CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Alviso Park Master Plan Update

Initial Study and Mitigated Negative Declaration

State Clearinghouse Number Not Yet Assigned
File No. PP16-132

PLACEWORKS

June 2017

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

June 2017

Alviso Park Master Plan Update

Initial Study and Mitigated Negative Declaration

State Clearinghouse Number Not Yet Assigned
File No. PP16-132

Prepared By:

PLACEWORKS

1625 Shattuck Avenue, Suite 300
Berkeley, California 94709
510.848.3815
510.848.4315 (f)

In Association With:

H.T Harvey & Associates

MITIGATED NEGATIVE DECLARATION

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

NAME OF PROJECT: Alviso Park Master Plan Update

PROJECT FILE NUMBER: PP16-132

PROJECT DESCRIPTION: The project proposes an update to the Alviso Park Master Plan and includes components such as pedestrian paths, park entryway gateway, wayfinding markers, landscaping and furniture intended to present a cohesive design. Improvements and renovations to existing facilities include the swimming pool and associated restroom, picnic areas and playgrounds, and softball/baseball field. New facilities proposed include an enclosed sun deck adjacent to the swimming pool, shade structures at the picnic areas, outdoor fitness equipment and walking paths, a dog park, a Bay Trail segment, a community plaza with shade structure, and youth practice baseball and soccer fields.

PROJECT LOCATION: Southeast corner of Grand Boulevard and North First Street, on 23.5 acres of City-owned land comprising five parcels including the existing Alviso Park.

ASSESSORS PARCEL NOS.: 015-43-002, 015-43-020, 015-43-022, 015-43-023, and 015-44-013

COUNCIL DISTRICT: 4

APPLICANT CONTACT INFORMATION: Jason Condit, City of San José Department of Parks, Recreation, and Neighborhood Services

FINDINGS

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.

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 FORESTRY 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

Impact BIO-1: Project implementation could result in an adverse effect on burrowing owls and their habitat.

Mitigation Measure BIO-1: The project proponent shall implement Condition 15 of the Santa Clara Valley Habitat Plan (VHP) and pay burrowing owl impact fees to the Habitat Agency prior to any ground disturbance activities. Pursuant to Condition 15, a qualified biologist shall conduct pre-construction surveys in all suitable habitat areas. To maximize the likelihood of detecting owls, the preconstruction survey shall last a minimum of three hours. The survey shall begin one hour before sunrise and continue until two hours after sunrise (for three hours total) or begin two hours before sunset and continue until one hour after sunset. Additional time may be required for large project sites. A minimum of two surveys shall be conducted (if owls are detected on the first survey, a second survey is not needed). All owls observed will be counted and their locations mapped. Surveys shall conclude no more than two calendar days prior to construction. Therefore, the project proponent must begin surveys no more than four days prior to construction (two days of surveying plus up to two days between surveys and construction). To avoid last-minute changes in schedule or contracting that may occur if burrowing owls are found, the project proponent may also conduct a preliminary survey up to fourteen (14) days before construction. This preliminary survey may count as the first of the two required surveys as long as the second survey concludes no more than two calendar days in advance of construction.

If evidence of western burrowing owls is found during the breeding season (February 1st through August 31st), the project proponent shall avoid all nest sites that could be disturbed by project construction during the remainder of the breeding season or while the nest is occupied by adults or young. Avoidance shall include establishment of a 250-foot non-disturbance buffer zone around nests. Construction may occur outside of the 250-foot non-disturbance buffer zone. Construction may occur inside of the 250-foot non-disturbance buffer during the breeding season if:

- The nest is not disturbed; and
- The project proponent develops an avoidance, minimization, and monitoring plan that is approved by the Habitat Agency and the Wildlife Agencies prior to project construction.

If evidence of western burrowing owls is found during the non-breeding season (September 1st through January 31st), the project proponent shall establish a 250-foot non-disturbance buffer around occupied burrows as determined by a qualified biologist. Construction activities outside of this 250-foot buffer are allowed. Construction activities within the non-disturbance buffer are allowed if certain criteria are met, as outlined in the VHP Conditions Implementation Guide, in order to prevent owls from abandoning important overwintering sites.

The project proponent and/or contractor shall submit evidence of compliance with the VHP to the City's Supervising Environmental Planner prior to the start of ground disturbance activities.

Impact BIO-2: Project implementation could potentially have adverse impacts on federally protected wetlands.

Mitigation Measure BIO-2a: The project proponent shall implement Conditions 3 and 12 of the VHP to reduce construction impacts on wetlands. These VHP conditions require avoidance of wetlands during construction.

VHP Condition 3 consists of avoidance and minimization measures outlined in Table 6-2 of the

VHP. Applicable avoidance and minimization measures shall be implemented during construction. VHP Condition 12 requires the implementation of design phase and construction phase measures to avoid and minimize impacts on wetlands and ponds to the extent feasible, including erosion control measures, fencing of avoided wetlands during construction, establishment of buffers between wetlands and refueling areas, and measures to minimize the spread of invasive species.

The project proponent and/or contractor shall submit evidence of compliance with the VHP to the City's Supervising Environmental Planner prior to the start of any ground disturbance activities.

Mitigation Measure BIO-2b: Prior to any construction activities that could result in fill of the seasonal wetland on the project site, the project proponent shall complete a formal wetland delineation that shall be submitted to the U.S. Army Corps of Engineers (USACE) for verification, and the project shall obtain a Section 404 fill discharge permit from the USACE for any impacts to Waters of the U.S., and a Section 401 Water Quality Certification and/or Waste Discharge Requirement from the California Regional Water Quality Control Board (RWQCB) for any impacts to Waters of the State. In addition, the project proponent shall pay wetland impact fees to the Habitat Agency.

Impact BIO-3: Project implementation could potentially have adverse impacts on trees protected by the City of San José's tree ordinance.

Mitigation Measure BIO-3: Tree Preservation and Replacement. During detailed design of future projects under the Master Plan, the project proponent shall avoid and minimize adverse impacts on trees protected by the City of San José's tree ordinance. Where impacts on trees cannot be avoided, the project proponent shall comply with City's policies to protect the urban forest.

If a tree proposed for removal is located on public property, the project proponent and/or contractor shall post a notice on the tree signed by the Director of Public Works seven days prior to the tree being removed. Trees removed as a result of construction of the project shall be replaced or mitigated in accordance with the following requirements:

- City of San José Tree Removal Controls (Municipal Code Section 13.31.010 to 13.32.100).
- San José Municipal Code street tree protection requirements (Municipal Code Section 13.28).
- General Plan Policies MS-21.4, MS-21.5, and MS-21.6.

Impact BIO-4: Project implementation could potentially have adverse impacts to nesting birds.

Mitigation Measure BIO-4: The project proponent shall schedule construction activities to avoid the avian breeding season (February 1st through August 31st, for most species in Santa Clara County). If it is not possible to schedule construction activities between September 1st and January 31st (inclusive), preconstruction surveys for nesting birds shall be conducted by a qualified biologist (certified for raptors and birds) or ornithologist to ensure that no nests will be disturbed during project implementation. During the early part of the breeding season (February 1st through April 30th), pre-construction surveys shall be conducted no more than 14 days prior to the initiation of any ground-disturbing activities in any given area. During the late part of the breeding season (May 1st through August 31st), pre-construction surveys shall be conducted no more than 30 days prior to the initiation of any ground disturbing activities in any given area. If construction is phased, surveys shall be conducted prior to the commencement of each construction phase. The surveys shall be limited to the portions of the project work area where construction activities will occur. During each survey, the qualified biologist shall inspect all trees and other potential nesting habitats (e.g., shrubs, ruderal grasslands, wetlands, and buildings) in and immediately adjacent to the impact areas for nests.

If an active nest is found, the qualified biologist, in consultation with the State of California, Department of Fish and Wildlife (CDFW), shall designate the extent of a disturbance-free buffer zone to be established around the nest (typically 300 feet for raptors and 100 feet for non-raptors) to ensure that no active nests of species protected by the Migratory Bird Treaty Act of California under the California Fish and Game Code shall be disturbed during project implementation. No project-related activities) shall be performed within the buffer zones until the young have fledged or the nest has been determined to be inactive by a qualified biologist.

The qualified biologist shall submit a report to the City's Environmental Supervising Planner 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 the continuance of any ground disturbance activities.

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.**

Impact HAZ-1: Project implementation could potentially have adverse impacts associated with location on a hazardous materials site.

Mitigation Measure HAZ-1: Prior to the start of earthwork, landscaping, and subsurface utility trenching activities, the project proponent shall retain a qualified hazardous materials contractor to prepare a Site Management Plan (SMP). The SMP will serve as a guiding document to provide technical and operational guidance in the event that unexpected pollutants historically associated with the property (i.e., petroleum hydrocarbons, asbestos, and heavy metals) are encountered during park construction. 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 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.

