHP.

To reduce impacts to occupied burrowing owl habitat, the project applicant shall pay the burrowing owl fee as specified in the VHP for each acre of occupied burrowing owl nesting habitat impacted as a result of project buildout.

The project applicant shall conduct preconstruction surveys to ascertain whether or not burrowing owls occupy burrows on the site and along the utility alignments off-site prior to construction. The preconstruction surveys shall be performed by a qualified biologist and shall consist of a minimum of two surveys, with the first survey no more than 14 days prior to initial construction activities (i.e. vegetation removal, grading, excavation, etc.) and the second survey conducted no more than 2 days prior to initial construction activities. If no burrowing owls or fresh sign of burrowing owls are observed during preconstruction surveys, construction may continue. However, if a burrowing owl is observed during these surveys, occupied burrows shall be identified by the monitoring biologist and a buffer shall be established, as described below:

- If an active nest is found, a qualified biologist shall establish a 250-foot non-disturbance buffer around all nest sites. If the biologist determines that the nest is vacant, the non-disturbance buffer zone may be removed, in accordance with measures described in the SCVHP. The biologist shall supervise hand excavation of the burrow to prevent reoccupation only after receiving approval from the wildlife agencies (CDFW and USFWS) in accordance with Chapter 6, Condition 15 of the SCVHP.

- For permission to encroach within 250 feet of such burrows during the nesting season (February 1st through August 31st), an Avoidance, Minimization, and Monitoring Plan (AMMP) shall be prepared and approved by the City and the wildlife agencies prior to such encroachment in accordance with Chapter 6 of the SCVHP.

Should a burrowing owl be located during the non-breeding season (September through January), a 250-foot buffer shall be established and construction activities shall not be allowed within the 250-foot buffer of the active burrow(s) used by any burrowing owl unless the following avoidance measures are adhered to:

- A qualified biologist shall monitor the owls for at least three days prior to construction to determine baseline foraging behavior (i.e., behavior without construction).

- The same qualified biologist shall monitor the owls during construction. If the biologist determines there is a change in owl nesting and foraging behavior as a result of construction activities, these activities shall cease within the 250-foot buffer.

- If the owls are gone from the burrows for at least one week, the project applicant may request approval from the habitat agency to excavate all usable burrows within the

construction area to prevent owls from reoccupying the site. After all usable burrows are excavated, the buffer zone shall be removed and construction may continue;

In the event the voluntary relocation of site burrowing owls does not occur (defined as owls having vacated the site for 10 or more consecutive days), the project applicant can request permission to engage in passive relocation during the non-breeding season through the standard VHP application process (Section 6.8 of the VHP). If passive relocation is granted, additional measures may be required by the Habitat Agency. If the owls voluntarily vacate the site for 10 or more consecutive days, as documented by a qualified biologist, the project applicant could seek permission from the Santa Clara Valley Habitat Agency to have the qualified biologist take measures to collapse vacated and other suitable burrows to ensure that owls do not recolonize the site, in accordance with the VHP.

Tricolored Blackbird

In addition to containing existing trees that could include nests utilized by urban-adapted birds, a portion of Area A is located within the Wildlife Survey Area for tricolored blackbirds (Agelaius tricolor) under the VHP. The species breeds colonially in wetland and riparian areas that contain reeds, cattails, or similar vegetation with adjacent areas of wetlands, field crops, grasslands, and similar land cover types where they can forage for insects, seeds, and other food. Tricolored blackbirds are found almost exclusively in California, primarily in the Central Valley, including a few recently documented breeding colonies in the VHP study area (where they are considered rare and uncommon). While portions of the Guadalupe River corridor are mapped as potential tricolored blackbird habitat, the GPA Area A site is developed and lacks adjacent open grasslands or other suitable foraging habitat, making the potential for tricolored blackbird on the project site unlikely.

Because a portion of Area A is mapped as being within the Wildlife Survey Area for the Tricolored Blackbird, future development on the site will be required to comply with VHP Condition 17, which requires pre-construction surveys for the species to ensure that project activities do not directly affect nesting tricolored blackbird colonies. The project site is located adjacent to the Guadalupe River levee and approximately 100 feet west of the riparian corridor of the Guadalupe River.

Surveys for other nesting birds would also be required prior to the commencement of future grading, tree removals, or other types of construction activities on Area A. **(Less than Significant Impact)**

4.4.4 Conclusion

With implementation of General Plan policies, the proposed GPA would not result in significant impacts to biological resources. Future development would be required to comply with VHP and existing state regulations, therefore, impacts to biological resources a less than significant level. **(Less Than Significant Impact)**

4.5 CULTURAL RESOURCES

4.5.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines Section 15064.5?	☐	☐	☐	☒	1, 2, 3
b) Cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines Section 15064.5?	☐	☐	☒	☐	1, 2, 3
c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	☐	☐	☒	☐	1, 2, 3
d) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☒	☐	1, 2, 3
e) 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:					
1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or	☐	☐	☐	☒	1, 2, 3
2. 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 this criteria, the significance of the resource to a California Native American tribe shall be considered.	☐	☐	☐	☒	1, 2, 3

4.5.2 Setting

The project site is located in Santa Clara Valley, where Native American occupation extended over 5,000 to 8,000 years and possibly longer. Before European settlement, Native Americans resided in

areas of North San José. The South Bay Area's favorable environment during the prehistoric period included alluvial plains, foothills, water courses, and bay margins that provide an abundance of wild food and other sources.

4.5.2.1 *Prehistoric and Historic Resources*

The project site is considered to be archaeologically sensitive, due to its proximity to the Guadalupe River and within North San José. The project site is mapped on the City of San José archeological sensitivity map. There are no identified historic resources in the immediate vicinity of the project site.

4.5.2.2 *Paleontological Resources*

According to the Envision San José 2040 General Plan Final EIR, the project site is within an area considered to be potentially highly sensitive for paleontological resources at depth.

4.5.2.3 *Envision San José 2040 General Plan*

The Envision San José 2040 General Plan includes policies applicable to all development projects in San José. The following policies are specific to cultural resources and are applicable to future redevelopment on the site:

Envision San José 2040 Relevant Cultural Resources Policies

Policy	Description
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 then project then require, if needed, that appropriate mitigation measures be incorporated into the project design.
Policy ER-10.2	Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.
Policy ER-10.3	Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.

4.5.3 Impact Discussion

a) Cause a substantial adverse change in the significance of an historical resource?

The site is developed with surface parking lots and landscaping and surrounded by modern industrial uses. None of the structures on properties surrounding the site are listed on the City's Historic Resources Inventory or the national or state registers of historic places. **(No Impact)**

b) Cause a substantial adverse change in the significance of an archaeological resource?

The project site is developed with surface parking, landscaping and trees. A significant portion of Area B is currently vacant. Future redevelopment of the site would require pavement removal, grading, and trenching activities. No recorded archaeological resources are present on the property.

While no traces of aboriginal presence or historic materials have been observed and located nearby on a cultural resources map, there remains a possibility that site clearing, grading, and trenching activities associated with future development on the site could result in the discovery of buried prehistoric archaeological deposits, if present. Future development on the site would implement the following standard measures, as necessary, to reduce impacts to cultural resources.

Standard Measure: In accordance with General Plan policies ER-10.1, ER-10.2 and ER-10.3 the following standard measures will be implemented to further reduce potential impacts to subsurface archaeological resources:

- In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find will be stopped, the Planning Department will be notified, and the archaeologist will examine the find and make appropriate recommendations 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 during monitoring shall be submitted to the Planning Department prior to issuance of building permits.

- In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find will be stopped. The Santa Clara County Coroner will be notified and shall make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. In the event that human remains are discovered, work should be halted in the immediate vicinity of the discovery (a zone established by the project archaeologist) until the County Coroner's Office has been contacted along with the Native American Heritage Commission (NAHC). The NAHC is responsible for naming a Most Likely Descendant (MLD) who can represent tribal interests by making recommendations regarding the method of exposure and removal of any human remains and associated grave goods along with making recommendations regarding the reburial of these materials.

Implementation of the above measures in accordance with General Plan policies would ensure that future redevelopment of the site would not significantly impact archaeological resources. **(Less Than Significant Impact)**

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

The project site is located in an area that is considered to be potentially highly sensitive for paleontological resources at depth. Although not anticipated, construction activities could disturb paleontological resources, if present. No development projects are proposed at this time, however, any future development on the site allowed under the proposed GPA would be required to implement the following standard measures, as necessary, to reduce potential impacts to paleontological resources.

Standard Measures: In accordance with General Plan policy ER-10.3, the following standard measures will be implemented by the project to reduce and avoid impacts to paleontological resources:

- If vertebrate fossils are discovered during construction, the Director of Planning shall be notified and all work on the site will stop immediately until a qualified professional paleontologist can assess the nature and importance of the find and recommend appropriate treatment. Treatment may include 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 proponent will be responsible for implementing the recommendations of the paleontological monitor, and a final report documenting the implementation of the treatment program shall be provided to the Director of Planning.

Implementation of the above measures would ensure that future redevelopment of the site would not significantly impact paleontological resources. **(Less Than Significant Impact)**

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

See response to 4.5.3(b), above.

e) Cause a substantial adverse change in the significance of a tribal cultural resource that is: 1) listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources, 2) determined to be a significant resource to a California Native American tribe.

No tribal cultural resources eligible for or listed on the California Register of Historic Resources have been identified in or adjacent to the project site. No known Native American sacred sites are located on or adjacent to the project site. **(No Impact)**

4.5.4 Conclusion

With the implementation of the standard measures outlined above and consistent with existing General Plan policies, neither the proposed GPA nor future redevelopment would result in significant impacts to cultural resources. **(Less than Significant Impact)**

4.6 GEOLOGY AND SOILS

4.6.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
1. Rupture of a known earthquake fault, as described 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)?	☐	☐	☐	☒	1, 14, 15
2. Strong seismic ground shaking?	☐	☐	☒	☐	1, 14, 15
3. Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒	1, 14, 15
4. Landslides?	☐	☐	☐	☒	1, 14, 15
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐	1
c) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐	1, 14, 15
d) Be located on expansive soil, as defined in Section 1803.5.3 of the California Building Code (2016), creating substantial risks to life or property?	☐	☐	☒	☐	1, 14, 15
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒	1

4.6.2 Setting

4.6.2.1 *Regulatory Framework*

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning (AP) Act was passed into law following the destructive 1971 San Fernando earthquake. The AP Act regulates development in California near known active faults due to hazards associated with surface fault ruptures. 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. The project site is not located in an Alquist-Priolo Earthquake Fault Zone.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act (SHMA) was passed by the California legislature in 1990 to protect the public from the effects of strong ground shaking, liquefaction, landslides, and other seismic hazards. The SHMA established a state-wide mapping program to identify areas subject to violent shaking and ground failure; the program is intended to assist cities and counties in protecting public health and safety. The California Geological Survey (CGS) is mapping SHMA Zones and has completed seismic hazard mapping for the portions of California most susceptible to liquefaction, ground shaking, and landslides, which include the central San Francisco Bay Area and Los Angeles Basin.

California Building Code

The California Building Code 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 2016 Building Standards Code.

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects with the City. All future redevelopment allowed by the proposed land use designation would be subject to the geology and soil policies listed in the City's General Plan, including the following:

Envision San José 2040 Relevant Geology and Soil Policies

Policy	Description
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.
Action EC-4.11	Require the preparation of geotechnical and geological investigation reports for projects within areas subject to soils and geologic hazards, and require review and implementation of mitigation measures as part of the project approval process.
Action EC-4.12	Require review and approval of grading plans and erosion control plans (if applicable) prior to issuance of grading permits by the Director of Public Works.
Policy ES-4.9	Permit development only in those areas where potential danger to health, safety, and welfare of the persons in that area can be mitigated to an acceptable level.

City of San José Municipal Code

Title 24 of the San José Municipal Code includes the current California Building, Plumbing, Mechanical, Electrical, Existing Building, and Historical Building Codes. Requirements for building safety and earthquake hazard reduction are also addressed in Chapter 17.40 (Dangerous Buildings) and Chapter 17.10 (Geologic Hazards Regulations) of the Municipal Code. Requirements for grading, excavation, and erosion control are included in Chapter 17.10 (Building Code, Part 6 Excavation and Grading). In accordance with the Municipal Code, the Director of Public Works must issue a Certificate of Geologic Hazard Clearance prior to the issuance of grading and building permits within defined geologic hazard zones, including State Seismic Hazard Zones for Liquefaction.

4.6.2.2 *Existing Conditions*

The project site is located on the San José Alluvial Plain on the relatively flat, low lying floor of the Santa Clara Valley. The Santa Clara Valley is a structural valley created by the rapid uplift of the Santa Cruz Mountains to the west and the Diablo Range to the east, during the late Cenozoic era. Alluvial fans coalesced where canyons from the adjacent mountains emerged onto the flatter valley floor. The valley sediments consist largely of alluvial fan deposits, flood plain deposits, younger stream and channel deposits, and bay mud nearer the present shoreline of the San Francisco Bay. Bedrock underlying the area is part of the Franciscan Complex, a diverse group of igneous, sedimentary, and metamorphic rocks of the Upper Jurassic to Cretaceous age (70 to 140 million years old). These rocks are part of a northwesterly-trending belt of material that lies along the east side of the San Andreas Fault system, which is located approximately 12 miles southwest of the project area.

Topography and Soils

The project site is relatively flat and is located at an elevation of approximately 22 feet (msl). The Guadalupe River levee, located adjacent to the southwest boundary of the project site, rises to an approximate elevation of 34 feet (msl) before descending down to the river bottom at an approximate elevation of 12-14 feet (msl).

Based on subsurface investigations performed in the immediate vicinity of the project site in 2015, subsurface soils are composed of alluvium consisting of silty clay to flay with thick layers of clayey silt, silty sand and sandy silt.

Groundwater

According to the Phase I ESA conducted on the project site, groundwater was encountered at a depth of approximately 11 to 12 feet below ground surface. Groundwater levels are generally highest near the Guadalupe River. Extensive withdrawal of groundwater in the area has resulted in regional land subsidence of as much as eight feet between 1938 and 1967. Control of groundwater withdrawal and regional groundwater recharge programs managed by the Santa Clara Valley Water District has halted subsidence in the area. Fluctuations in groundwater level may occur due to seasonal changes, variation in underground drainage patterns, and other factors.

Seismicity and Seismic Hazards

The San Francisco Bay Area is one of the most seismically active regions in the United States. The significant earthquakes that occur in the Bay Area are generally associated with the crustal movements along well-defined active fault zones of the San Andreas Fault system, which regionally trends in the northwesterly direction. The closest active fault to the project site is the Hayward Fault, approximately 6.8 miles to the northeast. Other active faults in the vicinity of the site include the Calaveras Fault located 8.2 miles northeast of the site, the Monte-Vista Shannon Fault, approximately 10.2 miles southwest of the site, and the San Andreas Fault, approximately 12 miles southwest of the site. The project site is not located within a fault rupture hazard zone, and therefore, fault rupture through the site is not anticipated.

Liquefaction

Soil liquefaction is a condition where saturated granular soils near the ground surface undergo a substantial loss of strength during seismic events. Loose, water-saturated soils are transformed from a solid to a liquid state during ground shaking. Liquefaction can result in significant deformations. Soils most susceptible to liquefaction are loose, uniformly graded, saturated, fine-grained sands that lie close to the ground surface.

According to the Santa Clara County Geologic Hazards Map, the project site is located in an area considered vulnerable to earthquake-induced liquefaction. Due to the relatively young soils and the depth to ground water, the liquefaction hazard at the project site is considered moderate to high.

Lateral Spreading

Lateral spreading is a type of ground failure related to liquefaction. It consists of the horizontal displacement of flat-lying alluvial material toward an open area, such as an open body of water, channel or excavation. The Guadalupe River levee and flood channel is located directly adjacent to the southwest boundary of the project site. Based on the moderate to high potential for liquefaction and proximity to Guadalupe River channel, there is low to moderate potential for lateral spreading at the project site.

Landslides

The project site is located within the relatively flat Santa Clara Valley. According to the California Geological Survey, the project site is not located within a State of California Seismic Hazard Zone for earthquake-induced landslides.

4.6.3 Impact Discussion

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: 1) rupture of a known earthquake fault, 2) strong seismic ground shaking, 3) seismic-related ground failure, or 4) landslides?

The project site is not located within a known earthquake fault zone or other geologic hazard zone (e.g., liquefaction or landslide hazard zone). In accordance with the City's General Plan and Municipal Code, and to avoid or minimize potential damage from seismic shaking, future redevelopment on the project site would be built using standard engineering and seismic safety design techniques. Building design and construction at the site would be completed in conformance with the recommendations of a design-level geotechnical investigation, which would be included in a report to the City. The report would be reviewed and approved by the City of San José's Building Division as part of the building permit review and issuance process.

Any future buildings would be required to meet the requirements of applicable Building and Fire Codes, including the most current California Building Code. Future redevelopment of the project under the proposed land use designation would not exacerbate existing geologic hazards on the project site and, therefore, would not result in a significant impact under CEQA. **(Less Than Significant Impact)**

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

Future redevelopment of the project site under the proposed land use designation would disturb the ground and expose soils, thereby increasing the potential for wind- or water-related erosion and sedimentation at the site until the completion of construction. The City's National Pollutant Discharge Elimination System (NPDES) General Permit, urban runoff policies, and the Municipal Code (which are discussed in more detail in *Section 4.9, Hydrology and Water Quality* of this Initial Study) are the primary means of enforcing erosion control measures. Future construction activities would be subject to the requirements of the aforementioned policies and regulations. **(Less Than Significant Impact)**

c) Be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property?