The SMP would detail procedures and protocols for management of soil containing environmental contaminants during site development activities. If applicable, cleanup and remediation activities on the site shall be conducted in accordance with the SMP prior to construction activities. All measures shall be printed on all construction documents, contracts, and project plans. The SMP and any associated environmental investigations shall be provided to the Supervising Planner of the Planning, Building, and Code Enforcement Department and the Environmental Services Department for approval prior to the start of ground disturbance activities.

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

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

P. **TRANSPORTATION AND CIRCULATION** – 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, July 31, 2017** any person may:

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

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

Rosalynn Hughey, Interim Director
Planning, Building and Code Enforcement

6/26/17
Date

Deputy

Circulation period: June 30, 2017 to July 31, 2017

Table of Contents

TABLE OF CONTENTS

LIST OF FIGURES

LIST OF TABLES

TABLE OF CONTENTS

This page intentionally left blank.

1. Introduction

This document is an Initial Study for the Alviso Park Master Plan Update project (proposed project or proposed Plan) prepared by the City of San José (City) to determine if the project may have a significant effect on the environment as defined in the California Environmental Quality Act (CEQA) (Public Resources Code Sections 21000 *et seq.*). Pursuant to Sections 15050 and 15051 of the State CEQA Guidelines,[1] the City is the Lead Agency for the proposed project. The City's Department of Parks, Recreation, and Neighborhood Services is herein referred to as the "project proponent."

This Initial Study is a program-level document and does not evaluate the impacts of specific, individual improvement and construction projects that may be allowed under the proposed Plan. Each specific future project will require separate environmental review, as required by CEQA, to secure the necessary discretionary actions. Subsequent projects will be reviewed by the City for consistency with the proposed Plan and this Initial Study, and subsequent project-level environmental review will be conducted as required by CEQA.

Alviso Park is located in northern San José, in the Alviso neighborhood. The project site is situated at the southeast corner of Grand Boulevard and North First Street. The project site is located on 23.5 acres of City-owned land comprising five parcels, including the existing Alviso Park. The remaining parcels are together referred to as the "expansion parcels." The following five parcels compose the project site:

- Alviso Park (Assessor's Parcel Number (APN) 015-43-002). This 4.5-acre City-owned parcel is located northwest of George Mayne Elementary School, and is bordered by Trinity Park Drive to the west, Wilson Way to the north, Tony P. Santos Street to the east, and North First Street to the south.
- Parcel A (APN 015-43-023). This 0.28-acre City-owned parcel is located at the intersection of Grand Boulevard and North First Street, adjacent to the Pacific Gas & Electric easement, and is bordered by the Trinity Park neighborhood to the east.
- Parcel B (APN 015-43-022). This 0.40-acre City-owned parcel is located to the northwest of Trinity Park neighborhood, adjacent to a Pacific Gas & Electric easement. The parcel includes frontage on Grand Boulevard between Trinity Park Drive and Wilson Way.
- Parcel C (APN 015-43-020). This 3.34-acre City-owned parcel is located adjacent and west of Alviso Park, and includes frontage on Grand Boulevard. The parcel borders Grand Boulevard to the west, Wilson Way to the north, Alviso Park to the east, and Trinity Park Drive to the south.
- Parcel D (APN 015-44-013). This 15.025-acre City-owned parcel is located to the north of Alviso Park. The parcel borders Grand Boulevard to the west, Disk Drive to the north, Tony P. Santos Street to the east, and Wilson Way to the south.

[1] The CEQA Guidelines are found in California Code of Regulations, Title, 14, Sections 15000 *et seq*.

1.1 GENERAL PLAN AND ZONING DESIGNATION

The project site is currently designated Open Space, Parklands, and Habitat (OSPH); Residential Neighborhood (RN); and Combined Industrial/Commercial (CIC) under the City's General Plan.

The expansion parcels are zoned in two Planned Development (PD) Zoning Districts (File No. PDC97-004 and File No. PDC99-054), and the current Alviso Park is zoned for Multiple Residence (R-M) use.

1.2 INITIAL STUDY

Pursuant to Section 15063 of the CEQA Guidelines, an Initial Study is a preliminary environmental analysis that is used by the Lead Agency as a basis for determining what form of environmental review is required for a project. The CEQA Guidelines require that an Initial Study contain a project description of the project, identification of environmental setting, identification of environmental effects by checklist or other similar form, explanation of the agency's conclusions about environmental effects, discussion of mitigation for any significant environmental effects, evaluation of the project's consistency with applicable plans and land use controls, and the name of persons who prepared the study.

1.3 REPORT ORGANIZATION

This Initial Study is organized into the following chapters:

- Chapter 1: Introduction. This chapter provides an introduction and overview of the Initial Study document.
- Chapter 2: Initial Study Checklist. This chapter summarizes pertinent details of the proposed project, including lead agency contact information, proposed project location, and General Plan and Zoning designations.
- Chapter 3: Project Description. This chapter describes the location and setting of the proposed project, along with its principal components, as well as a description of the policy setting and implementation process for the proposed project.
- Chapter 4: Environmental Analysis. Making use of the CEQA Guidelines Appendix G, Environmental Checklist, and Appendix F, Energy Conservation, this chapter identifies and discusses anticipated impacts of the proposed project, providing substantiation for the findings made.
- Chapter 5: Organizations and Persons Consulted. This chapter presents a list of City and other agencies and consultant team members that contributed to the preparation of the Initial Study.

2. Initial Study Checklist

1. Project Title:	Alviso Park Master Plan Update, File No. PP16-132
2. Lead Agency Name and Address:	City of San José 200 East Santa Clara Street San José, CA 95113
3. Contact Person and Phone Number:	Krinjal Mathur (408) 535-7874
4. Project Location:	Alviso Park is located on a 4.5-acre parcel (Assessor's Parcel Number (APN) 015-43-002) on North First Street between Tony P. Santos Street and Trinity Park Drive in the City of San José. This parcel is herein referred to as "existing Alviso Park." Four additional parcels (APNs 015-43-023, 015-43-022, 015-43-020 and 015-44-013) have been acquired by the City to expand the park along Tony P. Santos Street, Wilson Way, and Grand Boulevard. These additional parcels are herein referred to as the "expansion lands." The five parcels together compose the project site and have a total acreage of 23.5 acres.
5. Project Applicant's Name and Address:	City of San José Department of Parks, Recreation, and Neighborhood Services Jason Condit jason.condit@sanjoseca.gov (408) 793-4189 200 East Santa Clara Street San José, CA 95113
6. General Plan Land Use Designation:	Open Space, Parklands, and Habitat (OSPH); Residential Neighborhood (RN); and Combined Industrial/Commercial (CIC)
7. Zoning:	Planned Development (PD) Zoning Districts (File No. PDC97-004 and File No. PDC99-054), Multiple Residence (R-M)
8. Description of Project:	See Project Description in Chapter 3
9. Surrounding Land Uses and Setting:	See Project Description in Chapter 3
10. Other Public Agencies whose Approval is Required:	Santa Clara Valley Habitat Agency

11. Have California Native American Tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun?	The City of San José has not received any request from any Tribes in the geographic area with which it is traditionally and culturally affiliated with or otherwise to be notified about projects in the City of San José.

INCORPORATION BY REFERENCE

All documents cited in this report and used in its preparation are hereby incorporated by reference into this Initial Study. Copies of documents referenced herein are available for review at City of San José Department of Planning, Building and Code Enforcement, 200 East Santa Clara Street, San José, CA 95113.

3. Project Description

This chapter describes the Alviso Park Master Plan Update, referred to in this Initial Study as the "proposed project" or "proposed Plan." This chapter describes the project site, the planning process, and the components of the proposed project, and also provides a description of required approvals.

3.1 PROJECT LOCATION AND SITE CHARACTERISTICS

3.1.1 REGIONAL AND LOCAL LOCATION

Alviso Park is located in northern San José, in the Alviso neighborhood. As shown in Figure 3-1 (Regional Map), San José is located in Santa Clara County, California, which is situated along the southernmost point of the San Francisco Bay. San José is bordered by the cities of Sunnyvale, Campbell, Santa Clara, Milpitas, Morgan Hill and Cupertino. San José is accessed through the regional roadway network including Interstates 280, 680, and 880, US Highway 101 (Highway 101), and State Routes 17, 85, 87, and 237. State Route 237 runs east to west through the northern portion of San José just south of Alviso, connecting Highway 101, which runs roughly northwest to southeast through San José, and Interstate 880, which runs roughly northeast to southwest through San José.

The project site is located on 23.5 acres of City-owned land comprising five parcels, including the existing Alviso Park. The remaining parcels are together referred to as the "expansion parcels." The following five parcels compose the project site:

- Alviso Park (Assessor's Parcel Number (APN) 015-43-002). This 4.5-acre City-owned parcel is located northwest of George Mayne Elementary School, and is borders Trinity Park Drive to the west, Wilson Way to the north, Tony P. Santos Street to the east, and North First Street to the south.
- Expansion Parcel A (APN 015-43-023). This 0.3-acre City-owned parcel is located at the intersection of Grand Boulevard and North First Street, adjacent to the Pacific Gas & Electric easement, and is bordered by the Trinity Park neighborhood to the east.
- Expansion Parcel B (APN 015-43-022). This 0.4-acre City-owned parcel is located to the northwest of Trinity Park neighborhood, adjacent to a Pacific Gas & Electric easement. The parcel includes frontage on Grand Boulevard between Trinity Park Drive and Wilson Way.
- Expansion Parcel C (APN 015-43-020). This 3.3-acre City-owned parcel is located adjacent and west of Alviso Park, and includes frontage on Grand Boulevard. The parcel borders Grand Boulevard to the west, Wilson Way to the north, Alviso Park to the east, and Trinity Park Drive to the south.
- Expansion Parcel D (APN 015-44-013). This 15.0-acre City-owned parcel is located to the north of Alviso Park. The parcel borders Grand Boulevard to the west, Disk Drive to the north, Tony P. Santos Street to the east, and Wilson Way to the south. Fire Station 25 is located within this parcel.

Source: ESRI, 2016; PlaceWorks, 2016.

Project Site

Figure 3-1
Regional Context

The project site is near the northeast corner of Grand Boulevard and North First Street, as shown in Figure 3-2 (Project Site Parcels). The project site has frontage along the north side of North First Street, opposite the Pin High Golf Center, between Tony P. Santos Street and Trinity Park Drive, as well as frontage along Grand Boulevard between North First Street and Disk Drive. The project site is bounded by George Mayne Elementary School on its eastern border, North First Street on its southern border, and Disk Drive on its northern border. To the west, the project site borders Grand Boulevard and the Trinity Park neighborhood. The project site is accessible via Trinity Park Drive to the west, North First Street to the south, Grand Boulevard to the northwest, and Wilson Way, which travels through the site in a northwest to southeast direction and becomes Tony P. Santos Street to the east of the site. The project site is also accessible via a driveway on Evans Lane. Figure 3-3 (Vicinity Map) shows the project site in its local context.

3.1.2 GENERAL PLAN AND ZONING DESIGNATION

3.1.2.1 GENERAL PLAN

The project site is currently designated Open Space, Parklands, and Habitat (OSPH); Residential Neighborhood (RN); and Combined Industrial/Commercial (CIC).

The existing Alviso Park, and expansion parcels A and B, are designated OSPH. Expansion parcel C is designated RN. The RN designation also applies to the Trinity Park neighborhood located west of the site. A portion of expansion parcel D, east of the PG&E easement, is designated CIC. The CIC designation also applies to the areas located north and east of Wilson Way, which include burrowing owl (*Athene cunicularia*) habitat dedicated by Cisco, located across Disk Drive; the future Midpoint at 237 Development adjacent to the project site; and the area to the south of the site across North First Street, which includes the Pin High Golf Center.

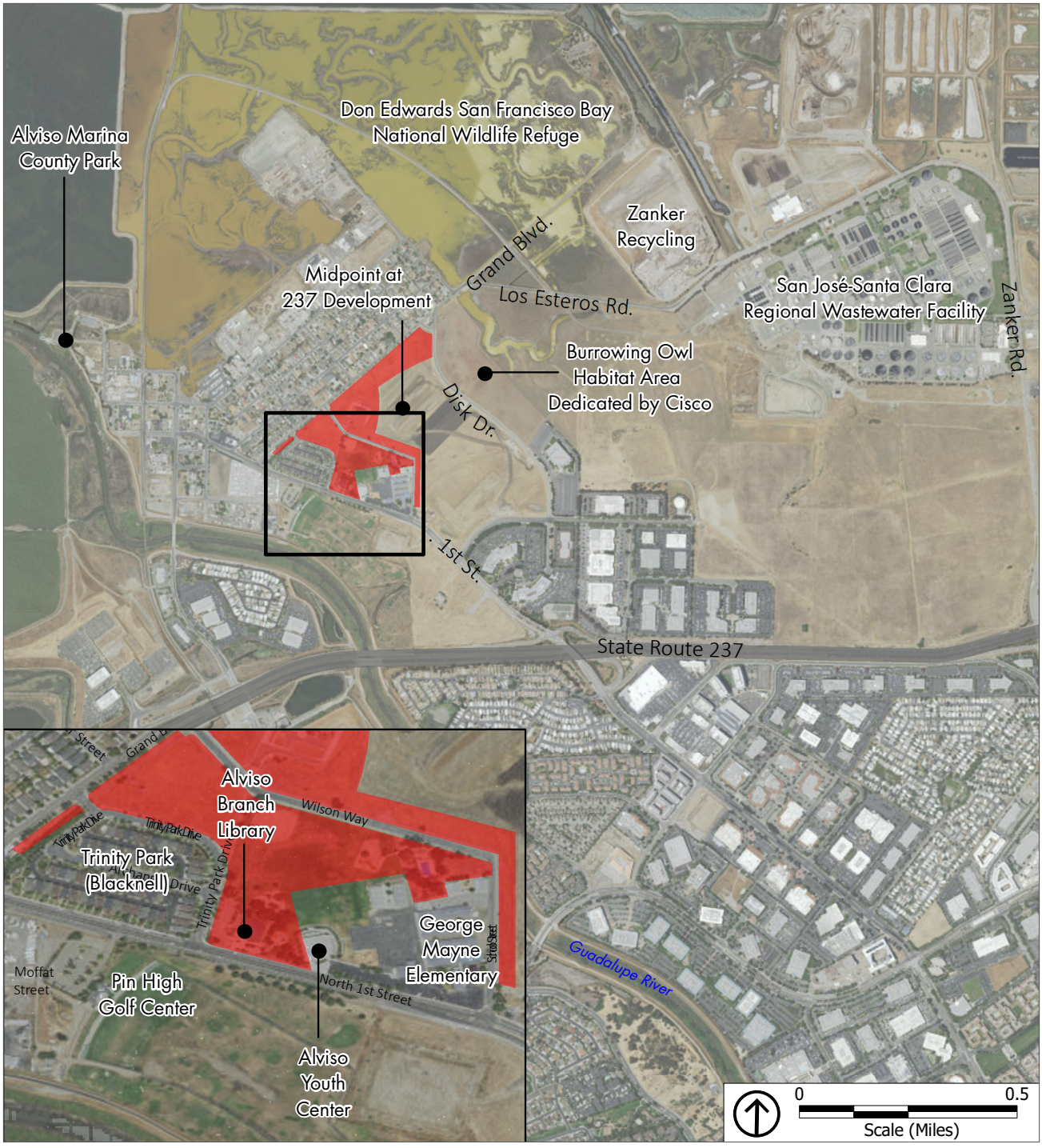
Under the 1998 Alviso Master Plan, the project site is designated Public Park and Open Space (PPOS), Medium Density Residential (R-MD) for 8-12 dwelling units/acre, and Industrial Park with Mixed Use Overlay (IP/MU). The existing Alviso Park, and expansion parcels A and B, are designated PPOS. Expansion parcel C is designated R-MD, and expansion parcel D is designated IP/MU.

3.1.2.2 ZONING

The project site is zoned A(PD) Planned Development Zoning Districts and Multiple Residence (R-M). The existing Alviso Park parcel is zoned R-M, expansion parcels A, B, and D are zoned A(PD) under File No. PDC99-054, and expansion parcel C is zoned A(PD) under File No. PDC97-044. Each Planned Development zoning district is separate and unique, and contains development standards that are fine-tuned to the particular characteristics of each neighborhood. The Planned Development zoning district allows for any use or combination of uses as described as approved. The R-M zone is intended to reserve land for the construction, use, and occupancy of higher-density residential development, and allows for public uses such as parks, playgrounds, and community centers.

Source: ESRI, 2016; PlaceWorks, 2016.

Figure 3-2
Project Site Parcels



Source: ESRI, 2016; PlaceWorks, 2016.

Project Site

Figure 3-3
Vicinity Map

The project site is adjacent to properties in the Commercial Neighborhood (CN), Planned Development, and R-M zones. The area south of North First Street, including the Pin High Golf Center, is zoned CN, which provides for neighborhood-serving commercial uses without an emphasis on pedestrian orientation except within a single development, and allows for neighborhood centers, multi-tenant commercial development, and small corner commercial establishments. The Trinity Park neighborhood, located west of the project site, is zoned A(PD) under File No. PDC97-044. The A(PD) zone also applies to the areas located north and east of Wilson Way, which include burrowing owl habitat dedicated by Cisco, located across Disk Drive, and the future Midpoint at 237 Development adjacent to the project site. The area northwest of the project site across Grand Boulevard is zoned R-M. The R-M zone also applies to the areas east and south of the project site, including the George Mayne Elementary School.