Expansive soils are common in the San Francisco Bay Area and could be present on the project site. In accordance with the City's General Plan and Municipal Code, future development would be constructed according to standard engineering practices in the California Building Code, as adopted by the City of San José. In addition, the City of San José Department of Public Works would review future redevelopment plans for conformance with City and State codes prior to the issuance of a Public Works Clearance. These standard practices would ensure

that future buildings on the site were designed properly, accounting for the possibility of expansive soils on the site. Future redevelopment of the site under the proposed land use designation would not exacerbate existing soil conditions on the project site. **(Less Than Significant Impact)**

d) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

The project site is located within an urbanized area of San José, and sewers are available to dispose of wastewater from the project site. Therefore, future redevelopment of the project site under the proposed land use designation would not require septic tanks or alternative wastewater disposal systems. **(No Impact)**

4.6.4 Conclusion

Through conformance with General Plan policies and regulatory standards, future redevelopment of the site would result in less than significant geology and soils impacts, and would not significantly expose people or structures to adverse seismic risks. **(Less Than Significant Impact)**

4.7 GREENHOUSE GAS EMISSIONS

4.7.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐	1, 2, 3, 22
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐	1, 2, 3, 22

4.7.2 Setting

4.7.2.1 *Background Information*

Unlike emissions of criteria and toxic air pollutants, which have local or regional impacts, emissions of greenhouse gases (GHGs) that contribute to global warming or global climate change have a broader, global impact. Global warming is a process whereby GHGs accumulating in the atmosphere contribute to an increase in the temperature of the earth‘s atmosphere. The principal GHGs contributing to global warming are carbon dioxide (CO2), methane (CH4), nitrous oxide (N2O), and fluorinated compounds. These gases allow visible and ultraviolet light from the sun to pass through the atmosphere, but they prevent heat from escaping back out into space.

Among the potential implications of global warming are rising sea levels, and adverse impacts to water supply, water quality, agriculture, forestry, and habitats. In addition, global warming may increase electricity demand for cooling, decrease the availability of hydroelectric power, and affect regional air quality and public health. Like most criteria and toxic air pollutants, much of the GHG production comes from motor vehicles. GHG emissions can be reduced to some degree by improved coordination of land use and transportation planning on the city, county, and subregional level, and other measures to reduce automobile use. Energy conservation measures also can contribute to reductions in GHG emissions.

4.7.2.2 *Existing On-Site GHG Emissions*

The existing project site is developed with surface parking and landscaping and does not generate substantial GHG emissions.

4.7.2.3 *Regulatory Setting*

California Assembly Bill 32 and Executive Order S-3-05

Assembly Bill 32 (AB 32), also known as the Global Warming Solutions Act, was passed in 2006 and established a goal to reduce GHG emissions to 1990 levels by 2020. Prior to the adoption of AB 32, the Governor of California also signed Executive Order S-3-05 into law, which set a long term objective to reduce GHG emissions to 90 percent below 1990 levels by 2050. The California Environmental Protection Agency (CalEPA) is the state agency in charge of coordinating the GHG emissions reduction effort and establishing targets along the way.

In December 2008, CARB approved the Climate Change Scoping Plan, which proposes a comprehensive set of actions designed to reduce California's dependence on oil, diversify energy sources, save energy, and enhance public health, among other goals. Per AB 32, the Scoping Plan must be updated every five years to evaluate the mix of AB 32 policies to ensure that California is on track to achieve the 2020 greenhouse gas reduction goal. The First Update to the Scoping Plan was approved on May 22, 2014 and builds upon the Scoping Plan with new strategies and recommendations. The First Update defines CARB's priorities over the next five years and lays the groundwork to reach long-term goals set forth in Executive Order S-3-05.

As discussed below under Senate Bill 32 and Assembly Bill 197, a second update to the Climate Change Scoping Plan has been released in draft form and will be considered for adoption by CARB in June 2017. It specifically addressed the 2030 mid-term target established under Senate Bill 32 (SB 32) and identifies local actions as well as State of California actions and programs to reduce GHG emissions.

Executive Order B-30-15

On April 29, 2015, Governor Brown issued Executive Order B-30-15 establishing a GHG reduction target for California of 40 percent below 1990 levels by 2030. This is considered a mid-term target for implementation of reducing statewide GHG emissions to 80 percent below 1990 levels by 2050. State agencies with jurisdiction over sources of GHG emissions were directed to implement measures to achieve reductions of GHG emissions to meet the 2030 and 2050 targets. CARB was directed to update the AB 32 Climate Change Scoping Plan to reflect the 2030 target and is moving forward with the update process, as discussed under SB32 and AB 197, below.

Senate Bill 32 and Assembly Bill 197

SB 32 and AB 197 were signed into law in September 2016. The recently signed SB 32 legislation amends provisions of AB 32, the California Global Warming Solutions Act of 2006 (Health and Safety Code Division 25.5) to require CARB to ensure that statewide GHG emissions are reduced to 40 percent below the 1990 levels by December 31, 2030. Changes to the California Health and Safety Code under the companion AB 197 legislation call for each scoping plan update to identify emissions reduction measures and include the range of projected GHG emissions reductions, as well as the range of projected air pollution reductions that result from the emission reduction measures.

The mid-term target established under SB 32 is considered critical by the State to help frame the suite of policy measures, regulations, planning efforts, and investments in clean technologies and infrastructure needed to continue reducing GHG emissions. CARB is charged with adopting rules and regulations to achieve the maximum technologically feasible and cost-effective GHG emissions reductions to meet the new interim statewide GHG target. The framework for GHG emissions reductions will be provided through an update to the current Climate Change Scoping Plan. The draft 2030 Target Scoping Plan was released for public comment in January 2017 and adoption is scheduled for consideration by CARB in June 2017.

California Senate Bill 375

Senate Bill 375 (SB 375), known as the Sustainable Communities Strategy and Climate Protection Act, was signed into law in September 2008. It builds on AB 32 by requiring CARB to develop regional GHG reduction targets to be achieved from the automobile and light truck sectors for 2020 and 2035 in comparison to 2005 emissions. The per capita reduction targets for passenger vehicles in the San Francisco Bay Area include a seven percent reduction by 2020 and a 15 percent reduction by 2035. The four major requirements of SB 375 are:

1) Metropolitan Planning Organizations (MPOs) must meet GHG emission reduction targets for automobiles and light trucks through land use and transportation strategies.

2) MPOs must create a Sustainable Communities Strategy (SCS), to provide an integrated land use/transportation plan for meeting regional targets, consistent with the Regional Transportation Plan (RTP).

3) Regional housing elements and transportation plans must be synchronized on eight-year schedules, with Regional Housing Needs Assessment (RHNA) allocation numbers conforming to the SCS.

4) MPOs must use transportation and air emissions modeling techniques consistent with guidelines prepared by the California Transportation Commission (CTC).

MTC and ABAG adopted Plan Bay Area in July 2013. The strategies in the plan are intended to promote compact, mixed-use development close to public transit, jobs, schools, shopping, parks, recreation, and other amenities, particularly within Priority Development Areas (PDAs) identified by local jurisdictions.

2017 Bay Area Clean Air Plan

The Bay Area 2017 Clean Air Plan (2017 CAP) focuses on two closely-related BAAQMD goals: protecting public health and protecting the climate. To protect the climate, the plan defines a vision for transitioning the region to a post-carbon economy needed to achieve ambitious greenhouse gas reduction targets for 2030 and 2050, and provides a regional climate protection strategy that will put the Bay Area on a pathway to achieve those GHG reduction targets.

The 2017 CAP includes a wide range of control measures designed to decrease emissions of methane

and other "super-GHGs" that are potent climate pollutants in the near-term; and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

Plan Bay Area

The Metropolitan Transportation Commission (MTC) and ABAG adopted Plan Bay Area for the region, in July 2013. The strategies in the plan are intended to promote compact, mixed-use development close to public transit, jobs, schools, shopping, parks, recreation, and other amenities, particularly within Priority Development Areas (PDAs) identified by local jurisdictions. The project site is located within the North San José PDA.

City of San José Municipal Code

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

- Green Building Ordinance (Chapter 17.84)
- Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10)
- Transportation Demand Programs for employers with more than 100 employees (Chapter 11.105)
- Construction and Demolition Diversion Deposit Program (Chapter 9.10)
- Wood Burning Ordinance (Chapter 9.10)

City of San José Private Sector Green Building Policy (6-32)

In October 2008, the City adopted the Private Sector Green Building Policy (6-32) that establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. This policy requires that applicable projects achieve minimum green building performance levels using the Council adopted standards. The proposed project would be subject to this policy.

Envision San José 2040 General Plan and Greenhouse Gas Reduction Strategy

The General Plan includes a GHG Reduction Strategy embedded in its policies and programs that are designed to help the City sustain its natural resources, grow efficiently, and meet state legal requirements for GHG emissions reduction. The GHG Reduction Strategy was initially approved by the City Council in November 2011 in conjunction with the General Plan. Following litigation, the GHG Reduction Strategy was re-adopted after certification of a Final Supplemental Program EIR to the General Plan Final Program EIR (FPEIR) in December 2015 (State Clearing House [SCH] #2009072096).

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 GHG Reduction Strategy is intended to meet the

mandates as outlined in the CEQA Guidelines and the recent standards for "qualified plans" as set forth by BAAQMD.

Projects that conform to the General Plan may make use of the GHG Reduction Strategy in lieu of completing a separate analysis of a project's potential GHG emissions. Projects that are consistent with the GHG Reduction Strategy would have a less than significant impact related to GHG emissions through 2020.

The Envision San José 2040 Final Program Environmental Impact Report identified significant unavoidable GHG emissions impacts for development and the built environment in the 2035 timeframe, and overriding considerations for those impacts were adopted by the City Council in 2015.

4.7.3 Impact Discussion

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

Overview of Impact Assessment

GHG emissions worldwide contribute, on a cumulative basis, to the significant adverse environmental impacts of global climate change. No single land use project could generate sufficient GHG emissions on its own to noticeably change the global average temperature. The combination of GHG emissions from past, present, and future projects in San José, the entire state of California, and across the nation and around the world, contribute cumulatively to the phenomenon of global climate change and its associated environmental impacts.

The following discussion focuses on a comparison of GHG emissions that would be expected to be generated under the current General Plan designation of *Industrial Park* to emissions that would be generated under the proposed designation of *Combined Industrial/Commercial*, using vehicle miles traveled (VMT) as an indicator. As discussed in the traffic impact analysis prepared for the project (See Section 4.16 Transportation/Traffic), VMT is calculated as the number of vehicle trips multiplied by the length of the trips in miles.

Construction Greenhouse Gas Emissions

Future redevelopment of the project site under the proposed land use designation (*Combined Industrial/Commercial*) would result in nominal changes in GHGs associated with construction activities including operation of construction equipment and emissions from construction workers' personal vehicles traveling to and from the 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 personnel. Neither the City of San José nor BAAQMD has established a quantitative threshold or standard for determining whether a project's construction-related GHG emissions are significant. Because future project construction would be a temporary condition (this analysis assumes a total of 12 months) and would not result in a permanent increase in emissions that would interfere with the implementation of AB 32, the increase in emissions would be less than significant. **(Less Than Significant Impact)**

Operational Greenhouse Gas Emissions

The City's GHG Reduction Strategy, as well as local and state regulations for low carbon and no carbon fueled transportation, energy, efficiency, and the California Renewables Portfolio Standard, are measures that would minimize cumulative GHG impacts. As noted above the City has an adopted GHG reduction Strategy which has accounted for the population and employment growth anticipated to result from implementation of the General Plan. Therefore, projects that are consistent with the population and employment assumptions of the General Plan are covered by the GHG Reduction Strategy provided the development incorporates applicable GHG Reduction Strategy requirements and measures for that type of development. Future development on the site would be required to incorporate applicable requirements (e.g. green building, TDM program, waste reduction, recycled water, etc.) from the City's GHG Reduction Strategy to ensure impacts are reduced to a less than significant level. **(Less Than Significant Impact)**

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

The State of California has adopted a Climate Change Scoping Plan. GHG emissions are also addressed in the adopted 2010 CAP, Plan Bay Area (SB 375 implementation), and the City of San José has adopted a GHG Reduction Strategy as part of its General Plan. Any future development at the site through 2020 would be required to conform to San José's GHG Reduction Strategy to reduce GHG emissions to a less than significant level, including relevant mandatory measures for all projects and other measures which are considered voluntary and could be incorporated in the project as conditions of approval for future development (at the discretion of the City). Future development projects on the site would be required to submit greenhouse gas analyses.

Should construction of a project at the site occur after 2020, it would be subject to the requirements of any updated GHG Reduction Strategy, which would implement the 2030 targets. **(Less than Significant Impact)**

4.7.4 Conclusion

Changing the General Plan land use designation from *Industrial Park* to *Combined Industrial/Commercial* would not have a significant GHG emissions impact through 2020. **(Less Than Significant Impact)**

4.8 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based in part on a Phase I Environmental Site Assessment prepared by *Partner Engineering and Science, Inc.* (*Partner*). A copy of the report, dated February 21, 2017, is included as Appendix B of this Initial Study.

4.8.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐	1
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?	☐	☐	☒	☐	1, 16
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐	1
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, will it create a significant hazard to the public or the environment?	☐	☐	☐	☒	1, 17
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, will the project result in a safety hazard for people residing or working in the project area?	☐	☐	☒	☐	1, 18
f) For a project within the vicinity of a private airstrip, will the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	1
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐	1

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒	1

4.8.2 Setting

4.8.2.1 *Regulatory Framework*

Comprehensive Environmental Response, Compensation, and Liability Act

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), was enacted by Congress in 1980. This law provided broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. CERCLA established prohibitions and requirements concerning closed and abandoned hazardous waste sites, provided for liability of persons responsible for releases of hazardous wastes at these sites, and established a trust fund to provide for cleanup when no responsible party could be identified.

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA), initially authorized in 1976, gives the USEPA the authority to control hazardous waste. This includes the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA also set forth a framework for the management of non-hazardous solid wastes. The 1986 amendments to RCRA enabled the USEPA to address environmental problems that could result from underground tanks storing petroleum and other hazardous substances.

The Department of Toxic Substances Control (DTSC) regulates hazardous waste and remediation of existing contamination and evaluates procedures to reduce the hazardous waste produced in California. DTSC regulates hazardous waste in California primarily under the authority of the federal RCRA and the California Health and Safety Code. The San Francisco Bay Regional Water Quality Control Board also provides regulatory oversight for sites with contaminated groundwater or soils.

Government Code §65962.5 (Cortese List)

Section 65962.5 of the Government Code requires CalEPA to develop and annually update a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by state and local agencies and developers to comply with CEQA requirements. The Cortese List includes hazardous substance release sites identified by DTSC and the State Water Resources Control Board (SWRCB). The project site is not located on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

California Accidental Release Prevention Program

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

Envision San José 2040 General Plan

In addition to the above regulations, various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating hazards and hazardous materials impacts resulting from planned development within the City. All future development allowed by the proposed land use designation changes will be subject to the hazards and hazardous materials policies of the City's General Plan, including the following:

Envision San José 2040 Relevant Hazardous Material Policies

Policy	Description
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) 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-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.
Policy EC-7.8	Require avigation and "no build" easement dedications, setting forth maximum elevation limits as well as for acceptance of noise or other aircraft related effects, as needed, as a condition of approval of development in the vicinity of airports.
Policy EC-7.9	Ensure coordination with the County of Santa Clara Department of Environmental Health, Regional Water Quality Control Board, Department of Toxic Substances Control or other applicable regulatory agencies, as appropriate, on projects with contaminated soil and/or groundwater or where historical or active regulatory oversight exists.
Action EC-7.10	Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.
Action EC-7.11	Require sampling for residual agricultural chemicals, based on the history of land use, on sites to be used for any new development or redevelopment to account for worker and community safety during construction. Mitigation to meet appropriate end use such as residential or commercial/industrial shall be provided.