3.1.3 PROJECT SITE EXISTING CONDITIONS

As shown on Figure 3-2 (Project Site Parcels), the 23.5-acre project site is owned by the City of San José and includes multipurpose fields, a lawn area subject to joint-use agreement with George Mayne Elementary School, two picnic areas, two playgrounds, a swimming pool with a restroom, a community garden, and fallow grasslands. Constructed in 1968, the picnic area located in the central portion of the existing park/adjacent to the Library does not have a shade structure, and experiences drainage problems. The barbeques within the picnic area located in the central portion of the existing park/adjacent to the Library are cracked and missing grills; in addition, the pavement is cracked and in poor condition. Constructed in 1968, with renovations in 1979 and 1983, the softball/baseball field and multiuse lawn area are currently occupied by ground squirrels, resulting in numerous shallow tunnels and holes which render the areas largely unusable.

Constructed in 1968, with renovations in 1983, 1990, and 2002, the two playgrounds are in good condition, and currently do not include any shade structures. The play structures, which are placed in a combination of synthetic safety surfacing and engineered wood fiber, are in need of replacement or repairs. Constructed in the 1970's, the swimming pool is approximately 60 feet by 29 feet, surrounded by rough deck surfacing and 6-foot tall chain-link fencing topped with razor wire. The restroom adjacent to the pool is open in conjunction with the pool hours, which are dependent on programming. The restroom experiences sewage backups intermittently. There is a restroom located on the park side of the Youth Center but it is typically not open to the public. There are no other restrooms located within the project site; therefore, park users are able to utilize the restroom located in the Alviso Branch Library.

The community garden is abandoned and closed off from the rest of the project site by a 6-foot tall chain-link fence; in addition, the garden does not have access to water, as the service leader has been removed. The expansion lands are surrounded by 6-foot tall chain-link fencing and consist of fallow lands, often used for dumping. The project site also includes the Alviso Branch Library, located to the west of the Alviso Youth Center and George Mayne Elementary School. The project site contains lighting consisting of overhead stadium lighting for the softball/baseball field; however, the lighting has not been in working condition since at least since 1999.

Alviso Park is a neighborhood park. According to outreach conducted during the Master Plan Update process, the current park is utilized by local residents who live within approximately four blocks. As such, the majority of users access the park by foot or bicycle.

The four expansion parcels are described below:

- Expansion parcel A (APN 015-43-023) consists of fallow grasslands and is surrounded by 6-foot tall chain-link fencing.
- Expansion parcel B (APN 015-43-022) consists of fallow grasslands, contains a utility pole, and is surrounded by 6-foot tall chain-link fencing.
- Expansion parcel C (APN 015-43-020) consists of fallow grasslands and is surrounded by 6-foot tall chain-link fencing.
- Expansion parcel D (APN 015-44-013) consists of the 2.025-acre San José Fire Department Station 25, a Pacific Gas and Electric (PG&E) Easement, fallow grasslands, and is surrounded by 6-foot tall chain-link fencing.

Sidewalks are located along the project site frontage on the north side of North First Street, the west side of Tony P. Santos Street, and both sides of Trinity Park Drive. In addition, there are sidewalks located on both sides of Wilson Way; however, the sidewalks are inaccessible at times due to fencing, vegetation, and dumping. On-street parking is located along both sides of Trinity Park Drive, Grand Boulevard, and Wilson Way. George Mayne Elementary School provides parking in two lots located on North First Street and Tony P. Santos Street; the Alviso Branch Library provides parking in a lot located on North First Street.

Due to its close proximity to the San Francisco Bay, the project site is within the existing 100-year Federal Emergency Management Agency (FEMA) flood zone.

3.1.4 OFF-SITE EXISTING CONDITIONS

Residential uses border the project site to the west, and include the Trinity Park neighborhood and the residential neighborhood north of Grand Boulevard. Trinity Park consists of larger modern homes with tree lined streets and a few small businesses bordered by North First Street. Commercial uses, including the Pin High Golf Center, border the project site to the south. Public uses border the project site to the east and southeast, including George Mayne Elementary School and the Alviso Youth Center. Disk Drive and open space borders the project site to the north. Nearby properties north of Disk Drive include burrowing owl habitat, San José-Santa Clara Regional Wastewater Treatment Plant, and Zanker Recycling facility. Industrial buildings are planned north of the expansion parcels along Wilson Way.

The Alviso County Marina Park and Don Edwards San Francisco Bay National Wildlife Refuge are both located approximately 0.5 miles north of the current Alviso Park and provide access to the San Francisco Bay. The Guadalupe River Trail is located less than 0.25 miles south of the project site, and the Coyote Creek Trail is approximately 2.25 miles to the east.

In addition, the San Francisco Bay Trail alignment is planned to be developed through the site, entering the park at Disk Drive and traveling through the northwest portion of the site along Grand Boulevard, Wilson Way, and Trinity Park Boulevard to North First Street. As a Class I trail, the design guidelines include a 16-foot width, with a 12-foot center paved path and 2-foot-wide shoulders on each side.

3.2 PLANNING PROCESS

The Alviso Park Master Plan Update builds on existing initiatives and related planning efforts in order to achieve its purpose of exploring the community's vision for the park, trails, and undeveloped regions, and describing strategies for meeting current and future community needs. The Master Plan Update will be implemented using a phased approach, providing opportunities for continued community involvement. Phasing strategies have been, and will continue to be, shaped by the values and ideas from the community. A prospective timeline, supporting partners, and the clarification of additional funding will be essential elements to ensure realization of planned phasing over time, as funding becomes available.

The Master Plan Update process builds on several previous documents, including the 1998 Alviso Master Plan, Rose Associates Preliminary Landscape Plan, and Alviso Park Expansion Discussion Study.

The Master Plan Update process included the following community outreach activities:

- Three Community Advisory Committee Meetings were held on July 27, 2015, August 31, 2015 (a meeting that included a walking tour of the site), and April 7, 2016.
- Stakeholder discussions consisting of meetings, emails, and phone conversations occurred throughout the development of the Master Plan and included representatives from the Santa Clara Unified School District, Fire Department, Police Department, Library, and Transportation Department.
- Three community workshops held on October 7, 2015, November 4, 2015, and January 20, 2016.
- One online survey, consisting of nine questions, was open for feedback between October 6 and December 3, 2015. The survey received 41 responses.
- Following the April 7, 2016 community workshop, the City conducted additional review with City staff, community members, and other stakeholders to explore the potential of closing with bollards the portion of Wilson Way that runs adjacent to the park, which was not ultimately selected for inclusion in the Master Plan Update.

3.3 PROJECT COMPONENTS

3.3.1 PROJECT GOALS

The proposed Plan is intended to improve and enhance the existing Alviso Park to support a growing number of community users. The City of San José has outlined the following goals for this planning project and the site:

- Express community identity
- Strengthen the user experience
- Improve circulation and visibility
- Identify community needs, priorities and phasing
- Respect resources

3.3.2 PLANNED IMPROVEMENTS

To achieve the project goals, the proposed project includes the following components, which are depicted on Figure 3-4 (Site Plan). The components include pedestrian paths, a park entryway gateway, wayfinding markers, landscaping, and furniture intended to present a cohesive design. Improvements and renovations to existing facilities include the swimming pool and associated restroom, picnic areas and playgrounds, and the existing softball/baseball field. New facilities proposed include an enclosed sun deck adjacent to the swimming pool, shade structures at the picnic areas, outdoor fitness equipment and walking paths, a dog park, a Bay Trail segment, a community plaza with shade structure, and youth practice baseball and soccer fields.

As shown on Figure 3-5 (Planned Improvement Areas), the proposed Plan delineates four areas of the project site, identified as the North Fields, Main Park, Southwest Edge, and Northwest Edge. The North Fields area contains the portion of parcel D located north of Wilson Way and west of the existing picnic area. The Main Park area contains the existing Alviso Park parcel and the portion of parcel D located along Wilson Way and east of Tony P. Santos Street. The Southwest Edge area contains parcel B and the land surrounding Alviso Branch Library. The Northwest Edge contains portions of parcels A, B, and D located west of the PG&E Easement. The following sections describe the improvements envisioned for each of these areas under the proposed project.

3.3.2.1 NORTH FIELDS

The northern portion of Alviso Park is located along Grand Boulevard with burrowing owl habitat across Disk Drive to the north. PG&E transmission lines run through this segment of the park and preclude built structures within their easement. Under the proposed Plan, this area of the park would be characterized by open spaces and a naturalistic setting, including walking paths with resting areas placed at intervals, which provide a connection to the Don Edwards San Francisco Bay National Wildlife Refuge located approximately 0.5 miles to the north of the park.

Planned improvements for this section of the park include the following:

- New fenced dog park with separate areas for both small and large dogs.
- New benches and trees located outside of the PG&E easement.
- New walking paths to connect with the lower and main portions of the park.
- New low-level pedestrian and path lighting.
- New wayfinding marker, approximately 30 feet tall that would be oriented towards Grand Boulevard.

3.3.2.2 NORTHWEST EDGE

Grand Boulevard is the main road located adjacent to this area of the park, traveling north to south along the western edge of the park. This residential street is lined by trees and shrubs. Planned improvements for this section of the park include a pedestrian promenade, consisting of an 8-foot wide sidewalk, trees, and an entrance arch at Wilson Way and Grand Boulevard. As described in the Bay Trail Master Plan,

Source: Google Earth Pro, 2016; PlaceWorks, 2016.

0 400
Scale (Feet)

Figure 3-4
Site Plan

Source: Google Earth Pro, 2016; PlaceWorks, 2016.

Figure 3-5
Planned Improvements

adopted by the City of San José in 2002,[2] the Bay Trail would travel along the eastern edge of the this area, beginning in the northwestern portion of the project site at the intersection of Disk Drive and Grand Boulevard, crossing the proposed pedestrian promenade, then exiting the park in the southwest portion of the project site at the intersection of North First Street and Grand Boulevard.

3.3.2.3 SOUTHWEST EDGE

This area of the park is adjacent to the Trinity Park neighborhood, which is separated from the park by Trinity Park Drive. Planned improvements for this section of the park include the following:

- New communal venues for gathering and recreation, such as a plaza, specialty plantings, a trellis/shade structure, and a 12-to 16-foot tall park marker that would be oriented towards Trinity Park Drive.
- Improved large group picnic areas adjacent to the library, consisting of paving and planting improvements, picnic tables, grills, and a trellis/shade structure. This picnic area would replace the existing picnic area near the library.
- New small group picnic area adjacent to Trinity Park Drive, consisting of paving and planting improvements, picnic tables and grills.
- New multi-use field consisting of a 225-foot youth softball/baseball field overlaid with a 55-yard-wide by 100-yard-long youth soccer field.
- New restroom located at the rear of and level to the library.
- Improvements to the existing playground near the library to expand the play area by approximately 2,000 square feet.
- New internal park paths measuring 6 feet in width, including low-level lighting.

3.3.2.4 MAIN PARK

This portion of the park would be characterized by green fields and multi-use lawn areas that would serve to complement the existing park facilities. Existing facilities in this area include a restroom, swimming pool, and picnic areas with barbeque pits. Planned improvements for this section of the park include the following:

- Improvements to the existing multi-use softball/baseball field with soccer field overlay to provide usability for participants and generate a key destination zone in the park's core.
- Lighting (see Section 3.3.3, Lighting and Sound, for more detail)
- New mid-block crossing across Wilson Way near the pool.
- New plaza and gateway near Santos Street and Wilson Way to replace the community garden, including a park marker, approximately 12 to 16 feet tall that would oriented towards the plaza.

[2] City of San José, Final The Bay Trail Master Plan, June 25, 2002, Map 4 – Land Uses Diagram.

- New 25-yard long pool and surrounding pool deck, restroom and pump filters building, and associated seating, storage, and landscaping. These improvements would replace the existing pool and restroom.
- New large group picnic area near the community pool, consisting of paving and landscaping, trees, play area, picnic tables and grills, and plaza with trellis. This picnic area would replace the existing picnic area in the lawn near the pool.
- New fitness path loop, consisting of exercise nodes at intervals along proposed pathways with equipment and benches.
- New 6-foot wide sidewalks on both sides of Wilson Way.
- New 4-foot wide sidewalk on the eastern side of Santos Street, including low-level lighting.

3.3.3 LIGHTING AND SOUND

The Master Plan Update would replace the existing, non-functional stadium lighting and sound system located at the baseball/softball field to allow for increased use of the field. Additionally, lighting is proposed for the new practice fields and along pedestrian pathways, and supplemental lighting is proposed within the improved sections of the plaza, swimming pool, and adjacent to each building on-site.

3.3.4 CONSERVATION MEASURES

The proposed field lighting and sound system would by designed to minimize the potential impact on adjacent residential areas and natural habitat; further, all new lighting proposed within the park would conform to existing City standards for neighborhood parks and other applicable regulations, such as light spillage, energy efficiency, and the City of San José Dark Sky Ordinance. In addition, during construction all heavy equipment would be washed, or the tires and undercarriages cleaned with compressed air, before entering or leaving the project site to prevent the spread of invasive weeds.

3.4 PHASING

Improvements to Alviso Park are envisioned to occur in phases as funding becomes available, with a goal of providing a usable park that meets the needs of the community. Phase 1 would consist of modest changes to improve the functionality of the existing park over the short term, and would require the use of City staff time and equipment. Phase 2 would consist of changes to the increase use of and contribute to building an identity for the park. These changes would be supported by outside sources, such as transportation funds to address Bay Trail gap closures or habitat restoration efforts. Phases 3 and 4 would consist of improvements that would require significant sources of outside funding, such as landscape improvements, community gathering plazas, and other recreational amenities. The improvements envisioned for each phase are listed below in Table 3-1.

TABLE 3-1 PARK IMPROVEMENTS PHASING

Phase	Improvement
1	Existing sidewalk clearing on Wilson Way
	Fitness exercise nodes – paving with equipment
	Existing paving/plaza surface repair
	Existing picnic grill repair
	Existing restroom access to Alviso Youth Center coordinated for park users
	Grand Boulevard/Wilson Way entry arch
	Existing joint multi-use field regrading and reseed/re-sod turf
2	Crosswalk improvements
	Small group picnic area off Trinity Park Drive – paving, planting, picnic tables/grills
	Park marker
	Replace existing electrical system
	Replace existing irrigation system
	Decomposed granite or synthetic safety surfacing 6-foot wide fitness path loop
	New restroom by library – customized prefab, engineered fill to elevate building
	Bay Trail – 12-foot wide (min.) with 2-foot wide shoulders each side includes grading, aggregate base, concrete/decomposed granite, headers and lighting)
	Park lighting – pedestrian and path lighting (not including Bay Trail)
	Meadow hydroseed
3	Community plaza – paving, planting, trees, trellis
	Park lighting – main baseball/softball fields and overlapped soccer field and practice fields
	6-foot wide sidewalks both sides of Wilson Way, 4-foot wide sidewalk east side of Santos Way including curb and gutter
	Grand Boulevard promenade – 8 feet wide with trees both sides of path
	Large group picnic area near swimming pool -paving/landscape, trees, picnic tables/grills, trellis
	Park Marker
	6-foot wide internal park paths
	New youth softball/baseball field with multi-use soccer overlay
4	New 25-yard long pool – surrounded by pool deck, new restroom and pump filters building, associated seating/storage/landscape
	Large group picnic area by Library -paving/planting, trees, picnic tables/grills, trellis
	Large playground
	Renovate existing softball/baseball field – City standard with multi-use soccer overlay improvements

Source: City of San José, 2016.

3.5 REQUIRED PERMITS AND APPROVALS

The proposed project would require adoption by the City of San José City Council.

This Initial Study is a program-level document and does not evaluate the impacts of specific, individual improvement and construction projects that may be allowed under the proposed Plan. Each specific future project will require separate environmental review, as required by CEQA, to secure the necessary approvals. Subsequent projects will be reviewed by the City for consistency with the proposed Plan and this Initial Study, and subsequent project-level environmental review will be conducted as required by CEQA. Implementation of the improvements envisioned in the Plan would also be subject to one or more of the following approvals:

- Plan review
- Environmental clearance
- Santa Clara Valley Habitat Plan Reporting Form for Public Projects
- Public Works clearances
- Building clearances
- Flood Elevation Certificate

This page intentionally left blank.

4. Environmental Analysis

4.1 INTRODUCTION

Items identified in each section of the environmental checklist below are discussed following that section. Required mitigation measures and project conditions are identified where necessary to lessen or avoid a potentially significant impact. All impacts were found to be either less than significant or less than significant with mitigation.

The California Supreme Court in a December 2015 opinion [*California Building Industry Association (CBIA) v. Bay Area Air Quality Management District (BAAQMD)*, 62 Cal. 4th 369 (No. S 213478)] confirmed that the California Environmental Quality Act (CEQA), with several specific exceptions, is concerned with the impacts of a project on the environment, and 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., noise) affecting a proposed project, which are also addressed below. This is consistent with one of the primary objectives of CEQA and this document, which is to provide objective information to decision makers and the public regarding a project as a whole. The CEQA Guidelines and the courts are clear that a CEQA document (e.g., EIR or Initial Study) can include information of interest even if such information is not an "environmental impact" as defined by CEQA.