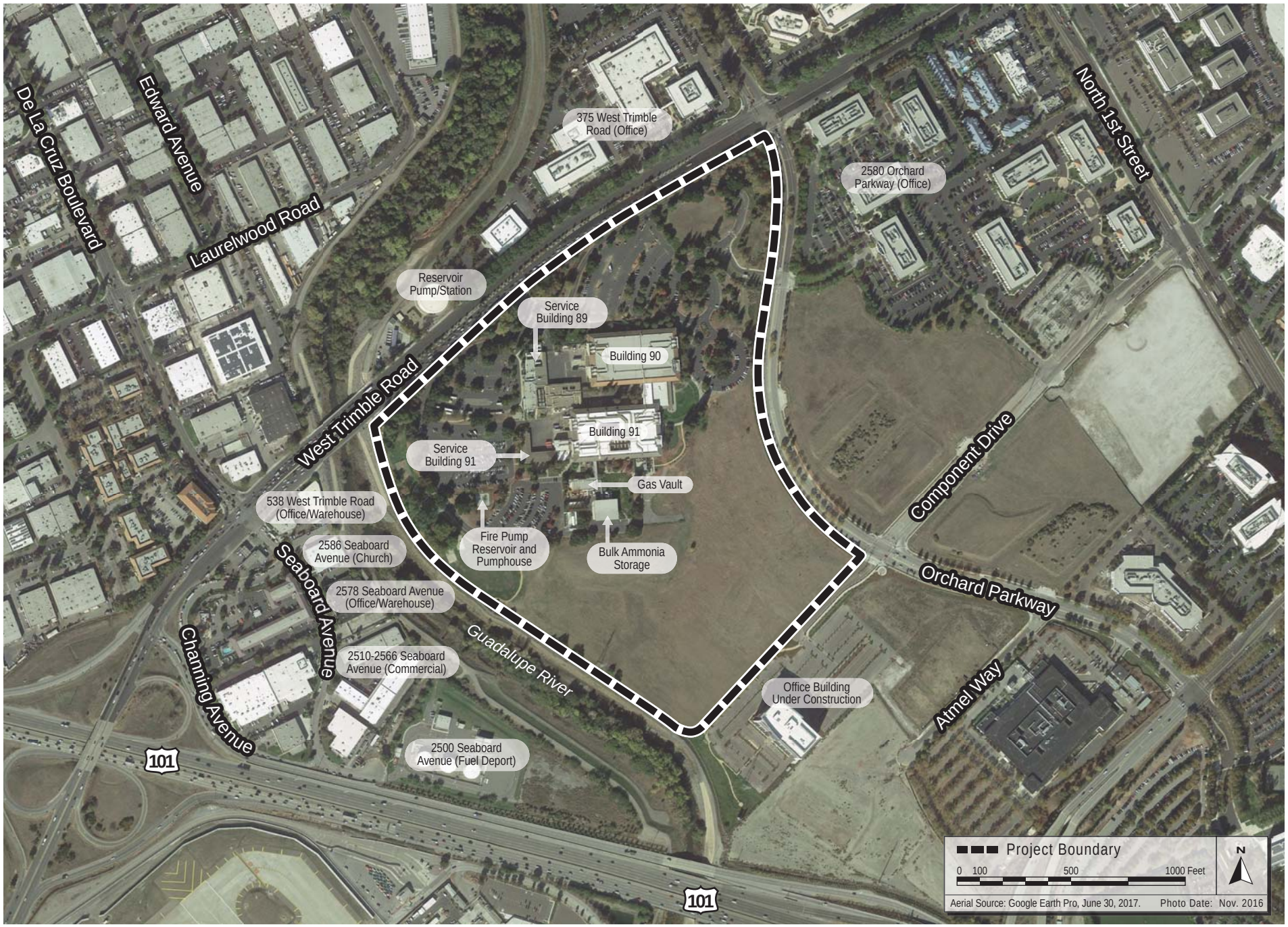
4.8.2.2 *Overview*

Hazardous materials encompass a wide range of substances, some of which are naturally-occurring and some of which are man-made. Examples include pesticides, herbicides, petroleum products, metals, (e.g., lead, mercury, arsenic), asbestos, and chemical compounds used in manufacturing. Determining if such substances are present on or near project sites is important because, by definition, exposure to hazardous materials above regulatory thresholds can result in adverse health effects on humans, as well as harm to plant and wildlife ecology.

4.8.2.3 *Project Site and Vicinity - Potential Contamination Sources*

The 68-acre Phillips Lumileds industrial campus, which includes the project site (Areas A and B), consists of asphalt parking lots, recreation areas, access drives and landscaped areas associated with Buildings 89, 90, and 91 . None of the buildings are included in the project site. The building locations are shown on Figure 4.8-1.

Phillips Lumileds manufactures light-emitting diodes (LEDs) for use in general lighting applications and for use in computer displays, signs, signals, LCD televisions, and other products. Only a portion of Building 90 is currently occupied by Phillips Lumileds, the remainder of the building is vacant and



EXISTING BUILDING LOCATIONS

FIGURE 4.8-1

was most recently occupied by Avago Technologies for research and development of microwave and fiber optic communication transmitters and receivers until 2015. According to aerial photographs and available historical data, the project site and surrounding area were previously used for agricultural fields from at least 1889 through 1974. The site was developed with the current buildings in 1978. Previous investigations were conducted on the site by URS Corporation in 2014 and 2015, including a Phase I ESA, a Phase II Environmental Site Investigation, Environmental Compliance, a Health and Safety Assessment, and an Asbestos Survey.

Partner conducted an on-site reconnaissance during which they reviewed solid waste disposal, sewer discharge and disposal, surface water drainage, sources of heating and cooling, wells and cisterns, wastewater, and septic systems. No evidence of wells, cisterns or septic systems were observed on the site.

Partner observed multiple hazardous materials used, stored, and generated on-site during the reconnaissance. According to documentation provided by the Santa Clara County Environmental Health Department, more than 180 chemicals are stored in Building 90, and more than 400 chemicals are stored in Building 91 (adjacent to the south). Hazardous materials were observed stored in various above-ground storage tanks (ASTs), drums, and containers. Underground storage tanks (UST) observed included one 12,000-gallon tank containing diesel fuel, and two 12,000-gallon fuel tanks that have never been filled. Chemicals were found to be properly labeled and stored with compatible chemicals. Most hazardous materials were observed to be secondarily contained, with no signs of leaks, stains, or spills. Based on the nature of use, presence of secondary containment, and overall excellent housekeeping observed at the time of the reconnaissance, these materials were not expected to represent a significant environmental concern. No spills, stains or other indications of surficial releases having occurred were observed.

The reconnaissance addressed indoor and outdoor transformers that may contain polychlorinated biphenyls (PCBs). Five pad-mounted transformers were observed on the property. The transformers were not labeled as indicating PCB content. No staining or leakage was observed in the vicinity of the transformers. According to site personnel, the electrical equipment was previously tested for the presence of PCBs, and one piece of PCB-containing equipment was removed and replaced. The other transformers were not considered to be PCB-containing. Based on the observations and information, the transformers are not expected to represent a significant environmental concern. No other potential PCB-containing equipment was observed on the subject property during the reconnaissance.

Partner conducted a limited visual evaluation of accessible areas for the presence of suspect asbestos-containing materials (ACMs). Damaged ceiling tiles and floor tiles were observed at various locations of Building 90. Prior surveys had identified ACMs in transite panels, ceiling tiles, and mastic in vinyl floor tiles, and these are currently managed under an existing Operations and Management (O&M) Program. The purpose of the Partner evaluation was to provide an indication of whether significant potential sources of ACM or presumed asbestos-containing material (PACM) are present at the property. Additional sampling, assessment, and evaluation will be warranted for any other use of Building 90. According to the US EPA, ACM and PACM that is intact and in good condition can, in general, be managed safely in place under an O&M Program until its removal is required by renovation, demolition, or deteriorating material condition. *Partner* recommended that the materials observed continue to be managed under the existing O&M Program, and that prior to

any disturbance of the construction materials within the facility, a comprehensive ACM survey be conducted.

It is unlikely that lead-based paint (LBP) is present in buildings constructed after 1979. Due to the age of Building 90 and Service Building 89 (adjacent to Building 90 on the west), painted surfaces in these buildings were recommended to be managed under an O&M Program.

A recognized environmental condition (REC) refers to the presence or likely presence of any hazardous substances or petroleum products in, on or at a property due to release to the environment, under conditions indicative of a release to the environment, or under conditions that pose a material threat of a future release to the environment. *Partner* did not identify any RECs during the course of their assessment. A controlled recognized environmental condition (CREC) refers to a REC resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority, with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls.

Partner did not identify any CRECs during the course of their assessment. A historical recognized environmental condition (HREC) refers to a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted use criteria established by a regulatory authority, without subjecting the property to any required controls. *Partner* identified the following HREC in their assessment:

- In 2000, a release of diesel fuel occurred from damaged piping associated with a 12,000-gallon UST located outside the southwest corner of Service Building 89. In August 2003, the RWQCB issued Case Closed status to the release incident after concluding that the diesel fuel contamination appeared to be localized in the vicinity of the release and that concentrations of residual petroleum appeared to be stable. Since the Case Closure Summary indicated that residual soil and groundwater contamination could pose a risk if certain activities such as excavation, site grading, or installation of water wells occur in the area of the release, additional investigation was performed by URS Corporation in 2014. Based on the results of soil vapor modeling using default model inputs, the maximum measured soil and groundwater concentrations from the investigation, and chemical properties for naphthalene, URS concluded that additional investigation of the diesel UST area did not appear to be warranted. Based on the analytical results and the regulatory closure, the former diesel release is considered a historical recognized environmental condition and no further action is necessary.

4.8.2.4 *Norman Y. Mineta-San José International Airport*

The project site is located approximately ½- mile north of the Norman Y. Mineta San José International Airport. The site is within the Airport Influence Area defined by the Santa Clara County Airport Land Use Commission's Comprehensive Land Use Plan (CLUP) for the San José Airport, but not within the Airport Safety zone, as defined by the CLUP.

Federal Aviation Regulations, Part 77, Objects Affecting Navigable Airspace, requires that the Federal Aviation Administration (FAA) be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from the

airport's runways, or which would otherwise stand at least 200 feet in height above ground. Any proposed structure exceeding approximately 65 feet in height above the ground would require submittal to the FAA for airspace safety review.

4.8.3 Impact Discussion

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

Based on the results of the Phase I Environmental Site Assessment prepared for the project site, no recognized environmental conditions (RECs) or controlled recognized environmental conditions (CRECs) were identified. Therefore, the presence of any hazardous substances or petroleum products on the property due to release to the environment, is unlikely. The assessment did identify one historic recognized environmental condition (HREC) on the property, for a diesel fuel release from a UST in 2000. However, the RWQCB issued Case Closed status to the release incident after concluding that the diesel fuel contamination appeared to be localized in the vicinity of the release and that concentrations of residual petroleum appeared to be stable. Subsequent investigations concluded that additional investigation of the diesel UST area did not appear to be warranted. Based on the analytical results and the regulatory closure, the former diesel release is considered a historical recognized environmental condition and no further action is necessary.

The Phase I report described the following environmental issues which do not qualify as RECs, but warranted further discussion.

- In previous investigations conducted at the subject property, arsenic was identified in 15 of 18 subsurface soil samples at an average and maximum concentration of 5.58 mg/kg and 22 mg/kg, respectively. These concentrations appeared to be consistent with background concentrations identified in prior regional studies. Based on the proposed redevelopment of portions of the subject property, additional sampling for arsenic, metals, asbestos and organochlorine pesticides may be warranted for future soil management.
- The southern portion of the property was originally used agriculturally and is currently vacant. Consistent with the issue described above, additional sampling for arsenic, metals and organochlorine pesticides may be warranted for future soil management.
- According to a 2014 Asbestos Survey, ACMs are present on-site. Overall, all suspect ACMs and painted surfaces were observed in good condition. Prior to any renovation or demolition activities, the identified suspect ACMs would need to be sampled to confirm the presence or absence of asbestos to prevent potential exposure to workers and/or building occupants. Management of the materials under the existing O&M program is recommended.

The *Partner* report concluded that their assessment had revealed evidence of a HREC and several environmental issues in connection with the subject property. No RECs were identified. Based on the conclusions of their assessment, they recommended the management of suspect and identified ACMs and LBP in Service Building 89 and Building 90 under Operations and Management Programs.

The proposed General Plan Amendment would not result in any physical disturbance of the project site. Future development, however, may result in human exposure to hazardous materials contamination during grading activities on-site. To reduce hazardous materials impacts, future development would implement the following measures, or equivalent, during construction activities:

Prior to issuance of grading permits, shallow soils samples shall be taken on-site to determine the location of any contaminated soils on the site with concentrations above worker safety thresholds established by the Regional Water Quality Control Board (RWQCB). Once a soil sampling analysis is complete, a report of the findings shall be provided to the Director of Planning, Building, and Code Enforcement (PBCE) for review and approval.

Any soils with residual agricultural chemicals exceeding the RWQCB Environmental Screening Levels (ESLs) for commercial uses or hazardous waste limits would be characterized, removed, and disposed of off-site at a licensed hazardous materials disposal site. All measures will be printed on all construction documents, contracts, and project plans prior to issuance of grading permits. If contaminated soils are found in concentrations above established thresholds, a Site Management Plan (SMP) shall be prepared and implemented (as outlined below) and any contaminated soils found in concentrations above established thresholds shall be removed and disposed of according to California Hazardous Waste Regulations. The SMP shall be prepared by a qualified hazardous materials consultant. The SMP shall include:

- Management practices for handling contaminated soil or other materials if encountered during construction or cleanup activities and measures to minimize dust generation, stormwater runoff, and tracking of soil off-site.

- Preliminary Remediation Goals (PRGs) for environmental contaminants of concern to evaluate the site conditions following SMP implementation.

- A Health and Safety Plan (HSP) for each contractor working at the site that addresses the safety and health hazards of each phase of site operations that includes the requirements and procedures for employee protection. The HSP will also outline proper soil handling procedures and health and safety requirements to minimize worker and public exposure to hazardous materials during construction.

- Cleanup and remediation activities on the site prior to building construction shall be conducted in accordance with the SMP.

- The SMP shall be prepared and submitted to the Santa Clara County Department of Environmental Health (SCCDEH) for review and approval prior to issuance of grading permits and commencement of cleanup activities. The approved SMP shall detail procedures and protocols for management of soil containing environmental contaminants during site development activities.

- All measures shall be printed on all construction documents, contracts, and project plans prior to issuance of grading permits.

- A No Further Action letter (or equivalent assurance) from SCCDEH documenting completion of cleanup activities shall be provided to the Director of Planning, Building, and Code Enforcement prior to issuance of occupancy permits for the proposed project.

- A copy of the approved SMP shall be provided to the Director of Planning Building and Code Enforcement.

Future development on the project site could include office, commercial and industrial buildings and thus there is the potential for the site to include the use, storage, transport, or disposal of hazardous materials. Depending of the type of manufacturing and use of such materials at the site, future manufacturing activities could impact other uses in the vicinity. If future uses on the site involve the use, storage, transport, or disposal of hazardous materials, the site operator would be required to comply with federal, state, and local requirements for managing hazardous materials. These requirements could include the preparation of, implementation of, and training in the plans, programs, and permits prepared for the site, and compliance would be monitored and enforced during the permitting process for these activities by the City of San José and the Santa Clara County Department of Environmental Health.

No long-term release of hazardous materials into the environment would occur as result of project implementation. Project construction would require the temporary use of heavy equipment. Construction would also require the use of hazardous materials including petroleum products, lubricants, cleaners, paints, and solvents. These materials would be used in accordance with all federal, state, and local laws. **(Less than Significant Impact)**

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

The proposed project is not located within one-quarter mile of an existing or proposed school. The nearest school is Montague Elementary School located across the Guadalupe River, approximately 0.5 miles to the southwest of the project site. **(Less Than Significant Impact)**

e-f) Result in a nearby airport-related safety hazard for people residing or working in the project area? Result in a private airstrip-related safety hazard for people residing or working in the project area?

The proposed project would not be a potential aviation hazard. It is anticipated that the future building heights would be below the minimum height that would require notification to, and review by, the FAA. The project site is also not located within an airport safety zone as defined by the Norman Y. Mineta San José International Airport CLUP. **(Less than Significant Impact)**

g-h) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan? Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

Redevelopment of the project site under the proposed land use designation would not physically interfere with an adopted emergency response or evacuation plan. The project site is not located in an area that is exposed to wildland fire hazards. **(Less Than Significant Impact)**

4.8.4 Conclusion

Hazardous materials contamination from previous agricultural and industrial uses could be present in site soils and nearby buildings. Future development on the site would therefore be subject to conformance with the mitigation measures described above. Implementation of the proposed General Plan Amendment in accordance with the City's General Plan policies and other regulatory requirements, as outlined above, would ensure that future redevelopment of the site under the proposed land use designation would not result in a hazards or hazardous materials impact. **(Less Than Significant)**

4.9 HYDROLOGY AND WATER QUALITY

4.9.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐	1, 2, 3
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells will drop to a level which will not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐	1
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which will result in substantial erosion or siltation on-or off-site?	☐	☐	☒	☐	1
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which will result in flooding on-or off-site?	☐	☐	☒	☐	1
e) Create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐	1, 2, 3
f) Otherwise substantially degrade water quality?	☐	☐	☒	☐	1, 2, 3
g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒	1, 2, 3, 19
h) Place within a 100-year flood hazard area structures which will impede or redirect flood flows?	☐	☐	☒	☐	1, 2, 3, 19
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☒	☐	1, 2, 3, 19

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☒	☐	1, 2, 3, 20

4.9.2 Setting

4.9.2.1 *Hydrology and Drainage*

North San José is served by eight main drainage systems which discharge to both Coyote Creek and the Guadalupe River. Four of the systems include City pump stations to pump the storm drain flows into the stream channel. The proposed project site is located within the Guadalupe River watershed and is served by the Montague drainage system, which serves 1,340 acres and drains to the Guadalupe River through two pump stations. The Rincon pump station has a capacity of 360 cubic feet per second (cfs) and the Trimble Road pump station has a capacity of 600 cfs. Drainage from the project site is ultimately discharged into the Guadalupe River.

4.9.2.2 *Flooding and Other Hazards*

The North San José Floodplain Management Study was updated in June 2006. Existing flood conditions in North San José have been changed by completion of flood control projects for Coyote Creek and Lower Guadalupe River. The flood control projects have increased the stream channel flood capacity and reduced the potential for overflows from the stream channels into the North San José area. With the flood control projects, the flood potential has been reduced to residual shallow flooding primarily due to storm drain excess flows which exceed the capacity of the storm drain systems during a 100-year storm.

According to the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps, the majority of the project site is located within Zone AH, which is an area subject to flood depths of one to three feet during the 1% annual chance flood (100-year flood). The base flood elevation shown for these areas is 27 feet. The floodway areas in Zone AH include the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood (the 100-year flood) can be carried without substantial increases in flood heights. The rest of the site has a designation of Zone X, which are defined as areas of the 0.2% annual chance flood, with average depths of less than one foot or with drainage areas less than one square mile. Zone X also applies to areas protected by levees from the 1% annual chance flood. This is the case for the subject site, which is protected by the adjacent Guadalupe River levee.

Earthquake-Induced Waves and Mudflow Hazards

Due to the project site's inland location and distance from large bodies of water (i.e., the San Francisco Bay), it is not subject to seiche or tsunami hazards, or sea level rise. The project site is located on the valley floor and not subject to mudflows.

4.9.2.3 *Regulatory Requirements*

Federal Emergency Management Agency

In 1968, Congress created the National Flood Insurance Program (NFIP) in response to the rising cost of taxpayer funded disaster relief for flood victims and the increasing amount of damage caused by floods. The NFIP makes federally-backed flood insurance available for communities that agree to adopt and enforce floodplain management ordinances to reduce future flood damage.

FEMA manages the NFIP and creates Flood Insurance Rate Maps (FIRMs) that designate 100-year floodplain zones and delineate other flood hazard areas. A 100-year floodplain zone is the area that has a one in one hundred (one percent) chance of being flooded in any one year based on historical data. The project site is not located within or adjacent to a FEMA designated 100-year floodplain.

North San José Floodplain Management Policies

The City of San José has established policies that govern development within North San José as related to flood hazard mitigation and impact avoidance. The objective of the City is to provide consistent policies throughout the area to allow increased development density, protect new structures from flooding, minimize potential increases in flood depths, and ensure consistency with FEMA requirements and the City's floodplain management ordinance. The following policies described in the City's September 2006 Floodplain Management Study Update apply to future development on the site.

- Finished floors for new development shall be at or above the established 100-year water surface elevation.
- New development shall include onsite conveyance areas to allow shallow flooding to cross the site. Onsite blockage for buildings and other development shall be restricted to include onsite conveyance.
- Onsite flood conveyance will be at the approximate elevation of the street sidewalk at the site.
- Onsite flood blockage restrictions are established based on a percentage of the site width perpendicular to the direction of flood flow across the site (generally in an east-west direction, or perpendicular to North First Street).

Federal and State Laws and Programs Regarding Water Quality

The Federal Clean Water Act (CWA) and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality. The CWA governs discharges to the "Waters of the United States," which includes oceans, bays, rivers, streams, lakes, ponds, and wetlands. The Porter-Cologne Act established the State Water Resources Control Board.

Regulations set forth by the EPA and the SWRCB have been developed to fulfill the requirements of this legislation. EPA's regulations include the NPDES permit program, which controls sources that discharge pollutants into Waters of the United States. These regulations are implemented at the regional level by water quality control boards. For the City of San José, the water board is the San Francisco Bay Regional Water Quality Control Board (RWQCB). Regional Boards are responsible

for developing and enforcing water quality objectives and implementation plans, known as Basin Plans. The San Francisco region's Basin Plan was last updated in 2010.

CWA Section 303(d) lists polluted water bodies which require further attention to support future beneficial uses. San Francisco Bay is on the Section 303(d) list as an impaired water body for several pollutants and San Tomas Aquinas Creek is listed as an impaired water body for trash.15F

State Water Quality Control Board Nonpoint Source Pollution Program

In 1988, the SWRCB adopted the Nonpoint Source Management Program in an effort to control nonpoint source pollution in California. The Nonpoint Source Management Program requires individual permits to control discharge associated with construction activities. The Nonpoint Source Management Program is administered by RWQCB under the NPDES General Permit for Construction Activities. Projects must comply with the requirements of the Nonpoint Source Program if they disturb one acre or more of soil, or if they disturb less than one acre of soil but are part of a larger development that, in total, disturbs one acre or more of soil. The NPDES General Permit for Construction Activities requires the developer to submit a Notice of Intent (NOI) to the RWQCB and to develop a Stormwater Pollution Prevention Plan (SWPPP) to control discharge associated with construction activities.

Municipal Regional Stormwater Permit/C.3 Requirement

The San Francisco Bay RWQCB also has issued a Municipal Regional Stormwater NPDES Permit (Permit Number CAS612008) (MRP). In an effort to standardize stormwater management requirements throughout the region, this permit replaces the formerly separate countywide municipal stormwater permits with a regional permit for 77 Bay Area municipalities, including the City of San José. Under provisions of the NPDES Municipal Permit, redevelopment projects that add and/or replace more than 10,000 square feet of impervious surface, or 5,000 square feet of specified Special Land Use Categories (auto service facilities, retail gasoline outlets, restaurants and uncovered parking lots), are required to design and construct stormwater treatment controls to treat post-construction stormwater runoff.

Amendments to the MRP require all of the post-construction runoff to be treated by using Low Impact Development (LID) treatment controls, such as biotreatment facilities, unless the project qualifies for Special Project credit reduction, which would allow the project to implement non-LID measures for all or a portion of the site depending on the project characteristics. If it is not feasible for the project to implement 100 percent LID measures, the project shall submit an explanation to the City for confirmation, in accordance with the MRP.

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

The City of San José's Policy No. 6-29 is intended to implement the stormwater runoff management provisions of the MRP, including Provision C.3. It requires all new and redevelopment projects to implement Post-Construction Best Management Practices (BMPs) and Treatment Control Measures (TCMs) to the maximum extent practicable. This Policy establishes specific design standards for Post-Construction TCMs for projects that create, add, or replace 10,000 square feet or more of impervious surfaces.

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

The City of San José's Policy No. 8-14 requires all new and redevelopment projects that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation or other impacts to beneficial uses of local rivers, streams, and creeks. The policy requires these projects to be designed to control project-related hydromodification through a Hydromodification Management Plan (HMP). Projects that create or replace less than one acre of impervious surface or are located in subwatersheds greater than or equal to 65 percent impervious are not required to include hydromodifiction controls under this policy.

The proposed project is located in the North San José area and is exempt from hydromodification control requirements under Policy 8-14 due to its location within a watershed that is greater than 65 percent impervious.

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects in the City. All future development allowed by the proposed land use designation changes will be subject to the hydrology policies of the City's General Plan, including the following:

Envision San José 2040 Relevant Hydrology and Water Quality Policies

Policy	Description
Policy IN-3.7	Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.
Policy IN-3.9	Require developers to prepare drainage plans for proposed developments that define needed drainage improvements per City standards.
Policy MS-3.4	Promote the use of green roofs (i.e., roofs with vegetated cover), landscape-based treatment measures, pervious materials for hardscape, and other stormwater management practices to reduce water pollution.
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 EC-4.1	Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and stormwater controls.
Policy EC-5.7	Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risks elsewhere.

4.9.3 Impact Discussion

a, f) Violate any water quality standards or waste discharge requirements? Would the project otherwise substantial degrade water quality?

Construction-Related Water Quality Impacts

At the time of future redevelopment, construction activities (e.g., grading and excavation) on the project site may result in temporary impacts to surface water quality. When disturbance to underlying soils occurs, the surface runoff that flows across the site may contain sediments that are ultimately discharged into the storm drainage system. Future construction on the project site disturbing more than one acre of soil would be required to conform to the provisions of the NPDES General Permit for Construction Activities.

All development projects in San José, whether or not the projects are subject to the NPDES General Permit for Construction Activities, shall comply with the City's Grading Ordinance. The City of San José's Grading Ordinance requires the use of erosion and sediment controls to protect water quality while a site is under construction. Prior to issuance of a permit for grading activity occurring during the rainy season (October 15 to April 15), the applicant is required to submit an Erosion Control Plan to the Director of Public Works for review and approval. The Plan must detail the Best Management Practices that would be implemented to prevent the discard of stormwater pollutants.

In accordance with the City's General Plan and Grading Ordinance, measures to prevent stormwater pollution and minimize potential sedimentation during construction will apply to future Planning permits for redevelopment under the proposed land use designation, including but not limited to the following:

- Utilize on-site sediment control BMPs to retain sediment on the project site;
- 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.

Future redevelopment of the project site under the proposed land use designation, with the implementation of the above measures in accordance with the City's General Plan, would not result in significant construction-related water quality impacts. **(Less Than Significant Impact)**

Post-Construction Water Quality Impacts

Future redevelopment on the site would comply with the City of San José's Post-Construction Urban Runoff Policy 6-29 and the RWQCB Municipal Regional NPDES permit, as applicable. Stormwater runoff from future redevelopment of the site would drain into treatment areas prior to entering the storm drainage system. Proposed treatment facilities would be numerically sized and would have sufficient capacity to treat the roof runoff prior to entering the storm drainage system consistent with the NPDES requirements.

With implementation of a stormwater control plan consistent with RWQCB requirements and compliance with the City's regulatory policies pertaining to stormwater runoff, future development on the site would have a less than significant water quality impact. **(Less Than Significant Impact)**

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells will drop to a level which will not support existing land uses or planned uses for which permits have been granted)?

The project site is located in a developed urban area; the project site is not within a designated groundwater recharge zone for the groundwater basin. Redevelopment on the site is not anticipated to result in the need to pump groundwater from the site and would not interfere with groundwater recharge. **(Less Than Significant 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, in a manner which will result in substantial erosion or siltation on-or off-site?

Future redevelopment of the site would not substantially alter the drainage pattern of the site or surrounding area. Future redevelopment of the site would comply with the MRP and City of San José Policy 6-29, which would remove pollutants and reduce the rate and volume of runoff from the project site, reducing the potential for erosion or siltation on and off the site. **(Less Than Significant Impact)**

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which will result in flooding on-or off-site?

Future redevelopment of the site would not substantially alter the drainage pattern of the site or surrounding area. Future redevelopment of the site would comply with the MRP and City of San José Policy 6-29, which would reduce the rate and volume of runoff from the project site, reducing the potential for flooding. **(Less Than Significant Impact)**

e) Create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

Future development on the GPA sites would likely increase the amount of impervious surface area over current conditions, resulting in an increase in runoff to the surrounding storm drain system. The development would be required to implement stormwater treatment control measures in accordance with the MRP, in order to control the amount of stormwater runoff from the site, and therefore, would not exceed the capacity of stormwater drainage systems or provide any substantial sources of polluted runoff on the project site. **(Less Than Significant Impact)**

g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

The project site is located within an industrial area, and does not propose to construct any housing. Future redevelopment of the project site under the proposed *Combined Industrial/Commercial* land use designation would therefore not place housing within a 100-year flood zone. **(No Impact)**

h) Place within a 100-year flood hazard area structures which will impede or redirect flood flows?

No grading or development plans have been prepared for the proposed GPA sites at this time. However, because the sites are within the FEMA Zone AH and Zone X designated areas, future development on the sites would be required to meet the North San José Floodplain Management Policy requirement and meet City of San José Floodplain Ordinance requirements for the elevation of structures within a special flood hazard zone. Through compliance with City policies and regulations, the proposed project would not result in significant flooding impacts. **(Less than Significant Impact)**

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

While the project is located in the inundation area for the Lexington Reservoir in the event of a complete dam failure, the Santa Clara Valley Water District's (SCVWD's) comprehensive dam safety program and emergency action plan ensures public safety. For this reason, future redevelopment of the site under the proposed land use designation would not expose people or structures to significant risk of loss, injury, or death involving inundation from a dam failure. **(Less Than Significant Impact)**

j) Result in inundation by seiche, tsunami, or mudflow?

The project site is not subject to seiche, tsunami, or mudslide hazards. The California Department of Conservation provides tsunami inundation maps for the Bay Area. Based on a review of the maps for Santa Clara County, the project is not mapped in an affected area. The proposed project is located next to the Guadalupe River levee and associated Guadalupe River Trail, but the project site is not located in proximity to a large lake or hillsides. **(Less Than Significant Impact)**

4.9.4 Conclusion

Implementation of General Plan policies and existing City policies and measures will ensure that future redevelopment of the site with commercial, industrial or office uses would not result significant hydrology and water quality impacts. **(Less Than Significant Impact)**

4.10 LAND USE AND PLANNING

4.10.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Physically divide an established community?	☐	☐	☒	☐	1
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐	1, 2, 3
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☒	☐	1, 12

4.10.2 Setting

4.10.2.1 *Regulatory Framework*

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

As discussed in Section 4.4, *Biological Resources* of this Initial Study, the Santa Clara Valley Habitat Plan is a conservation program 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 Habitat Plan study area and is designated as Urban-Suburban land. Urban-Suburban land is comprised of areas where native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures, and is defined as areas with one or more structures per 2.5 acres.

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects in the City. All future development permitted under the proposed land use designation would be subject to the land use policies of the City's General Plan, including the following:

Envision San José 2040 Relevant Land Use Policies

Policies	Description
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-4.9	For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).
Policy CD-5.8	Comply with applicable Federal Aviation Administration regulations identifying maximum heights for obstructions to promote air safety.
Policy LU-6.2	Prohibit encroachment of incompatible uses into industrial lands, and prohibit non-industrial uses which would result in the imposition of additional operational restrictions and/or mitigation requirements on industrial users due to land use incompatibility issues.
Policy LU-6.3	When new uses are proposed in proximity to existing industrial uses, incorporate measures within the new use to minimize its negative impacts on existing nearby land uses and to promote the health and safety of individuals at the new development site.
Policy LU-6.7	Encourage supportive and compatible commercial and office uses in industrial areas designated for those uses. In areas reserved for light and heavy industrial uses, only limited auxiliary and incidental commercial uses, such as small eating establishments, may be permitted when such uses are of a scale and design providing support only to the needs of businesses and their employees in the immediate industrial area.
Policy TR-14.2	Regulate development in the vicinity of airports in accordance with Federal Aviation Administration regulations to maintain the airspace required for the safe operation of these facilities and avoid potential hazards to navigation.
Policy TR-14.4	Require avigation and "no build" easement dedications, setting forth maximum elevation limits as well as for acceptable of noise or other aircraft related effects, as needed, as a condition of approval of development in the vicinity of airports.

4.10.2.2 *Existing Conditions*

The 19.4- acre project site is located at the southwest corner of the intersection of West Trimble Road and Orchard Parkway in North San José. The project site is developed with surface parking lots, landscaping and recreation areas that are part of the Lumileds campus. An additional portion of the site, located along the west side of Orchard Parkway, is vacant.

The project site is located along Orchard Parkway in an industrial office park area of North San José. The project site is bounded on the north, east, and south sides by existing office and industrial uses. The west side of the project site is bound by the Guadalupe River levee and associated Guadalupe River Trial. The surrounding areas is characterized by existing industrial office uses.

General Plan and Zoning

The existing *Industrial Park* land use designation (density: FAR up to 10.0, 2 to 15 stories) is an industrial designation intended for a wide variety of industrial users such as research and development, manufacturing, assembly, testing and offices. Industrial Park uses are limited to those

for which the functional or operational characteristics of a hazardous or nuisance nature can be mitigated through design controls. Areas identified exclusively for Industrial Park uses may contain a very limited number of supportive and compatible commercial uses, when those uses are of a scale and design providing support only to the needs of businesses and their employees in the immediate industrial area. One primary difference between this use category and the "Light Industrial" category is that, through the Zoning Ordinance, performance and design standards are more stringently applied to Industrial Park uses.

North San José Area Development Policy

The North San José Area Development Policy (NSJ Policy) provides for the development of up to 1.7 million square feet of new local serving commercial uses that support the industrial and residential uses in the Policy area. The NSJ Policy states that such supporting commercial uses that would potentially reduce vehicle trips (e.g. food service, financial services, gymnasiums, child care) are strongly encouraged within the Policy area. These "local serving" commercial uses are those below 100,000 square feet in size and are generally limited to retail and services activities that support the industrial and residential uses in the Policy Area. Qualifying commercial development can be incorporated as a supporting use into a mixed-use industrial or residential development in which the industrial or residential use is the predominant use on the site.

According to the NSJ Policy, the North San José area is currently under served by regional retail, with surrounding regional retail located in Milpitas and Sunnyvale at distances that require the use of a vehicle. The Policy also notes that planned intensification of industrial land uses within North San José will create a demand for hotel rooms. Allowing for regional retail and hotel land uses within the North San José area will provide for the interaction between retail and hotel land uses with planned residential and industrial land uses and internalize trips within the North San José boundaries.

Santa Clara Valley Habitat Conservation Plan

The project site is located within the study area of the Santa Clara Valley Habitat Plan. The Habitat Plan is a habitat conservation plan and natural community conservation plan intended to promote the recovery of endangered species and enhance the ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. The project site is designated as *Urban-Suburban* land cover and is considered a covered activity under the plan.

4.10.3 Impact Discussion

a) Physically divide an established community?

Examples of projects that have the potential to physically divide an established community include new freeways and highways, major arterial streets, and railroad lines. The proposed Combined Industrial/Commercial (CIC) land use designation would not permit construction of dividing infrastructure, and would be consistent with surrounding land uses. The project site is located in an industrial area of North San José, within approximately ½-mile of existing commercial establishments and light rail transit facilities. The site could potentially allow the development of office, industrial and/or commercial uses under the proposed CIC land use designation. The proposed CIC designation on the project site would be consistent with the existing CIC designation on the properties located directly across the Guadalupe River to the

west, which contain various industrial uses and shops, as well as with the campus industrial land uses to the north and east. Implementation of the project would, therefore, not physically divide an established community. **(Less Than Significant Impact)**

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?

Because the CIC land use designation is intended to allow commercial, office or industrial developments or a compatible mix of these uses, future development on the site would not be incompatible with surrounding land uses. The designation allows flexibility with respect to the types of developments that can be constructed on a given site. The sites would require rezoning for any proposed use other than industrial park, which would further ensure compatibility by requiring conformance with development standards and design guidelines appropriate for the type of land use proposed.

Future development on the GPA sites under the proposed CIC land use designation would be subject to the applicable commercial and industrial land use provisions of the NSJ Policy in addition to conformance with the allowable land uses of the CIC designation.

As discussed in *Section 4.8 Hazards and Hazardous Materials*, the project site is located approximately ½-mile north of the Norman Y. Mineta San José International Airport and is within the Airport Influence Area defined by the Airports CLUP. The project would comply with all applicable CLUP policies. **(Less Than Significant Impact)**

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

The project site is located within the study area of the Santa Clara Valley Habitat Plan and is designated as Urban-Suburban land cover. There is no land cover fee associated with the Urban-Suburban land cover designation. The project site is developed with surface parking and landscaping and does not support sensitive species or habitats.