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

4.2 ENVIRONMENTAL ANALYSIS AND FINDINGS

I. AESTHETICS

Would implementation of the proposed Plan:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Have a substantial adverse effect on a scenic vista?	❒	❒	■	❒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?	❒	❒	❒	■
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	❒	❒	■	❒
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	❒	❒	■	❒

ENVIRONMENTAL SETTING

Regulatory Framework

State

California Scenic Highway Program

The California Scenic Highway Program, maintained by the California Department of Transportation (Caltrans), protects State scenic highway corridors from changes which would diminish the aesthetic value of lands adjacent to the highways. There are no State-designated scenic highways in the vicinity of the project site. The nearest State-designated Scenic Highway, Route 9, is located approximately 13.6 miles to the southwest of the site.

California Building Code

The State of California provides a minimum standard for building design through Title 24 of the California Code of Regulations (CCR). The California Building Code (CBC) is located in Part 2 of Title 24. The CBC is updated every three years, and the current 2016 CBC went into effect in January 2017. It is generally adopted on a jurisdiction-by-jurisdiction basis, subject to further modification based on local conditions. The 2016 CBC has been adopted for use by the City of San José, according to San José Municipal Code (SJMC) Section 24.03.100. Commercial and residential buildings are plan-checked by local City and County building officials for compliance with the CBC.

Local

City Council Policy 4-2 Public Streetlights

Adopted February 13, 1980 and revised February 15, 2011, City Council Policy 4-2, Public Streetlights, advances the City's *Green Vision* goal to replace 100 percent of the City's streetlights with smart, zero emission streetlights by 2022. Policy 4-2 calls for converting the City's streetlights from sodium-vapor and metal halide lights to energy-efficient, longer-lasting, and programmable lights. These new lights will be constructed in a manner that minimizes or eliminates hazardous waste by requiring dimmable, programmable lighting for new streetlights, which would control the amount and color of light shining on streets and sidewalks. Light is to be directed downward and outward. New and replacement streetlights should also offer the ability to change the color of the light from full spectrum (appearing white or near white) in the early evening to a monochromatic light in the later hours of the night and early morning. At a minimum, full-spectrum lights should be able to be dimmed by at least 50 percent in late night hours.[3]

Envision San José 2040 General Plan

The Envision San José 2040 General Plan includes goals, policies, and programs relevant to the aesthetic factors potentially affected by the proposed project. The City's General Plan contains the following community design policies relevant to the aesthetics of the proposed project:

- **Policy CD-1.1:** Require the highest standards of architectural and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
- **Policy CD-1.2:** Install and maintain attractive, durable, and fiscally- and environmentally-sustainable urban infrastructure to promote the enjoyment of space developed for public use. Include attractive landscaping, public art, lighting, civic landmarks, sidewalk cafés, gateways, water features, interpretive/way-finding signage, farmers markets, festivals, outdoor entertainment, pocket parks, street furniture, plazas, squares, or other amenities in spaces for public use. When resources are available, seek to enliven the public right-of-way with attractive street furniture, art, landscaping and other amenities.
- **Policy CD-1.29:** Provide and implement regulations that encourage high quality signage, ensure that business and organizations can effectively communicate though sign displays, promote way finding, achieve visually vibrant streetscapes, and control excessive visual clutter.
- **Policy CD-5.6:** Design lighting locations and levels to enhance the public realm, promote safety and comfort, and create engaging public spaces. Seek to balance minimum energy use of outdoor lighting with goal of providing safe and pleasing well-lit spaces. Consider the City's outdoor lighting policies in development review processes.

[3] City of San José, City Council Policy 4-2, Public Streetlights, http://www.sanjoseca.gov/DocumentCenter/Home/View/375, accessed on October 12, 2016.

- Policy VN-1.10: Promote the preservation of positive character-defining elements in neighborhoods, such as architecture; design elements like setbacks, heights, number of stories, or attached/detached garages; landscape features; street design; etc.
- Policy VN-1.12: Design new public and private development to build upon the vital character and desirable qualities of existing neighborhoods.

San José Municipal Code

The SJMC includes Title 23, Sign Ordinance, which is relevant to the design of signs and relevant aesthetic factors. The SJMC Title 23 provides requirements for signs to promote an aesthetically pleasing environment, including consistency with land use patterns and maintenance. The visual sign guide illustrates methods to ensure that the development of new signs conforms with the ordinance.[4]

Existing Conditions

The project site is located within the Alviso neighborhood, an urbanized area located on naturally occurring flat marshlands in the northern portion of San José. Physically separated from the remainder of the city by Route 237 to the south, the Alviso neighborhood's visual character consists primarily of small-scale, single-family detached housing and duplexes and distant views to the San Francisco Bay and hills. The structures located within the Alviso neighborhood are typically two to three stories tall, including the George Mayne Elementary School and the Alviso Youth Center, which are located adjacent to the site on the east and southeast, and the Trinity Park neighborhood located adjacent to the site to the west. The expansion parcels consist of fallow grasslands and nearby properties north of Disk Drive, which include burrowing owl habitat, San José – Santa Clara Regional Wastewater Treatment Plan, and the Zanker Recycling Facility. North First Street links the Alviso village with taller office development further east of the project site.

As shown on Figure 3-2 in Chapter 3, Project Description, of this Initial Study, the project site includes multipurpose fields, a lawn area subject to joint-use agreement with George Mayne Elementary School, two picnic areas, two playgrounds, a swimming pool with a restroom, a community garden, and fallow grasslands. The project site contains fallow grassland cover along the site's northern and western boundaries. Trees along the western boundary front Grand Boulevard. Additionally, several trees are located adjacent to the swimming pool and the picnic area near the Alviso Branch Library. The project site contains lighting consisting of overhead stadium lighting for the softball/baseball field; however, the lighting has not been in working condition since at least since 1999.

The project site does not contain any scenic resources. The nearest State-designated Scenic Highway, Route 9, is located approximately 13.6 miles to the southwest of the site. The San José General Plan designates several Gateways and Urban Corridors throughout the city, which serve to present a visitor or resident with an attractive and inviting image of the city and contribute to the visual character of an area. The project site is not located within a City-designated Gateway or Urban Corridor; the nearest Gateway

[4] City of San José, Visual Sign Guide, http://www.sanJoséca.gov/DocumentCenter/View/5141, accessed on October 11, 2016.

to the project site extends north from Highway 237 along North First Street to Nortech Parkway, ending approximately 0.20 miles south of the project site.[5] The nearest Urban Corridor to the project site, Highway 237, is located approximately 0.5 miles south of the project site.[6]

Sources of nighttime lighting within the Alviso neighborhood are residential in character, including indoor lighting visible through windows and outdoor lighting of signs, buildings, and walkways.

DISCUSSION

a) Would the proposed project have a substantial adverse effect on a scenic vista?

The City has not designated any scenic viewsheds; therefore, the project site is not located within a scenic viewshed. Further, the project site and the land surrounding it are relatively flat, which significantly limits long range views of the San Francisco Bay. However, the hills to the east and west are visible intermittently throughout the project site. The project would include the reconstruction of the existing restroom building, and construction of three park markers for wayfinding purposes: two park markers, approximately 12 to 16 feet tall, would be oriented towards the plazas proposed for the main park and southwest edge areas of the project site, and one park marker, approximately 30 feet tall, would be oriented toward Grand Boulevard located in the northwest edge of the project site. The restroom building and park markers proposed as part of the project would not be of a height to block views within or from the project site, and the project would not otherwise include the development of any structures that could obstruct or limit any views of surrounding land uses, scenic or otherwise. Therefore, the impact would be *less than significant* and no mitigation measures are required.

b) Would the proposed project 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 in proximity to a State-designated scenic highway. The nearest State-designated scenic highway, State Route 9, is located approximately 13.6 miles to the southwest of the project site. Due to the flat topography of the project site and its surroundings, the project site is not visible from this State scenic highway. Therefore, there would be *no impact* and no mitigation measures are required.

c) Would the proposed project substantially degrade the existing visual character or quality of the site and its surroundings?

The existing visual character of the project site would not be substantially altered from its current setting, characterized by existing park uses, a Fire Station, open space areas, and fallow grasslands. Project components such as a fenced dog park, benches walking paths, wayfinding markers, picnic areas, a multi-use field, a plaza and gateway, and a swimming pool would be visible from Grand Boulevard, Trinity Park Boulevard, and Wilson Way. These proposed improvements are consistent with the existing park's use as a

[5] City of San José, Gateways Site Map, https://www.google.com/maps/d/u/0/viewer?mid=1_90CoLJZJNuVDbNOcaPI9ZxKmo4, accessed on October 11, 2016.