The project's indirect impacts to sensitive habitats and species due to nitrogen deposition and the project's consistency with the VHP is discussed in Section 4.4. *Biological Resources*. The entire site is located within the Burrowing Owl Fee Zone, which requires the payment of a burrowing owl fee by the project applicant. In addition, the western portion of Area A of the project site, located adjacent to the Guadalupe River, is mapped within the Tricolored Blackbird Wildlife Survey Area. Any future development on the site would be required to conduct pre-construction surveys in accordance with Condition 17 to avoid any impacts to the species, and to pay VHP nitrogen deposition fees. Any future development of the project site would require compliance with the VHP and payment of applicable fees. For these reason, the project would not conflict with the Santa Clara Valley Habitat Plan. **(Less Than Significant Impact)**

4.10.4 Conclusion

Conformance with the General Plan and NSJ policies related to land use compatibility and environmental effects would ensure that future redevelopment of the project site under the proposed land use designation would not result in significant land use impacts. **(Less Than Significant Impact)**

4.11 MINERAL RESOURCES

4.11.1 Environmental Checklist

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

4.11.2 Setting

The Communications Hill area in central San José is the only area within the City of San José that is designated by the State Mining and Geology Board as containing mineral deposits of regional significance. The project site is not on or adjacent to Communications Hill.

4.11.3 Impact Discussion

a-b) Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state? 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?

The project site is not located in an area of San José or Santa Clara County with known mineral resources. **(No Impact)**

4.11.4 Conclusion

The proposed project would not result in the loss of availability of a known mineral resource. **(No Impact)**

4.12 NOISE AND VIBRATION

4.12.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project result in:					
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐	1, 2, 3, 15
b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐	1, 2, 3
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	1, 2, 3
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	1, 2, 3
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, will the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	1, 18
f) For a project within the vicinity of a private airstrip, will the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	1

4.12.2 Setting

4.12.2.1 *Overview*

Fundamentals of Noise

Noise may be defined as unwanted sound. Noise is usually objectionable because it is disturbing or annoying. The objectionable nature of sound can be caused by its pitch or its loudness. A decibel (dB) is a unit of measurement which indicates the relative amplitude of a sound. The zero on the decibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Sound levels in decibels are calculated on a logarithmic basis. There are several methods of characterizing sound. The most common in California is the A-weighted sound level or dBA. This scale gives greater weight to the frequencies of sound to which the human ear is most sensitive. Noise is typically expressed using one of several noise averaging methods, including: Leq, Lmax, DNL, and CNEL. Leq stands for the Noise Equivalent Level and is a measurement of the average energy level intensity of noise over a given period of time. The most common averaging period is

hourly, but Leq can describe any series of noise events in arbitrary duration. Lmax is the maximum A-weighted noise level during a measurement period. DNL and CNEL are described below.

In determining the daily level of environmental noise, it is important to account for the difference in response of people to daytime and nighttime noises. During the nighttime, exterior background noises are generally lower than daytime levels. Most household noise also decreases at night, making exterior noises more noticeable. Furthermore, most people sleep at night and are very sensitive to noise intrusion. The DNL (day/night average sound level) descriptor was developed to account for human sensitivity to nighttime noise levels. The DNL divides the 24-hour day into the daytime (7:00 AM to 10:00 PM) and nighttime (10:00 PM to 7:00 AM). The nighttime noise level is weighted 10 dB higher than the daytime noise level. The Community Noise Equivalent Level (CNEL) is another 24-hour average descriptor which includes both an evening and nighttime weighting.

Fundamentals of Vibration

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. This discussion uses Peak Particle Velocity (PPV) to quantify vibration amplitude, which is defined as the maximum instantaneous positive or negative peak of the vibration wave. A PPV descriptor with units of millimeters per second or inches per second is used to evaluate construction generated vibration for building damage and human complaints. The two primary concerns with construction-induced vibration are the potential to damage a structure and the potential to interfere with the enjoyment of life. These two concerns are evaluated against different vibration limits. Studies have shown that the threshold of perception for average persons is in the range of 0.008 to 0.012 inches per second PPV. Human perception to vibration varies with the individual and is a function of physical setting and the type of vibration. Persons exposed to elevated ambient vibration levels, such as people in an urban environment, may tolerate a higher vibration level.

Structural damage can be classified as cosmetic (e.g., minor cracking of building elements), or may threaten the integrity of the building. Safe vibration limits that can be applied to assess the potential for damaging a structure vary by researcher, and there is no general consensus as to what amount of vibration may pose a threat for structural damage to the building. Construction-induced vibration that can be detrimental to a building is very rare and has only been observed in instances where the structure is at a high state of disrepair and the construction activity occurs immediately adjacent to the structure.

4.12.2.2 *Regulatory Framework*

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects in the City. The following policies are specific to noise and vibration and are applicable to future redevelopment on the project site allowed by the proposed land use designation. In addition, the noise and land use compatibility guidelines set forth in the General Plan are shown in Table 4.12-1.

Envision San José 2040 Relevant Noise Policies

Policies	Description
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 a) The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected *Envision General Plan* traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan. Exterior Noise Levels b) The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (refer to Table EC-1 in the General Plan or Table 3.12-1 in this Initial Study). Residential uses are considered "normally acceptable" with exterior noise exposures of up to 60 dBA DNL and "conditionally compatible" where the exterior noise exposure is between 60 and 75 dBA DNL such that the specified land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features are included in the design.
Policy EC-1.2	Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Land Use Categories 1, 2, 3 and 6 in Table EC-1 in the General Plan or Table 4.12-1 in this Initial Study) 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: c) Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable"; or d) 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 uses through noise standards in the City's Municipal Code.
Policy EC-1.6	Regulate the effects of operational noise from existing and new industrial and commercial development on adjacent uses through noise standards in the City's Municipal Code.
Policy EC-1.7	Require construction operations within San José to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City's Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would: • Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months. For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond

to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.

Table 4.12-1: General Plan Land Use Compatibility Guidelines

Land Use Category	Exterior DNL Value in Decibels					
	55	60	65	70	75	80
b) Residential, Hotels and Motels, Hospitals and Residential Care[1]						
c) Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds						
d) Schools, Libraries, Museums, Meeting Halls, and Churches						
e) Office Buildings, Business Commercial, and Professional Offices						
f) Sports Arena, Outdoor Spectator Sports						
g) Public and Quasi-Public Auditoriums, Concert Halls, and Amphitheaters						

Notes: [1]Noise mitigation to reduce interior noise levels pursuant to Policy EC-1.1 is required.

Normally Acceptable:
Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.

Conditionally Acceptable:
Specified land use may be permitted only after detailed analysis of the noise reduction requirements and noise mitigation features included in the design.

Unacceptable:
New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies. Development will only be considered when technically feasible mitigation is identified that is also compatible with relevant design guidelines.

City of San José Municipal Code

The Municipal Code restricts construction hours within 500 feet of a residential unit to 7:00 AM to 7:00 PM Monday through Friday, unless otherwise expressly allowed in a Development Permit or other planning approval.

The Zoning Ordinance limits noise levels to 55 dBA Leq at any residential property line and 60 dBA Leq at commercial property lines, unless otherwise expressly allowed in a Development Permit or other planning approval. The Zoning Ordinance also limits noise emitted by stand-by/backup and emergency generators to 55 decibels at the property line of residential properties. The testing of generators is limited to 7:00 AM to 7:00 PM, Monday through Friday.

4.12.2.3 *Existing Conditions*

The predominant sources of noise affecting the project include vehicle traffic along West Trimble Road and Orchard Parkway, and aircraft over-flights associated with Mineta San José International Airport. Commercial and office noise sources such as parking lot activities and delivery

loading/unloading activities are also audible on the project site. According to the City of San José's aircraft noise contour maps, the project site is located within the current and projected 65 dBA CNEL aircraft noise impact area of the Mineta San José International Airport. In the noise assessment prepared for the Envision San José 2040 General Plan FPEIR, it was determined that the existing noise levels in the project area range from 60 to 71 dBA DNL. In 2035, projected noise levels in the project area will range from 60 to 70 dBA DNL. Noise levels can get lower over time due to efficiency and technological improvements to noise generating sources.

4.12.2.4 *Sensitive Receptors*

The nearest residences are located over 3,000 feet to the north of the project site across the Guadalupe River in the City of Santa Clara.

4.12.2.5 *Noise Effects on the Project*

On December 17, 2015, the California Supreme Court issued an opinion in "CBIA vs. BAAQMD" holding that CEQA is primarily concerned with the impacts of a project on the environment and generally does not require agencies to analyze the impact of existing conditions on a project's future users or residents unless the project risks exacerbating those environmental hazards or risks that already exist. In light of this ruling, the effect of existing ambient noise on future users of the project would not be considered an impact under CEQA. General Plan polices under Goal EC-1 (EC-1.1-1.7), however, require that existing ambient noise levels be analyzed for the proposed type of uses and that noise attenuation be incorporated into the project in order to meet the interior and exterior acceptable noise levels.

4.12.3 Impact Discussion

a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Currently, there is no commercial or industrial development proposed. Implementation of General Plan policies at the Planning permit and building permit phases would ensure that future occupants on the project site would not be exposed to excessive interior noise levels. Appropriate site design would also ensure common use areas and/or backyards would be acoustically protected to ensure exterior noise levels of 60 dBA DNL or less. **(Less Than Significant Impact)**

b) Result in exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?

There are no heavy rail tracks or other sources of excessive groundborne vibration or noise near the project site. Therefore, future site occupants would not be exposed to substantial vibration.

Future construction activities, including grading and excavation, would require the use of vibration-generating heavy equipment. Future redevelopment of the project site would comply with all City construction standards and requirements to ensure that construction-related vibration is not substantial. In addition, due to the type of development anticipated and required

setbacks specified in the General Plan and Municipal Code, operation of the anticipated development would not generate a substantial level of groundborne vibration or noise to the surrounding land uses. **(Less Than Significant Impact)**

c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Future commercial or industrial development on the project site would likely include noise generating air conditioning and other mechanical units and would result in additional vehicle trips in the project area as compared to the existing use at the site. Air conditioning units on the project site as part of future development would be appropriately sited and designed to meet the City's 70 dBA Leq noise levels at zoned industrial property lines. Increased vehicle trips as part of a future development proposal could result in an increase in ambient noise levels. However, as part of the development review and permitting process, the City would review the project for consistency with the nose levels specified in the General Plan (Policy EC-1.2); would require noise mitigation consistent with Policy EC-1.3; and would regulate long-term operational noise levels consistent with the Municipal Code, Policy EC- 1.6, and would include the following potential measure, or equivalent:

- The City's Municipal Code limits noise from mechanical and other stationary equipment and other noise activities to 70 decibels at the closest industrial property line. Prior to construction, during the design phase of the building, an acoustical study may be required to demonstrate to the City's building official that noise emissions from stationary equipment on the new building would conform to the City's requirements. Completion of this study, if applicable would be required prior to issuance of a building permit.

As result, future development of the project site would not substantially increase ambient noise levels in the project area. **(Less Than Significant Impact)**

d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project

Short-Term Construction Impacts

The closest residence is located approximately 3,000 feet to the north. Noise levels would be elevated at nearby noise sensitive uses during busy construction periods and recreational uses could be intermittently exposed to high levels of noise through the construction period. Noise impacts from construction activities depend on the various pieces of construction equipment, the timing and length of noise generating activities, the distance between the noise generating construction activities and receptors that would be affected by the noise, and shielding. Construction activities for individual projects are typically carried out in stages. Construction noise resulting from future redevelopment of the project site would temporarily increase ambient noise levels in the project area. Due to the relatively small size of future redevelopment and existing high ambient noise levels, it is anticipated that implementation of General Plan and Municipal Code policies would reduce the effects of construction noise to a less than significant level. Trail users on the adjacent Guadalupe River Trail are temporary users and not considered to be sensitive receptors.

The Envision San José 2040 General Plan addresses the types of construction equipment that are sources of significant noise. Future redevelopment under the proposed land use would implement the following measures, as applicable, to reduce construction noise and vibration levels, consistent with City policies:

- Construction hours within 500 feet of residential uses shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. on weekdays, with no construction on weekends or holidays.
- Utilize 'quiet' models of air compressors and other stationary noise sources, where such technology exists.
- Equip all internal combustion engine-driven equipment with mufflers that are in good condition and appropriate for the equipment.
- Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from adjacent land uses.
- Locate staging areas and construction material areas as far away as possible from adjacent land uses.
- Prohibit all unnecessary idling of internal combustion engines.
- The contractor shall identify a noise control 'disturbance coordinator' and procedure for coordination with the adjacent noise-sensitive uses so that construction activities can be scheduled to minimize noise disturbance. This plan shall be made publicly available for interested community members.
- The disturbance coordinator shall be responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall require that reasonable measures to correct the problem be implemented. The telephone number for the disturbance coordinator shall be posted at the construction site and included in the notice sent to neighbors regarding the construction schedule.

Implementation of these measures and General Plan policies, which are required by City policy and would be required as conditions of approval for future redevelopment of the project site, would prevent potentially significant construction-related noise and vibration impacts. Therefore, construction noise during future redevelopment of the project site would not result in a significant noise impact. **(Less Than Significant Impact)**

e,f) Expose people residing or working in the project area to excessive noise levels?

The proposed project would allow the development of commercial and/or industrial uses on a site with ambient noise levels ranging from 60-71 dBA DNL. The project site is subject to noise from overhead flights from San José International Airport. Based on the General Plan Land Use Compatibility Guidelines, outdoor noise levels of up to 70 decibels (DNL) are considered satisfactory for commercial and office uses. Future development projects on the site would be required to prepare a noise report to determine appropriate mitigation measures to comply with the General Plan standards for outdoor as well as indoor noise levels. **(Less Than Significant Impact)**

There are no private airstrips located near the project site. The proposed project would not exacerbate noise levels from private airstrip operations. **(No Impact)**

4.12.4 Conclusion

With implementation of General Plan and Municipal Code policies, future redevelopment of the project site with residential uses under the proposed land use designation would not result in a significant noise impact or violation. **(Less Than Significant Impact)**

4.13 POPULATION AND HOUSING

4.13.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Induce substantial 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)?	☐	☐	☒	☐	1, 2, 21
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	1
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	1

4.13.2 Setting

Based on California Department of Finance estimates, San José has a population of 1,046,079 persons and 332,574 households, with an average of 3.21 persons per household.[4]

In 2014, there were approximately 382,200 jobs in San José. The General Plan assumptions, as amended in the first Four-Year Review in 2016, envisions a Jobs/Employee Resident ratio of 1.1/1 or 382,000 jobs by 2040.[5] To meet the current and projected housing needs in the City, the Envision San José 2040 General Plan identifies areas for mixed-use and residential development to accommodate 120,000 new dwelling units by 2040.

The jobs/housing balance is the relationship between the number of housing units required as a result of local jobs and the number of residential units available in the City. This relationship is quantified by the jobs/employed resident ratio. When the ratio reaches 1.0, a balance is struck between the supply of local housing and local jobs. The jobs/employed resident ratio is determined by dividing the number of local jobs by the number of employed residents that can be housed in local housing.

At the time of preparation of the Envision San José 2040 General Plan FEIR, San José had a higher number of employed residents than jobs (approximately 0.8 jobs per employed resident) but this trend is projected to reverse with full build-out under the current General Plan.

[4] California Department of Finance. *Table 2: E-5 City/County Population and Housing Estimates*. January 1, 2016. Available at: http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/. Accessed September 6, 2017.
[5] City of San José. *Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report and Supplemental Program Environmental Impact Report*. November 2016. Page 16.

4.13.3 Impact Discussion

a) Induce substantial 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)?

The project site is located in an urbanized area in the City of San José. The project does not propose to amend the General Plan to allow residential uses on the site, therefore, it would not have a direct effect on population growth. Redevelopment or development of the project site under the proposed *Combined Industrial/Commercial* land use designation would not result in an expansion of urban services or the pressure to expand beyond the City's existing Sphere of Influence, as existing roads and other infrastructure have sufficient capacity to accommodate future industrial and/or commercial development on the site. **(Less Than Significant Impact)**

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

The project site is in an industrial area of North San José and contains no existing housing units. Future development under the proposed GPA would have no effect on housing. **(No Impact)**

4.13.4 Conclusion

The future development the proposed *Combined Industrial/Commercial* land use designation would have no effect on housing availability, and would not induce substantial population growth in the area. **(Less Than Significant Impact)**

4.14 PUBLIC SERVICES

4.14.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project					
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the 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:					
- Fire Protection?	☐	☐	☒	☐	1, 2
- Police Protection?	☐	☐	☒	☐	1, 2
- Schools?	☐	☐	☐	☒	1, 2
- Parks?	☐	☐	☒	☐	1, 2
- Other Public Facilities?	☐	☐	☒	☐	1, 2

4.14.2 Setting

4.14.2.1 *Regulatory Framework*

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects in the City. The following policies are specific to public services and are applicable to the proposed project:

Envision San José 2040 Relevant Public Service Policies

Policies	Description
ES-3.1	Provide rapid and timely Level of Service (LOS) response time to all emergencies: • 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. • 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.
ES-3.9	Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publically-visible and accessible spaces.
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.

4.14.2.2 *Existing Conditions*

Fire and Police Protection

Fire protection services for the project site are provided by the San José Fire Department (SJFD). The SJFD responds to all fires, hazardous materials spills, and medical emergencies in the City. The closest station to the project site is Station 29, located at 199 Innovation Drive, approximately 1.6 miles south of the project site.

Police protection services for the project site are provided by the San José Police Department (SJPD), headquartered at 201 West Mission Street and approximately 3.5 miles south of the site. The City has four patrol divisions and 16 patrol districts. Patrols are dispatched from police headquarters and the patrol districts consist of 83 patrol beats, which include 357 patrol beat building blocks.