[6] City of San José, 2011, Envision San José 2040 General Plan, Chapter 6, Quality of Life, Scenic Corridors Diagram, page 27.

neighborhood park and would expand the neighborhood park to encompass the fallow grasslands on the expansion parcels. On the existing park parcel, proposed improvements would improve existing conditions and enhance the existing park character with newer structures and park features designed around a cohesive park design palette. On the expansion parcels, proposed improvements would convert existing grasslands to improved park uses, which would represent a visual change from the existing uses. However, because proposed improvements would be well-designed and intended to promote the enjoyment of open space and park areas, these improvements would not represent a degradation of the visual character. Proposed park features would be within the existing tree canopy, which is substantially taller than proposed structures. In addition, implementation of the proposed project would involve improvements to existing structures and potential new structures that are intended to strengthen the user experience of the park, improve visibility, and express community identity consistent with City community design policies, and would comply with SJMC regulations applicable to signs. Accordingly, there would be *a less-than-significant* impact and no mitigation measures are required.

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

With development of the proposed project, new sources of lighting would be added to ensure adequate pedestrian orientation and safety. In addition, the existing lighting of the existing ball field located in the southwest portion of the project site, which is currently non-functional, would be replaced with new lighting. Because the existing lighting does not work, the field is essentially unlit in its existing condition, and therefore the project would have the effect of introducing new lighting. New lighting would also be installed for the proposed practice fields. Proposed lighting would be located along pedestrian pathways located on the western portion of the project site along the Grand Boulevard frontage, and along pathways traveling north to south in the eastern portion of the project site between Disk Drive and North First Street. In addition, supplemental lighting would be located at the community plaza and restroom in the southwestern portion of the project site, and at the swimming pool and restroom located on the southeastern portion of the project site.

New lighting on the project site would have the potential to disturb adjacent residential properties and wildlife. As described in Section 3.3.3 of the Project Description, all proposed exterior lighting provided by the project would be consistent with the park context of the project site and would not be considered substantial. Further, all lighting proposed would conform to existing City standards, policies and ordinances for neighborhood parks. Therefore, no proposed lighting would spill over to any surrounding sensitive receptors (i.e., residential land uses, wildlife habitat), or adversely affect nighttime or “dark sky” views in the area. The impact would be *less than significant* and no mitigation measures are required.

II. AGRICULTURE AND FORESTRY RESOURCES

Would implementation of the proposed Plan:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
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?	❒	❒	❒	■
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	❒	❒	❒	■
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code [PRC] Section 12220(g)), timberland (as defined by PRC Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	❒	❒	❒	■
d) Result in the loss of forest land or conversion of forest land to non-forest use?	❒	❒	❒	■
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	❒	❒	❒	■

ENVIRONMENTAL SETTING

Regulatory Framework

State

State of California's Land Conservation Act of 1965 (Williamson Act)

Commonly known as the Williamson Act, the State of California's Land Conservation Act of 1965 enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, landowners receive a property tax assessment based upon farming and open space uses as opposed to full market value.

Farmland Mapping and Monitoring Program

The California Farmland Conservancy manages the Farmland Mapping and Monitoring Program (FMMP), which produces maps and statistical data used for analyzing impacts on California's agricultural resources.

Agricultural land is rated according to soil quality and irrigation status; the best quality land is called Prime Farmland.[7]

Local

The City of San José Municipal Code and General Plan contain zoning requirements and policies, respectively, to protect agricultural resources. Chapter 20.10 of the Municipal Code enumerates zoning districts which regulate and restrict the location and characteristics of various land uses, buildings and structures. Chapter 5 of the General Plan includes Goal LU-19, which applies to agricultural lands.

Existing Conditions

Based on aerial photographs dating from 1939 to 1956, the existing Alviso Park parcel was previously used for agricultural purposes (row crops) prior to its conversion to a public park in the 1960s.[8] Today, the project site is located within the Alviso neighborhood, an urbanized area located in the northern portion of the city of San José, and is currently occupied by existing public uses. The site contains several planted trees and some landscaping. The site is not used for any agricultural or forestry uses. The FMMP has designated a portion of the project site as "other land," located on two expansion parcels (APN 015-43-013 and 015-43-022). In addition, farmland of local importance is located on land northeast of the project site, characterized by fallow grasslands. The FMMP has not designated any agricultural lands within the project site as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.[9]

The California Department of Conservation has designated the existing Alviso Park parcel and expansion parcels A and C (APN 015-43-002, 015-43-023, and 015-43-020) as urban and built-up land, and expansion parcels B and D (APN 015-43-013 and 015-43-022) are designated as non-enrolled land[10,11] Additionally, the California Department of Forestry and Fire Protection (CAL FIRE) Fire and Resources Assessment Program (FRAP) has designated the project site as urban land, not assumed to have value as habitat.[12]

[7] California Department of Conservation, The Land Conservation Act, http://www.conservation.ca.gov/dlrp/lca/Pages/index.aspx, accessed on October 11, 2016.

[8] City of San José, 2017, Phase I Environmental Site Assessment with Limited Soil Sampling, Alviso Park Master Plan, page 13.

[9] California Resources Agency, Farmland Mapping and Monitoring Program, Santa Clara County Important Farmland 2012, ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2012/scl12.pdf, accessed on October 11, 2016.

[10] Land not enrolled in a Williamson Act contract and not mapped by Farmland Mapping and Monitoring Program as Urban and Built-Up Land or Water.

[11] California Department of Conservation, 2015-2016, State of California Williamson Act Contract Land, ftp://ftp.consrv.ca.gov/pub/dlrp/wa/SantaClara_15_16_WA.pdf, accessed on October 11, 2016.

[12] California Department of Forestry and Fire Protection, Fire and Resource Assessment Program, The Management Landscape, http://frap.fire.ca.gov/data/frapgismaps/pdfs/landscapesmap.pdf, accessed on October 11, 2016.

DISCUSSION

a) Would the project 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?

The project site is not currently in agricultural uses, and is not classified as Prime Farmland, Unique Farmland or Farmland of Statewide Importance to non-agricultural use. Therefore, there would be *no impact* and no mitigation measures are required.

b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

Neither the project site, adjoining parcels, nor the immediately surrounding properties are subject to Williamson Act contracts.[13] Therefore, the proposed project would not conflict with existing zoning for agricultural use or Williamson Act contracts. There would be *no impact* and no mitigation measures are required.

c) Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code [PRC] Section 12220(g)), timberland (as defined by PRC Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

Neither the project site, adjoining parcels, nor the immediately surrounding areas feature zoning designations for forest land, timberland, or timber production. Additionally, there are currently no lands within San José zoned for or currently featuring timberland or timber production.[14] The proposed project would therefore not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland. Accordingly, there would be *no impact* and no mitigation measures are required.

d) Would the project result in the loss of forest land or conversion of forest land to non-forest use?

There is no forest land on the project site or in close proximity to the project site.[15] The surrounding areas currently feature developed, urban uses, and the current site is developed for park and other public uses, such as a library. Therefore, the project would not result in the loss of forest land or conversion of forest land to non-forest use. Accordingly, there would be *no impact* and no mitigation measures are required.

[13] Santa Clara County website, interactive map of Williamson Act Properties, https://www.arcgis.com/home/webmap/viewer.html?webmap=328429a3701a444485f31982cbdd9c71&extent=-122.5019,36.6904,-120.9103,37.6838, accessed on October 11, 2016.

[14] City of San José website, interactive map of Land Use Zoning, http://csj-landzoning.appspot.com/index.html#, accessed on October 11, 2016.

[15] California Department of Forestry and Fire Protection, Fire and Resource Assessment Program, The Management Landscape, http://frap.fire.ca.gov/data/frapgismaps/pdfs/landscapesmap.pdf, accessed on July 14, 2016.

e) Would the project 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?

As detailed above, the project site and surrounding areas do not include any zoning, land use designations, or existing land uses relating to forest land or timber production. The project site is designated OSPH, RN, and CIC. Further, the existing Alviso Park parcel is zoned for R-M uses, and the expansion parcels are zoned for A(PD) uses. Thus, the proposed project would not impact any outlying agricultural or forest lands and would not involve changes to the existing environment that would result in the conversion of forest or agricultural lands. Accordingly, there would be *no impact* and no mitigation measures are required.