Parks

The City provides and maintains developed parkland and open space to serve its residents. Residents of San José are served by regional and community park facilities, including regional open space, community and neighborhood parks, playing fields, and trails. The City's Department of Parks, Recreation, and Neighborhood Services is responsible for development, operation, and maintenance of all City park facilities. Frank M. Santana Park is the closest park to the project site, located approximately 0.5 miles west of the site.

Libraries

The San José Public Library System consists of one main library and 22 branch libraries. Residents of the project area are served by the Joyce Ellington Branch Library, located 4.1 miles southeast of the site at 491 East Empire Street.

4.14.3 Impact Discussion

a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the 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 public services?

Fire and Police Protection Services

The project site is currently served by SJFD and SJPD. The proposed General Plan Amendment would allow the future construction of industrial, commercial and/or office uses on the project site. Future redevelopment on the project site under the proposed land use designation could intensify development on the site and would incrementally increase the demand for fire and police protection services compared to existing conditions. Future development on the site would not, by itself, preclude the SJFD and SJPD from meeting their service goals and would not require the construction of new or expanded fire or police facilities. Future development would be constructed in accordance with current building codes and would be required to be maintained in accordance with applicable City policies, such as General Plan Policy ES-3.9, to

promote public and property safety. For these reasons, the proposed project would not result in a significant impact on fire and police protection services. **(Less Than Significant Impact)**

Schools, Parks and Libraries

The proposed GPA would allow the future development of industrial, commercial, and office uses on the site and ,as a result, would not generate students or substantial park or library users. Therefore, the proposed project would not have a significant impact on school, park, or library facilities in San José. **(Less Than Significant Impact)**

4.14.4 Conclusion

Implementation of General Plan policies, City ordinances, and the Government Code would ensure that future development on the site under the proposed land use designation would not result in significant impacts to public services or facilities. **(Less Than Significant Impact)**

4.15 RECREATION

4.15.1 Environmental Checklist

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
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 will occur or be accelerated?	☐	☐	☒	☐	1, 2, 3
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?	☐	☐	☒	☐	1, 2, 3

4.15.2 Setting

4.15.2.1 *Existing Conditions*

The Cities of San José and Santa Clara provide parklands, open space, and community facilities for public recreation and community services in the project area. Park and recreation facilities vary in size, use, and type of service and provide regional and neighborhood uses. The nearest park to the project site is Montague Park, operated by the City of Santa Clara, and is approximately ½-mile northwest of the site. The next nearest City park is also in Santa Clara. Live Oak Park is located approximately one mile north of the project site. The Guadalupe River Trail is a core trail system within San José's trail network. When it is fully developed, it will extend approximately 20 miles and provide a link between San Francisco Bay and South San José. A portion of the northern section of the trail runs adjacent to Area A's western boundary.

4.15.3 Impact Discussion

a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?

The proposed project, which proposes industrial, commercial and/or office uses and no residential uses, would not generate demand for neighborhood or regional park facilities such that substantial physical deterioration of these facilities would occur or be accelerated. **(Less Than Significant Impact)**

b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Future industrial, commercial and/or office development on the project site allowed under the proposed GPA would likely not provide recreational facilities to serve the surrounding community. On-site amenities to serve employees and/or visitors could potentially be included in future development projects, however, the project would not result in the construction of new recreational facilities with the potential to adversely affect the environment. **(Less Than Significant Impact)**

4.15.4 Conclusion

Future redevelopment of the project site under the proposed land use designation would not result in significant impacts to recreational facilities in the City of San José. **(Less Than Significant Impact)**

4.16 TRANSPORTATION/TRAFFIC

4.16.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☒	☐	1, 2, 3, 22
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☒	☐	1, 2, 3, 22
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒	1, 2, 3, 22
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	☐	☐	☒	☐	1, 2, 3, 22
e) Result in inadequate emergency access?	☐	☐	☒	☐	1, 22
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☒	☐	1, 2, 3, 22

4.16.2 Setting

4.16.2.1 *Regulatory Framework*

Metropolitan Transportation Commission

The Metropolitan Transportation Commission is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for

the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. In July 2013, MTC and ABAG adopted the final Plan Bay Area, which includes the region's Sustainable Communities Strategy and the 2040 Regional Transportation Plan.

Congestion Management Program

The Santa Clara Valley Transportation Authority (VTA) oversees the Santa Clara Congestion Management Program (CMP). The relevant state legislation requires that all urbanized counties in California prepare a CMP in order to obtain each county's share of the increased gasoline tax revenues. The legislation requires that each CMP contain the following five mandatory elements: 1) a system definition and traffic level of service standard element, 2) a transit service and standards element, 3) a trip reduction and transportation demand management element, 4) a land use impact analysis program element, and 5) a capital improvement element. The Santa Clara County CMP includes the five mandated elements and three additional elements, including a county-wide transportation model and database element, an annual monitoring and conformance element, and a deficiency plan element.

Bike Plan 2020

The City of San José Bike Plan 2020, adopted in 2009, contains policies for guiding the development and maintenance of bicycle and trail facilities within San José. The plan also includes the following goals for improving bicycle access and connectivity: 1) complete 500 miles of bikeways, 2) achieve a five percent bike mode share, 3) reduce bicycle collision rates by 50 percent, 4) add 5,000 bicycle parking spaces, and 5) achieve Gold-Level Bicycle Friendly Community status. The Bike Plan defines a 500-mile network of bikeways that focuses on connecting off-street bikeways with on-street bikeways.

Bicycle facilities in the project area include Class II bike lanes on Orchard Parkway adjacent to the site. The Class I Guadalupe River Trail is located adjacent to and west of the site. Additional Class II and Class III bike lanes are planned in the area.

Level of Service Standards and City Council Policy 5-3

As established in City Council Policy 5-3 "Transportation Impact Policy" (2005), the City of San José uses the same level of service (LOS) method as the CMP, although the City's standard is LOS D rather than LOS E. According to this policy and GP Policy TR-5.3, an intersection impact would be satisfactorily mitigated if the implementation of measures would restore level of service to existing conditions or better, unless the mitigation measures would have an unacceptable impact on the neighborhood or on other transportation facilities (such as pedestrian, bicycle, and transit facilities)

The City's Transportation Impact Policy (also referred to as the Level of Service Policy) protects pedestrian and bicycle facilities from undue encroachment by automobiles. In accordance with the Level of Service Policy and CMP, a traffic impact analysis is only required when a project would result in 100 or more peak hour trips.

Envision San José 2040 General Plan

The Circulation Element of the General Plan contains several long-term goals and policies that are intended to:

1) Provide a transportation network that is safe, efficient, and sustainable (minimizes environmental, financial, and neighborhood impacts);
2) Improve multimodal accessibility to employment, housing, shopping, entertainment, schools, and parks;
3) Create a city in which people are less reliant on driving to meet their daily needs; and
4) Increase bicycle, pedestrian, and transit travel, while reducing motor vehicle trips.

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects in the City. All future redevelopment allowed under the proposed land use designation would be subject to the transportation policies in the General Plan, including the following:

Envision San José 2040 Relevant Transportation Policies

Policy	Description
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-5.3	The minimum overall roadway performance during peak travel periods should be level of service "D" except for designated areas and specified exceptions identified in the General

	Plan including the Downtown Core Area. Mitigation measures for vehicular traffic should not compromise or minimize community livability by removing mature street trees, significantly reducing front or side yards, or creating other adverse neighborhood impacts.
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 transportation demand management (TDM) 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-8.9	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.

The following discussion is based in part on a traffic impact analysis prepared by Hexagon Transportation Consultants, Inc. (*Hexagon*) for the proposed General Plan Amendment. A copy of the report is included in Appendix C.

4.16.3 Impact Discussion

a,b) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? Conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? Substantially increase hazards due to

a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)? Result in inadequate emergency access?

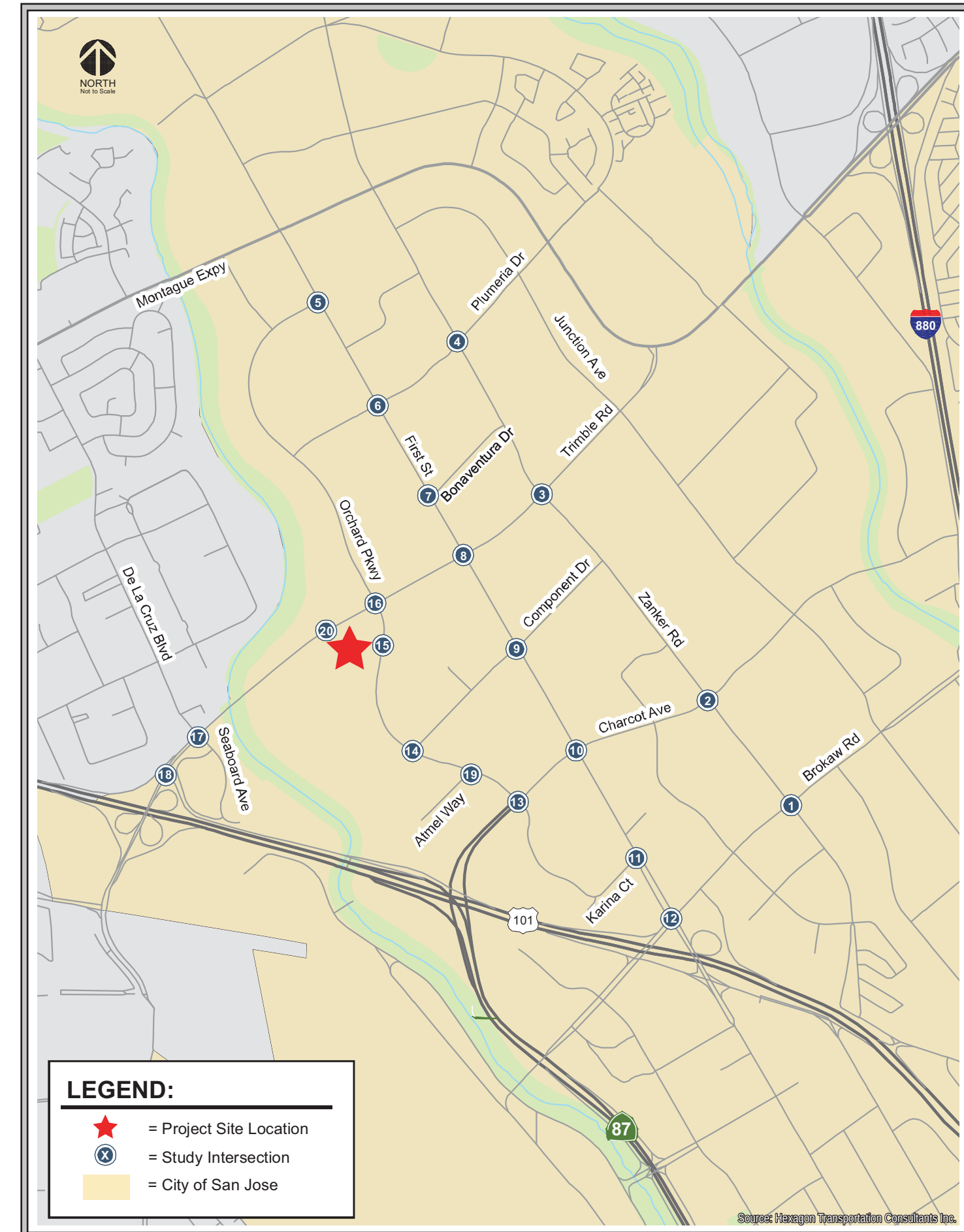
Hexagon prepared a long-range traffic impact analysis for the proposed General Plan Amendment, the purpose of which was to assess the long-range impacts of the proposed amendment on the citywide transportation system. The intersections evaluated as part of the traffic impact analysis are shown on Figure 4.16-1. The potential traffic impacts of the project were evaluated in accordance with the guidelines and thresholds set forth by the City of San José Envision San José 2040 General Plan. A near term traffic analysis in conjunction with any future development permit applications consistent with the Envision San José 2040 General Plan will be required once the specific development proposal for the site is identified.

The GPA long-range analysis focuses on the potential changes on the citywide transportation system in the horizon year of the General Plan (2040) when the General Plan capacities for housing and jobs are fully developed. The analysis includes evaluation of increased vehicle miles traveled, increased traffic volume on specified roadway segments, impacts to travel speeds on transit priority corridors, impacts to pedestrian, bicycle, and transit facilities, and impacts to roadways in adjacent jurisdictions. Impacts are evaluated based on the same Measures of Effectiveness and significance criteria utilized in the Envision San José 2040 GP TIA. The following traffic conditions using the City of San José's Traffic Demand Forecasting (TDF) model were evaluated:

1. **Projected Year 2015 Conditions:** The Projected Year 2015 Conditions represent a projection of transportation conditions in 2015 using the City's GP TDF model. The roadway network also reflects the Year 2015 roadway network and transportation system.

2. **Current 2040 General Plan Conditions:** Future traffic due to the current GP land uses (i.e., including the adopted Four-Year GP Review Land Use adjustments) is added to regional growth that can be reasonably expected to occur by 2040. Current 2040 GP conditions includes the citywide roadway network to reflect the current roadway network as well as all transportation system improvements as identified in the current GP.

3. **Proposed 2040 General Plan Amendment Conditions:** Current 2040 General Plan conditions with the proposed land use amendment. Transportation conditions for the Proposed 2040 GP Amendment Conditions were evaluated relative to the Current 2040 GP Conditions to determine any long-range traffic impacts.



STUDY INTERSECTIONS FIGURE 4.16-1

Measures of Effectiveness

The analysis addresses the long-range impacts of the proposed GP land use adjustments on the citywide transportation system through the use of measures of effectiveness (MOEs) developed for the Envision San José 2040 General Plan. The results of the analysis for the proposed land use adjustments are compared to the current General Plan to determine if the proposed adjustments would result in any new or substantially more severe transportation impacts. The long-range analysis includes analysis of the following MOEs:

- **Vehicle Miles Traveled (VMT) per Service Population.** VMT per service population is a measure of the daily vehicle miles traveled divided by the number of residents and employees within the City of San José. VMT per service population (residents + employees) is used for the analysis as opposed to VMT per capita (residents only), since per service population more accurately captures the effects of land use on VMT. The City not only has residents that travel to and from jobs, but also attracts regional employees. VMT is calculated based on the number of vehicles multiplied by the distance traveled by each vehicle in miles.

- **Journey-to-Work Mode Share (Drive Alone %).** Mode share is the distribution of all daily work trips by travel mode, including the following categories: drive alone, carpool with two persons, carpool with three persons or more, transit (rail and bus), bike, and walk trips.

- **Average Travel Speeds within the City's Transit Priority Corridors.** Average travel speed for all vehicles (transit and non-transit vehicles) in the City's 14 transit corridors is calculated for the AM peak hour based on the segment distance dividing the vehicle travel time. A transit corridor is a segment of roadway identified as a Grand Boulevard in the Envision San José 2040 GP Land Use/Transportation Diagram. Grand Boulevards serve as major transportation corridors and, in most cases, are primary routes for Valley Transportation Authority (VTA) light-rail transit (LRT), bus rapid transit (BRT), local buses, and other public transit vehicles. Although transit services are found on other street types throughout the City, transit has the utmost priority on Grand Boulevards.

- **Adjacent Jurisdictions.** Roadway conditions on major streets within adjacent jurisdictions are evaluated for the AM 4-hour peak period based on the volume-to-capacity (V/C) ratios of the street segments and the City of San José's contributions to the total traffic of the street segments. V/C is a performance measure and represents the level of saturation (proportion of roadway capacity that is being used). A lower ratio indicates a roadway's capacity is not fully utilized while a larger ratio, or ratio greater than 1.00, represents a roadway's capacity is fully utilized or over saturated. Freeway facilities operated by Caltrans and expressways operated by the Santa Clara County are also considered as adjacent jurisdictions.

Significance Impact Criteria

The City of San José adopted policies and goals in Envision San José 2040 to reduce the drive alone mode share to no more than 40 percent of all daily commute trips, and to reduce the VMT

per service population by 40 percent from existing (year 2008) conditions. To meet these goals by the GP horizon year and to satisfy CEQA requirements, the City developed a set of MOEs and associated significance thresholds to evaluate long-range transportation impacts resulting from land use adjustments. Table 4.16-1 summarizes the significance thresholds associated with vehicular modes of transportation that were adopted as part of Envision San José 2040 for the evaluation of long-range traffic impacts resulting from proposed land use adjustments and used in this analysis.

Table 4.16-1 MOE Significance Thresholds

MOE	***Citywide Threshold***
VMT/Service Population	Any increase over current 2040 General Plan conditions.
Mode Share (Drive Alone %)	Any increase in journey-to-work drive alone mode share over current 2040 General Plan conditions.
Transit Corridor Travel Speeds	Decrease in average travel speed on a transit corridor below current 2040 General Plan conditions in the AM peak one-hour period when: 1. The average speed drops below 15 mph or decreases by 25% or more, or; 2. The average speed drops by one mph or more for a transit corridor with average speed below 15 mph under current 2040 General Plan conditions.
Adjacent Jurisdictions	When 25% or more of total deficient lane miles on streets in an adjacent jurisdiction are attributable to the City of San José during the AM peak 4-hour period. 1. Total deficient lane miles are total lane miles of street segments with V/C ratios of 1.0 or greater. 2. A deficient roadway segment is attributed to San José when trips from the City are 10% or more on the deficient segment.

Source: Envision San José 2040 General Plan TIA, October 2010.

In addition to the MOEs described above, the effects of the proposed land use adjustments on transit, bicycle, and pedestrian facilities were evaluated. A significant long-range transportation impact would occur if the adjustments would:

- Disrupt existing, or interfere with planned transit services or facilities;
- Disrupt existing, or interfere with planned bicycle facilities;
- Conflict or create inconsistencies with adopted bicycle plans, guidelines, policies, or standards;
- Not provide secure and safe bicycle parking in adequate proportion to anticipated demand;

- Disrupt existing, or interfere with planned pedestrian facilities;
- Not provide accessible pedestrian facilities that meet current ADA best practices; or
- Create inconsistencies with adopted pedestrian plans, guidelines, policies, or standards.

The long-range traffic impacts resulting from the proposed GPA were determined based on the MOEs and associated significance thresholds described in Table 4.15-2.

Vehicle Miles Traveled Per Service Population

The San José TDF model was used to calculate daily vehicle miles traveled (VMT) per service population, where service population is defined as the number of residents plus the number of employees citywide. This approach focuses on the VMT generated by new population and employment growth. VMT is calculated as the number of vehicle trips multiplied by the length of the trips in miles. Any increase in VMT per service population over the current General Plan due to the proposed land use amendment is considered a significant impact.

The analysis showed that the daily VMT would increase slightly due to the proposed land use amendment when compared to the current General Plan. However, the VMT per service population would not change when compared to the current General Plan. The small increase in daily VMT is due to the shifting of land use/growth within different parts of the City. However, the increase in daily VMT is too small to have a measurable effect on the VMT per service population. Therefore, the proposed land use amendment would result in a less than significant impact on the citywide VMT.

Journey-to-Work Mode Share

The San José TDF model was used to calculate journey-to-work citywide mode share percentages. Mode share is the distribution of all daily work trips by travel mode. The modes of travel included in the TDF model are drive alone, carpool with two persons, carpool with three persons or more, transit (rail and bus), bike, and walk trips. Although work trips may occur at any time of the day, a majority of work trips occur during typical peak commute periods (6:00 – 10:00 AM and 3:00 – 7:00 PM). Any increase in the journey-to-work drive alone mode share percentage over the current General Plan due to the proposed land use amendment is considered a significant impact.

When compared to the current General Plan, the percentage of journey-to-work drive alone trips would not change as a result of the proposed land use amendment. Approximately 73% of the commuters would drive single occupancy vehicles to travel to and from work under the current General Plan and the current General Plan with the proposed land use amendment. Therefore, the proposed land use amendment would result in a less than significant impact on citywide journey-to-work drive alone mode share.

Average Vehicle Speeds in Transit Priority Corridors

The San José TDF model was used to calculate the average vehicle travel speeds during the AM peak hour for the City's 14 transit corridors that were evaluated in the Envision San José 2040 General Plan TIA. The analysis of transit priority corridor speeds was completed to assist with

the assessment of whether the proposed land use amendment would cause a significant change in travel speeds on the transit priority corridors compared to the Adopted 2040 General Plan.

A transit corridor is a roadway segment identified as a Grand Boulevard in the Envision San José 2040 General Plan Land Use/Transportation Diagram. Grand Boulevards serve as major transportation corridors and, in most cases, are primary routes for VTA's LRT, BRT, local buses, and other public transit vehicles. The travel speeds are calculated by dividing the segment distance by the vehicle travel time. A land use amendment that results in a decrease in average travel speed on a transit corridor in the AM peak one-hour period when the average speed drops below 15 mph or decreases by 25% or more, or the average speed drops by one mph or more for a transit corridor with average speed below 15 mph when compared to the current General Plan is considered a significant impact.

When compared to the travel speeds under current General Plan conditions, the change in traffic resulting from the proposed land use amendment would have a minimal effect on the travel speeds in the transit corridors. The model estimates a decrease in travel speeds of 0.8 mph or less on three corridors due to the proposed land use amendment. Travel speeds on the remaining corridors would improve slightly or remain unchanged when compared to the current GP. Therefore, the proposed land use amendment would result in a less than significant impact on the vehicle speeds in the transit priority corridors.

Adjacent Jurisdictions

The San José General Plan TDF model was used to calculate the number of lane miles of street segments with V/C ratios of 1.0 or greater during the peak 4-hour AM period within adjacent jurisdictions. The effect of the proposed land use adjustments is evaluated based on the percentage of traffic that would be added to the deficient roadways. A deficient roadway segment in an adjacent jurisdiction is attributed to San José when trips originating from residents and jobs within San José equal 10 percent or more on the deficient segment. An impact to an adjacent jurisdiction is considered significant when 25% or more of total deficient lane miles are attributable to the City of San José. The 25% threshold represents what would be a noticeable change in traffic.

City of San José traffic would significantly impact roadway segments on the same 13 adjacent jurisdictions under both the current General Plan and the current General Plan plus proposed land use amendment conditions. With the proposed land use amendment, the percentage of deficient lane miles attributable to the City would be the same at all but five roadway segments when compared to the current GP. The model estimates increases in traffic contributions of 2% or less in four jurisdictions and a minimal decrease in traffic contribution in two jurisdictions due to the proposed land use amendment. The proposed land use amendment would not result in further impacts on roadways in adjacent jurisdictions than that those identified for the current General Plan. Therefore, the proposed land use amendment would result in a less than significant impact on the roadway segments in adjacent jurisdictions. **(Less Than Significant Impact)**

Cumulative Long-Range Traffic Impacts would be discussed in *Section 4.18 Mandatory Findings of Significance*.

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

The project would not result in any changes in air traffic patterns, including increases in traffic levels or changes in location that would result in substantial safety risks. **(Less Than Significant Impact)**

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

The City would review future plans for redevelopment of the project site for consistency with General Plan policies and Residential Design Guidelines at the Planning permit phase. Pedestrian, bicycle, and vehicular access and circulation and safety would be reviewed during this phase. Future development of the project site, in accordance with City design standards, would ensure that hazards due to a design feature would be avoided. **(Less Than Significant Impact)**

e) Result in inadequate emergency access?

Future redevelopment plans for the project site would be reviewed and approved by the San José Fire Department and Department of Public Works to ensure adequate emergency access. **(Less Than Significant Impact)**

f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

The Circulation Element of the Envision San José 2040 General Plan includes a set of balanced, long-range, multimodal transportation goals and policies that provide for a transportation network that is safe, efficient, and sustainable (minimizes environmental, financial, and neighborhood impacts). In combination with land use goals and policies that focus growth into areas served by transit, these transportation goals and policies are intended to improve multi-model accessibility to employment, housing, shopping, entertainment, schools, and parks and create a city where people are less reliant on driving to meet their daily needs. San José's Transportation Goals, Policies, and Actions aim to:

- Establish circulation policies that increase bicycle, pedestrian, and transit travel, while reducing motor vehicle trips, to increase the City's share of travel by alternative transportation modes.

- Promote San José as a walking- and bicycling-first city by providing and prioritizing funding for projects that enhance and improve bicycle and pedestrian facilities.

Included within the General Plan are a set of Goals and Policies to support a multimodal transportation system that gives priority to the mobility needs of bicyclists, pedestrians, and

public transit users while also providing for the safe and efficient movement of automobiles, buses, and trucks. Policies TR-2.1 through TR-2.11 provide specific policies to guide improvement to walking and bicycling. Such policies include the provision of continuous bicycle system, and constructing sidewalks and crosswalks. Similarly, the Envision San José 2040 General Plan includes specific policies to maximize use of public transit (TR-3.1 through 3.4). Conformance with these policies would ensure that future development on the proposed GPA sites would not result in significant impacts to transit services, and bicycle and pedestrian circulation. **(Less Than Significant Impact)**

4.16.4 Conclusion

Implementation of the General Plan Transportation Policies can help to promote a multi-modal transportation system and stimulate the use of transit, bicycle, and walk as practical modes of transportation in the City, which ultimately will improve operating speeds in the City's 14 transit priority corridors. An enhanced multi-modal transportation system is capable of reducing reliance on the automobile and decreasing the amount of vehicle travel, specifically journey-to-work drive alone trips.

Based on the results of the analysis, the proposed GPA is consistent with the City of San José General Plan transportation policies, because it would not result in an increase in motor vehicle trips and would minimally improve operating speeds on most of the City's 14 transit priority corridors. Implementation of the proposed project would result in less than significant transportation/traffic impacts. **(Less than Significant Impact)**

4.17 UTILITIES AND SERVICE SYSTEMS

4.17.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☒	☐	1, 2
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐	1, 2
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐	1, 2
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐	1, 2
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐	1, 2
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐	1, 2

4.17.2 Setting

4.17.2.1 *Regulatory Framework*

Assembly Bill 939

Assembly Bill 939, signed in 1989, established the California Integrated Waste Management Board (CIWMB; now CalRecycle) and required all California counties to prepare integrated waste management plans. AB 939 also required all municipalities to divert 50 percent of the waste stream by the year 2000.

California Green Building Standards Code

In January 2010, the State of California adopted the California Green Building Standards Code, establishing mandatory green building standards for all buildings in California. The code covers five

categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and indoor environmental quality. These standards include the following mandatory set of measures, as well as more rigorous voluntary guidelines, 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 50 percent of nonhazardous construction and demolition debris; and
- Providing readily accessible areas for recycling by occupants.

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects in the City. Future redevelopment of the project site allowed under the proposed land use designation will be subject to the utilities and services policies of the City's General Plan, including the following:

Envision San José 2040 Relevant Utilities and Service Systems Policies

Policy	Description
Policy MS-3.1	Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation needs or other area functions.
Policy MS-3.2	Promote use of green building technology or techniques that can help to reduce the depletion of the City's potable water supply as building codes permit.
Policy MS-3.3	Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.
Action EC-5.16	Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.
Policy IN-3.3	Meet the water supply, sanitary sewer and storm drainage level of service objectives through an orderly process of ensuring that, before development occurs, there is adequate capacity. Coordinate with water and sewer providers to prioritize service needs for approved affordable housing projects.
Policy IN-3.5	Require development which will have the potential to reduce downstream LOS to lower than "D", or development which would be served by downstream lines already operating at a LOS lower than "D", to provide mitigation measures to improve the LOS to "D" or better, either acting independently or jointly with other developments in the same area or in coordination with the City's Sanitary Sewer Capital Improvement Program.
Policy IN-3.7	Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.
Policy IN-3.9	Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.
Policy IN-3.10	Incorporate appropriate stormwater treatment measures in development projects to achieve

stormwater quality and quantity standards and objectives in compliance with the City's National Pollutant Discharge Elimination System (NPDES) permit.

In addition to the above-listed San José General Plan policies, new development in San José is also required to comply with programs that mandate the use of water-conserving features and appliances and the Santa Clara County Integrated Watershed Management (IWM) Program, which minimizes solid waste.

San José Zero Waste Strategic Plan/Green Vision

The Green Vision provides a comprehensive approach to achieving sustainability through new technology and innovation. The Zero Waste Strategic Plan outlines policies to help the City of San José foster a healthier community and achieve its Green Vision goals, including 75 percent waste diversion by 2013 and zero waste by 2022. The Green Vision also includes ambitious goals for economic growth, environmental sustainability, and enhanced quality of life for San José residents and businesses.

Private Sector Green Building Policy

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

4.17.2.2 *Existing Conditions*

The site is currently developed with parking lots, drive aisles and landscaping that are part of an existing industrial development currently being served by existing utilities, including water, wastewater, storm drainage, and solid waste.

Water Service

Water service is provided to the site by the San José Water Company. There are currently no recycled water lines in the project area.

Sanitary Sewer/Wastewater Treatment

Sanitary sewer lines serving the site are owned and maintained by the City of San José. Wastewater from the project area is treated at the San José/Santa Clara Regional Wastewater Facility (RWF), formerly known as the San José/Santa Clara Water Pollution Control Plant (WPCP), in Alviso. The RWF has the capacity to treat 167 million gallons per day of sewage during dry weather flow. In 2012, the RWF's average dry weather effluent flow was 85.3 million gallons per day. Fresh water flow from the RWF is discharged to the South San Francisco Bay or delivered to the South Bay Water Recycling Project for distribution.

The City of San José generates approximately 69.8 million gallons per day of dry weather sewage flow. The City's share of the RWF's treatment capacity is 108.6 million gallons per day; therefore, the City has approximately 38.8 million gallons per day of excess treatment capacity.

Storm Drainage

The project site is located in a developed area served by storm drainage systems. Impervious surfaces on the site include parking lots, drive aisles and walkways. Most of the land cover on Area A consists of pervious surfaces. Area B is mostly undeveloped vacant land.

North San José is served by eight main drainage systems which discharge to both Coyote Creek and Guadalupe River. Four of the systems include City pump stations to pump the storm drain flows into the stream channel. The proposed project site is located within the Guadalupe River watershed and is served by the Montague drainage system, which serves 1,339 acres and drains to the Guadalupe River through two pump stations. The Rincon pump station has a capacity of 360 cubic feet per second (cfs) and the Trimble Road pump station has a capacity of 600 cfs. Drainage from the project site is ultimately discharged into the Guadalupe River.

Storm drainage lines in the area are owned and maintained by the City of San José. There is currently a 96-inch diameter storm drain pipe in Orchard Parkway, and a 108-inch diameter storm drain pipe in West Trimble Road that are available to serve the site. All of the lines that serve the project site drain to the Guadalupe River which flows north into the San Francisco Bay.

Solid Waste

Santa Clara County's Integrated Waste Management Plan (IWMP) was approved by the California Integrated Waste Management Board in 1996 and reviewed in 2004, 2007, 2011, and 2016. Each jurisdiction in the County has a landfill diversion requirement of 50 percent per year. According to the IWMP, the County has adequate disposal capacity beyond 2030. Solid waste generated within the County is landfilled at Guadalupe Mines, Kirby Canyon, Newby Island, and Zanker Road landfills.

4.17.3 Impact Discussion

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

Wastewater from the project site would be transported through existing sanitary sewer pipelines to the RWF for treatment. The RWF completes tertiary treatment of all wastewater to remove 99 percent of impurities before effluent is released to the San Francisco Bay or delivered to the South Bay Water Recycling Project for distribution.[6]

[6] City of San José. "San José-Santa Clara Regional Wastewater Facility Treatment Process." Accessed September 1, 2017. Available at: http://sanjoseca.gov/index.aspx?NID=1672.

Future development of the project site under the proposed General Plan designation of *Combined Industrial/Commercial* would be required to comply with the 2040 General Plan and applicable City policies and regulations and would not result in exceedance of the existing wastewater treatment requirements. **(Less Than Significant Impact)**

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Future redevelopment of the project site with industrial, commercial and/or office uses under the proposed land use designation would not substantially increase water or wastewater volumes such that new or expanded facilities would be required. Future redevelopment under the proposed land use designation would comply with all applicable Public Works requirements to ensure sanitary sewer mains would have capacity for water and sewer services. Therefore, the project would not have a significant impact related to the provision of water and sewer service for the project. **(Less Than Significant Impact)**

c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Runoff from Area A and the northern (developed) portion of Area B currently directly enters the storm drainage system untreated and unimpeded. Future redevelopment of the site would comply with the MRP and City of San José Policy 6-29, which would remove pollutants and reduce the rate and volume of runoff from the project site to levels that are at or below existing conditions. For these reasons, redevelopment of the project site would improve the water quality of runoff from the site and would not exceed the capacity of the existing storm drainage system serving the project site. **(Less Than Significant Impact)**

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

Future redevelopment of project site would be required to comply with the NSJADP and the 2040 General Plan which have policies to ensure that development of the project site would be within the existing capacity of the water supply service area. The proposed project would not result in a significant impact to water supplies. **(Less Than Significant Impact)**

e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

The RWF treats an average of 110 million gallons of wastewater per day (mgd), with a capacity of up to 167 mgd. The project site is located within an urban development area with existing sanitary sewer connections. Future redevelopment on-site under the proposed land use designation, therefore, would not substantially increase wastewater treatment demand. **(Less Than Significant Impact)**

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs

According to the IWMP, the County has adequate disposal capacity beyond 2030. Future development of the project site under the proposed land use designation would be required to conform to City plans and policies to reduce solid waste generation, and would be served by a landfill with adequate capacity. **(Less Than Significant Impact)**

4.17.4 Conclusion

Future redevelopment of the project site under the proposed land use designation would not require construction of new off-site facilities for wastewater treatment, storm drainage, water, or waste disposal. Existing facilities have the capacity to serve the anticipated level of future redevelopment, and future redevelopment would not substantially increase demand upon these facilities compared to existing conditions.

Implementation of General Plan and other City policies would ensure redevelopment of the project site would not significantly impact utilities and service systems serving the project site. **(Less Than Significant Impact)**

4.18 MANDATORY FINDINGS OF SIGNIFICANCE

4.18.1 Environmental Checklist

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a)	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐	1-22
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)?	☐	☐	☒	☐	1-22
c)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐	1-22

4.18.2 Impact Discussion

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

As discussed in the individual sections, future redevelopment of the project site under the proposed land use designation would not degrade the quality of the environment with the implementation of measures in accordance with the City's General Plan and Municipal Code and other applicable plans, policies, regulations, and ordinances.

As discussed in *Section 4.4, Biological Resources*, a portion of Area A is located within the Wildlife Survey Area for tricolored blackbirds under the VHP. Future development on the site will be required to comply with VHP Condition 17, which requires pre-construction surveys for the species to ensure that project activities do not directly affect nesting tricolored blackbird

colonies. Surveys for other nesting birds would also be required prior to the commencement of future grading, tree removals, or other types of construction activities on the project site. In addition, the project would be subject to all applicable Habitat Plan fees. Any future tree removals would be subject to the provisions of the City's Tree Ordinance.

There is a moderate potential for buried prehistoric archaeological resources on-site, and a high potential for paleontological resources. As discussed in *Section 4.5, Cultural Resources,* implementation of measures in accordance with the General Plan would ensure that future development impacts to cultural resources would be less than significant.

As discussed in *Section 4.6, Geology and Soils,* the site is located in a seismically active region that contains a high potential for liquefaction. Implementation of measures in accordance with the City's General Plan and Municipal Code at the time of future redevelopment would reduce the risk of seismic-related hazards to a less than significant level.

As discussed in *Section 4.8, Hazardous Materials,* pesticides may be present in onsite soils as a result of previous agricultural and industrial use. Site cleaning and remediation in accordance with the General Plan and applicable state and local regulations would ensure less than significant hazardous materials impacts.

As discussed in *Section 4.9, Hydrology and Water Quality,* construction activities during redevelopment of the site could result in temporary impacts to surface water quality. Implementation of measures in accordance with the City's General Plan and Grading Ordinance would reduce the risk of impacts to surface water quality to a less than significant level.

As discussed in *Section 4.12, Noise,* future construction activities and the operation of mechanical equipment on the site could increase ambient noise levels in the project area. Implementation of measures in accordance with the City's General Plan and Municipal Code would ensure that noise impacts related to future redevelopment of the site would be less than significant. **(Less Than Significant With Mitigation Incorporated)**

b) Does the project have impacts that are individually limited, but cumulatively considerable?

Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant impact 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."

Air Quality

Because criteria air pollutant and greenhouse gas emissions would contribute to regional and global emissions of such pollutants, the identified thresholds developed by BAAQMD and used by the City of San José were designed such that a project-level impact would also be a cumulatively considerable impact. The proposed General Plan Amendment would not result in

significant increase in traffic when compared to the existing General Plan land use designation. Therefore, emissions of criteria air pollutants or GHG emissions would not make a substantial contribution to cumulative air quality or GHG emissions impacts.

Cumulative Long-Range Traffic Impacts

In addition to the General Plan level long-range traffic analysis required for individual projects, short-term traffic generated by the project, the cumulative long-range traffic impacts of all of the proposed 2017 General Plan Amendments were evaluated in a Long-Range Traffic Impact Analysis model forecast prepared by Hexagon Transportation Consultants (Appendix C). This analysis evaluated the cumulative impacts of ten proposed General Plan Amendments, listed in Table 4.18-1. Each of the proposed General Plan Amendments would result in changes to the assumed number of households and/or jobs on each site when compared to the Envision San Jose 2040 General Plan assumptions for each site. However, the total number of jobs and households citywide would not change as a result of these Amendments. Table 4.18-1 (below) summarizes the existing (adopted 2040 General Plan) and proposed land uses and density for each of the ten sites under each General Plan Amendment.

Table 4.18-1: 2017 General Plan Land Use Amendments – Existing and Proposed Land Use

					Existing General Plan		Proposed General Plan Amendment	
Site No.	**Project Name**	**Location**	**APN**	**Size (acres)**	**Land Use**	**Max. Density**	**Land Use**	**Max. Density**
1	GP16-011 (Oakland Rd.)	1202 Oakland Rd.	241-11-014, 020, 021, 022	1.54	Heavy Industrial	FAR up to 1.5	Combined Industrial/ Commercial	FAR up to 12.0
2	GP16-012 (Booksin Ave.)	2720 Booksin Ave.	446-33-040	1.65	Public/Quasi-Public	N/A	Residential Neighborhood	8 DU per AC; FAR up to 0.7
3	GP16-013 (N. 4th St.)	120 N. 4th St.	467-20-019, 020, 021, 022, 040	0.91	Residential Neighborhood & Transit Residential	8 DU/ AC; FAR up to 0.7; 50-250 DU/AC; FAR 2.0 to 12.0	Downtown	50-800 DU/AC; FAR 2.0 to 12.0
4	GP17-001 (Capitol Ave.)	100 S. Capitol Avenue	484-23-039	0.35	Neighborhood/ Community Commercial	FAR up to 3.5	Residential Neighborhood	8 DU/ AC; FAR up to 0.7

Table 4.18-1: 2017 General Plan Land Use Amendments – Existing and Proposed Land Use

					Existing General Plan		Proposed General Plan Amendment	
Site No.	**Project Name**	**Location**	**APN**	**Size (acres)**	**Land Use**	**Max. Density**	**Land Use**	**Max. Density**
5	GP17-002 (Moorpark Ave.)	2323 Moorpark Avenue	282-01-014, 015, 016, 020, 021, 022	1.07	Residential Neighborhood	8 DU/ AC; FAR up to 0.7	Mixed-Use Neighborhood	up to 30 DU/AC; FAR 0.25 to 2.0
6	GP17-003 (Branham LR Park & Ride)	4746 Narvaez Road	462-02-022, 024, 026, 027, 028, 021, 023, 025	3.14	Mixed-Use Neighborhood	up to 30 DU/AC; FAR 0.25 to 2.0	Transit Residential	50-250 DU/AC; FAR 2.0 to 12.0
7	GP17-004 (Cottle LR Park & Ride)	272 International Circle	706-05-038	4.48	Neighborhood/ Community Commercial Public/Quasi-Public	FAR up to 3.5; N/A	Transit Residential	50-250 DU/AC; FAR 2.0 to 12.0
8	GP17-005 (Lincoln Ave.)	2119 Lincoln Avenue	439-08-059	0.28	Neighborhood/ Community Commercial	FAR up to 3.5	Urban Residential	30-95 DU/AC; FAR 1.0 to 4.0
9	GP17-006 (W. Julian St.)	715 W. Julian Street	261-01-030, 094	1.22	Mixed-Use Commercial	up to 50 DU/AC FAR 0.5 to 4.5	Urban Village	up to 250 DU/AC; FAR up 10.0
10*	GP17-007 (Trimble Road)	370 W. Trimble Road	101-02-013, 014	19.4	Industrial Park	FAR up to 10.0	Combined Industrial/ Commercial	FAR up to 12.0

*The proposed project.
Notes: FAR = floor-to-area ratio; DU = dwelling units; AC = acre; APN = assessor's parcel number; N/A = not applicable.
Source: City of San Jose Planning Department (June 2017)

The City of San Jose has adopted policy goals in the Envision San Jose 2040 General Plan to reduce the drive alone mode share to no more than 40 percent of all daily commute trips, and to reduce the Vehicle Miles Traveled (VMT) per service population by 40 percent from 2008 conditions. To meet these goals by the General Plan horizon year of 2040, and to satisfy CEQA requirements, three Measures of Effectiveness (MOE) thresholds are used to evaluate long-range transportation impacts resulting from implementation of the General Plan Amendments. The General Plan Amendments would be considered to have a significant cumulative long-range traffic impact if one or more of the following occurs: i)

the amendments result in an increase in daily VMT per service population, ii) the amendments result in an increase in the percentage of journey-to-work drive alone trips; and/or iii) the amendments result in a 7.5 percent decrease in average vehicle speeds on designated transit priority corridors (summarized in Table 4.18-2). In addition to the three MOEs, the cumulative traffic analysis evaluated potential cumulative effects on adjacent jurisdictions.

Table 4.18-2: MOE Significance Thresholds

Measure of Effectiveness (MOE)	Citywide Threshold
Daily VMT/Service Population	Any increase over current 2040 General Plan conditions
Journey-to-Work Mode Share (Drive Alone %)	Any increase in journey-to-work drive alone mode share over current 2040 General Plan conditions
Transit Corridor Travel Speeds	Decrease in average travel speed on a transit corridor below current 2040 General Plan conditions in the AM peak one-hour period when: 1. The average speed drops below 15 mph or decreases by 25% or more, or 2. The average speed drops by one mph or more for a transit corridor with average speed below 15 mph under current 2040 General Plan conditions.
Adjacent Jurisdiction	When 25% or more of total deficient lane miles on streets in an adjacent jurisdiction are attributable to the City of San Jose during the AM peak-4-hour period. 1. Total deficient lane miles are total lane miles of street segments with V/C ratios of 1.0 or greater. 2. A deficient roadway segment is attributed to San Jose when trips from the City are 10% or more on the deficient segment.

Source: Envision San Jose 2040 General Plan TIA, October 2010.

The results of the cumulative Long-Range traffic analysis for all of the 2017 General Plan Amendments are discussed below and summarized in Tables 4.18-3 through 4.18-6.

Daily Vehicle Miles Traveled per Service Population

Compared to the current General Plan, the proposed General Plan Amendments would not result in an increase in VMT per service population. Therefore, cumulatively, the 2017 GPAs would result in a less than significant impact on citywide daily VMT per service population. It is important to note that the VMT per service population is based on raw model output and does not reflect the implementation of adopted GP policies and goals that would further reduce VMT by increased use of non-auto modes of travel.

Table 4.18-3: Daily Vehicle Miles Traveled per Service Population

	Base Year (2015)	Existing General Plan	Existing General Plan plus GPAs
Citywide Daily VMT	20,588,249	31,251,446	31,290,755
Citywide Service Population	1,385,030	2,065,461	2,065,461
Daily VMT Per Service Population	14.9	15.1	15.1

Increase in VMT/Service Population over General Plan	--	--	0.0
Significant Impact?			**No**

Note: Service Population = Residents + Jobs
Source: City of San Jose 2017 General Plan Amendments: Long-Range Traffic Impact Analysis; Hexagon Transportation Consultants, Inc.; dated August 18, 2017.

Journey-to-Work Mode Share

The proposed General Plan Amendments will not result in an increase of drive alone journey-to-work mode share when compared to the current General Plan. Therefore, cumulatively, the 2017 GPAs would result in a less than significant impact on citywide journey-to-work mode share.

Table 4.18-4: Journey-to-Work Mode Share Percentages

	Base Year (2015)		Existing General Plan		Existing General Plan plus GPAs	
Mode	**Trips**	**%**	**Trips**	**%**	**Trips**	**%**
Drive Alone	724,530	78.3	1,061,730	72.5	1,062,180	72.4
Carpool 2	112,030	12.1	178,190	12.2	178,670	12.2
Carpool 3+	42,310	4.6	79,220	5.4	79,660	5.4
Transit	26,820	2.9	99,570	6.8	100,580	6.9
Bicycle	7,060	0.8	19,610	1.3	19,770	1.3
Walk	12,130	1.3	26,260	1.8	26,470	1.8
Increase in Drive Alone Percentage over General Plan Conditions						-0.1
Significant Impact?					**No**	

Source: City of San Jose 2017 General Plan Amendments: Long-Range Traffic Impact Analysis; Hexagon Transportation Consultants, Inc.; dated August 18, 2017.

Average Vehicle Speeds in Transit Priority Corridors

The proposed General Plan Amendments will not result in a decrease in travel speeds of greater than one mph or 25 percent on any of the 14 transit priority corridors when compared to current General Plan conditions. Therefore, cumulatively, the 2017 GPAs would result in a less than significant impact on the AM peak-hour average vehicle speeds on the transit priority corridors.

Table 4.18-5: AM Peak-Hour Vehicle Speeds (m.p.h.) in Transit Priority Corridors

Transit Priority Corridor	Base Year (2015)	Existing General Plan	Existing General Plan plus GPAs	% Change (Existing General Plan plus GPAs – Existing GP)	Absolute Change (Existing General Plan plus GPAs – Existing GP
2nd St from San Carlos St to St.	11.4	11.4	11.4	0	0.0

Table 4.18-5: AM Peak-Hour Vehicle Speeds (m.p.h.) in Transit Priority Corridors					
Transit Priority Corridor	**Base Year (2015)**	**Existing General Plan**	**Existing General Plan plus GPAs**	**% Change (Existing General Plan plus GPAs – Existing GP)**	**Absolute Change (Existing General Plan plus GPAs – Existing GP**
James St					
Alum Rock Av from Capitol Av to US 101	21.2	15.3	15.1	-2	-0.3
Camden Av from SR 17 to Meridian Av	22.2	14.6	15.2	4	0.6
Capitol Av from S. Milpitas Bl to Capitol Expwy	23.9	20.8	20.5	-1	-0.2
Capitol Expwy from Capitol Av to Meridian Av	25.8	24.5	25.0	2	0.5
E. Santa Clara St from US 101 to Delmas Av	20.3	16.9	16.7	-1	-0.2
Meridian Av from Park Av to Blossom Hill Rd	22.7	19.1	18.7	-3	-0.5
Monterey Rd from Keyes St to Metcalf Rd	24.2	17.2	17.3	1	0.1
N. 1st St from SR 237 to Keyes St	19.8	12.7	13.4	5	0.7
San Carlos St from Bascom Av to SR 87	22.1	21.0	20.7	-2	-0.3
Stevens Creek Bl from Bascom Av to Tantau Av	21.3	17.2	17.2	0	0.0
Tasman Dr from Lick Mill Bl to McCarthy Bl	24.0	13.5	13.5	0	0.0
The Alameda from Alameda Wy to Delmas Av	19.7	14.1	13.7	-3	-0.5
W. San Carlos St from SR 87 to 2nd St	19.3	18.3	18.2	0	0.0
Source: City of San Jose 2017 General Plan Amendments: Long-Range Traffic Impact Analysis; Hexagon Transportation Consultants, Inc.; dated August 18, 2017.					

Adjacent Jurisdictions

The current General Plan land use designations and proposed General Plan Amendment land use adjustments result in the same impacts to roadway segments within the same 14 adjacent jurisdictions identified in the Envision San Jose 2040 General Plan. Therefore, the proposed General Plan Amendment land use adjustments would not result in further impact on

roadways in adjacent jurisdictions than that identified for the current General Plan land uses in the adopted Envision San Jose 2040 General Plan EIR.

Table 4.18-6: AM 4-Hour Traffic Impacts in Adjacent Jurisdictions

	Base Year (2015)			Existing General Plan			Existing General Plan plus GPAs		
City	Total Deficient Lane Miles (1)	Total Deficient Lane Miles Attributed to San Jose (2)	% of Deficient Lane Miles Attributed to San Jose	Total Deficient Lane Miles (1)	Total Deficient Lane Miles Attributed to San Jose (2)	% of Deficient Lane Miles Attributed to San Jose	Total Deficient Lane Miles (1)	Total Deficient Lane Miles Attributed to San Jose (2)	% of Deficient Lane Miles Attributed to San Jose
Campbell	0.14	0.14	100	0.86	0.86	**100**	0.86	0.86	**100**
Cupertino	3.76	2.96	79	1.01	0.79	**78**	1.01	0.79	**78**
Gilroy	0.00	0.00	0	1.13	1.13	**100**	1.13	1.13	**100**
Los Altos	1.21	0.25	21	1.63	0.25	**15**	1.24	0.25	**20**
Los Altos Hills	0.65	0.00	0	1.71	0.93	**54**	1.71	0.93	**54**
Los Gatos	0.70	0.70	100	1.02	1.02	**100**	0.82	0.82	**100**
Milpitas	1.08	0.87	81	10.56	10.56	**100**	10.8	10.8	**100**
Monte Sereno	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0
Morgan Hill	0.46	0.46	100	0.56	0.56	**100**	0.24	0.24	**100**
Mountain View	1.69	1.51	89	1.91	1.63	**85**	1.96	1.67	**85**
Palo Alto	0.64	0.16	25	2.81	0.16	6	2.81	0.16	6
Santa Clara	0.04	0.04	100	1.06	0.99	**93**	1.06	0.99	**93**
Saratoga	1.86	1.57	85	3.22	3.22	**100**	3.22	3.22	**100**
Sunnyvale	0.95	0.46	49	1.01	1.01	**100**	1.01	1.01	**100**
Caltrans Facilities	5,311	4,131	78	5,234	4,402	**84**	5,236	4,402	**84**
SC Co. Expressways	2.75	2.75	100	13.03	12.83	**98**	11.84	11.64	**98**

Notes:
(1) Total deficient lane miles are total lane miles of street segments with V/C ratios of 1.0 or greater.
(2) A deficient roadway segment is attributed to San Jose when trips from the City are 10% or more on the deficient segment.
Bold: Indicates Significant Impacts
Source: City of San Jose 2017 General Plan Amendments: Long-Range Traffic Impact Analysis; Hexagon Transportation Consultants, Inc.; dated August 18, 2017.

Compared to the Envision San Jose 2040 General Plan, the 2017 General Plan Amendments Long-Range Traffic Analysis found that the General Plan Amendments would i.) not result in an increase citywide daily VMT per service population; ii) reduce the percentage of journey-to-work drive alone trips; or iii) increase average vehicle speeds on the transit priority corridors.
Future development on each of the General Plan Amendment project sites will be required to evaluate near-term traffic for project-level CEQA clearance for each planning permit.

Other Resource Areas

With the implementation of measures in accordance with the City's General Plan and Municipal Code and other applicable plans, policies, regulations, and ordinances, future development allowed under the proposed land use designation would not result in significant geology and soils, hydrology and water quality, or public services impacts and would not contribute to cumulative impacts to these resources. The project would not impact agricultural and forestry resources or mineral resources; therefore, the project would not contribute to a significant cumulative impact on these resources.

The project site is located in an urban area and, given its limited size, redevelopment under the proposed land use designation would not contribute to a cumulative impact on aesthetics, population and housing, recreation, and transportation with the implementation of General Plan policies, Municipal Code requirements, and Commercial and Industrial Design Guidelines. **(Less Than Significant Cumulative Impacts)**

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

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 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 community risks from air emissions, soil and seismic hazards, hazardous materials, and noise. Implementation of measures in accordance with the City's General Plan and Municipal Code, and other applicable plans, policies, regulations, and ordinances, however,

would ensure that these impacts would be less than significant. No other direct or indirect adverse effects on human beings have been identified. **(Less Than Significant Impact)**

Checklist Sources

Professional judgment and expertise of the environmental planner preparing this assessment, based upon a review of the site and surrounding conditions, as well as a review of the project plans.

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SECTION 6.0 LEAD AGENCY AND CONSULTANTS

6.1 LEAD AGENCY

City of San José
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Zachary Dill, Graphic Artist

Hexagon Transportation Consultants, Inc.
Transportation / Traffic Consultants
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HMH Landscape Architecture
Certified Arborists
Jake Minnick, Landscape Designer

Geologica
Brian F. Aubry, R.G., C.E.G., C.Hg., Project Manager
Greg Romero, Project Geologist