III. AIR QUALITY

Would implementation of the proposed Plan:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	❒	❒	■	❒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	❒	❒	■	❒
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project area is in non-attainment under applicable federal or State ambient air quality standards (including releasing emissions which exceed quantitative Standards for ozone precursors or other pollutants)?	❒	❒	■	❒
d) Expose sensitive receptors to substantial pollutant concentrations?	❒	❒	■	❒
e) Create objectionable odors affecting a substantial number of people?	❒	❒	■	❒

ENVIRONMENTAL SETTING

Regulatory Framework

Federal

Federal Clean Air Act

The Federal Clean Air Act (Federal CAA) establishes pollutant thresholds for air quality in the United States and is administered by the United States Environmental Protection Agency (USEPA). The USEPA is responsible for establishing the National Ambient Air Quality Standards (AAQS), which are required under the Federal CAA. The USEPA regulates emission sources that are under the exclusive authority of the

federal government, such as aircraft, ships, and certain types of locomotives. The agency also establishes various emission standards for vehicles sold in states other than California.

State

California Clean Air Act

The California Clean Air Act (California CAA) is administered by the California Air Resources Board (CARB) at the state level under the California Environmental Protection Agency (CalEPA). CARB is responsible for meeting the state requirements of the Federal CAA, administering the California CAA, and establishing the California AAQS. The California CAA requires all air districts in the state to achieve and maintain the California AAQS. CARB also regulates mobile air pollution sources such as motor vehicles. CARB is responsible for setting emission standards for vehicles sold in California and for other emission sources, such as consumer products and certain off-road equipment. CARB has established passenger vehicle fuel specifications and oversees the functions of local air pollution control districts and air quality management districts, which in turn administer air quality activities at the regional and county level. CARB also conducts or supports research into the effects of air pollution on the public and develops approaches to reduce air pollutant emissions.

Regional

Bay Area Air Quality Management District

California is divided geographically into air basins for the purpose of managing the air resources of the State on a regional basis. An air basin generally has similar meteorological and geographic conditions throughout. The project site is in the San Francisco Bay Area Air Basin (SFBAAB or Air Basin), which comprises all of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara counties; the southern portion of Sonoma County; and the southwestern portion of Solano County. The Bay Area Air Quality Management District (BAAQMD) is the regional air quality agency for the SFBAAB. Air quality in this area is determined by such natural factors as topography, meteorology, and climate, in addition to the presence of existing air pollution sources and ambient conditions.[16] Federal, State, and local air districts have adopted laws and regulations intended to control and improve air quality. Air pollutants of concern are criteria air pollutants and toxic air contaminants (TACs).

- Criteria Air Pollutants. The pollutants emitted into the ambient air by stationary and mobile sources are regulated by federal and State law under the National and California Clean Air Act, respectively. Air pollutants are categorized as primary and/or secondary pollutants. Primary air pollutants are those that are emitted directly from sources. Carbon monoxide (CO), reactive organic gases (ROG), nitrogen oxides (NO_x), sulfur dioxide (SO_2), coarse inhalable particulate matter (PM_{10}), fine inhalable particular matter ($PM_{2.5}$), and lead (Pb) are primary air pollutants. Of these, all of them except for ROGs are "criteria air pollutants," which means that AAQS have been established for them. The National and California AAQS are the levels of air quality considered to provide a margin of safety in the protection

[16] Bay Area Air Quality Management District, 2014, California Environmental Quality Act Air Quality Guidelines, Appendix C: Sample Air Quality Setting.

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

- Toxic Air Contaminants. In addition to criteria air pollutants, both the State and federal government regulate the release of "toxic air contaminants" (TACs). The California Health and Safety Code defines a TAC as "an air pollutant which may cause or contribute to an increase in mortality or in serious illness, or which may pose a present or potential hazard to human health." A substance that is listed as a hazardous air pollutant pursuant to Section 112(b) of the federal Clean Air Act (42 United States Code [USC] Section 7412[b]) is a TAC. Under State law, the CalEPA, acting through CARB, is authorized to identify a substance as a TAC if it determines that the substance is an air pollutant that may cause or contribute to an increase in mortality or serious illness, or may pose a present or potential hazard to human health.

Bay Area Clean Air Plan - 2017 Spare the Air, Cool the Climate: A Blueprint for Clean Air and Climate Protection in the Bay Area

BAAQMD adopted the 2017 Clean Air Plan, *Spare the Air, Cool the Climate* (2017 Clean Air Plan) on April 19, 2017. The 2017 Clean Air Plan serves as an update to the adopted Bay Area 2010 Clean Air Plan and continues in providing the framework for the SFBAAB to achieve attainment of the California and National AAQS. Similar to the Bay Area 2010 Clean Air Plan, the 2017 Clean Air Plan updates the Bay Area's ozone plan, which is based on the "all feasible measures" approach to meet the requirements of the California CAA. Additionally, it sets a goal of reducing health risk impacts to local communities by 20 percent by 2020. Furthermore, the 2017 Clean Air Plan also lays the groundwork for reducing GHG emissions in the Bay Area to meet the State's 2030 GHG reduction target and 2050 GHG reduction goal. It also includes a vision for the Bay Area in a postcarbon year 2050 that encompasses the following:[17]

- Construct buildings that are energy efficient and powered by renewable energy.
- Walk, bicycle, and use public transit for the majority of trips and use electric-powered autonomous public transit fleets.
- Incubate and produce clean energy technologies.
- Live a low-carbon lifestyle by purchasing low-carbon foods and goods, in addition to recycling and putting organic waste to productive use.

A comprehensive multipollutant control strategy has been developed to be implemented in the next three to five years to address public health and climate change and to set a pathway to achieve the 2050 vision. The control strategy includes 85 control measures to reduce emissions of ozone, particulate matter, TACs, and GHG from a full range of emission sources. These control measures cover the following sectors: 1) stationary (industrial) sources; 2) transportation; 3) energy; 4) agriculture; 5) natural and working lands; 6)

[17] Bay Area Air Quality Management District (BAAQMD). 2017, April 19. Final 2017 Clean Air Plan, Spare the Air, Cool the Climate: A Blueprint for Clean Air and Climate Protection in the Bay Area. http://www.baaqmd.gov/plans-and-climate/air-quality-plans/plans-under-development.

waste management; 7) water; and 8) super-GHG pollutants. Overall, the proposed control strategy is based on the following key priorities:

- Reduce emissions of criteria air pollutants and toxic air contaminants from all key sources.
- Reduce emissions of "super-GHGs" such as methane, black carbon, and fluorinated gases.
- Decrease demand for fossil fuels (gasoline, diesel, and natural gas).
- Increase efficiency of the energy and transportation systems.
- Reduce demand for vehicle travel, and high-carbon goods and services.
- Decarbonize the energy system.
- Make the electricity supply carbon-free.
- Electrify the transportation and building sectors.

Local

Envision San José 2040 General Plan

The City has adopted policies in the Envision San José 2040 General Plan related to air pollution exposure to future sensitive receptors that demonstrate the City's commitment to local and global environmental leadership; maximize the use of green building practices in new and existing development; and minimize air pollutant emissions from new and existing development, including during demolition and construction activities. These policies consist of the following:

- Policy MS-1.7: Encourage retrofits for existing buildings throughout San José to use green building principles in order to mitigate the environmental, economic, and social impact of those buildings, to achieve greenhouse gas reductions, and to improve air and water quality.
- Policy MS-10.1: Assess projected air emissions from new development in conformance with the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines and relative to state and federal standards. Identify and implement feasible air emission 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-11.2: 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 -12.2: For new, expanded, or modified facilities that are potential sources of objectionable odors (such as landfills, green waste and resource recovery facilities, wastewater treatment facilities, asphalt batch plants, and food processors), the City requires an analysis of possible odor impacts and the provision of odor minimization and control measures as mitigation.
- 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.

Existing Conditions

Existing emissions generated at the project site include energy use associated with the existing structures such as the swimming pool, and landscape and other area sources emissions generated at the sports fields.

DISCUSSION

a) Would the project conflict with or obstruct implementation of the applicable air quality plan?

A consistency determination plays an important role in local agency project review by linking local planning and individual projects to the clean air plan. It fulfills the CEQA goal of informing decision makers of the environmental efforts of the project under consideration at an early enough stage to ensure that air quality concerns are fully addressed. It also provides the local agency with ongoing information as to whether they are contributing to clean air goals in the Bay Area. The most recently adopted comprehensive plan is the Bay Area 2017 Clean Air Plan, adopted in April 2017.

Regional growth projections are used by BAAQMD to forecast future emission levels in the Air Basin. For the Bay Area, these regional growth projections are provided by the Association of Bay Area Governments (ABAG) and transportation projections are provided by the Metropolitan Transportation Commission (MTC) and are partially based on land use designations in city/county general plans. Typically, only large, regionally significant projects have the potential to affect the regional growth projections.

Development of the proposed project would include new pedestrian paths, shade structures, outdoor fitness equipment, a dog park, and soccer fields; as well as renovations to the existing swimming pool, restroom, picnic areas, playgrounds, and softball/baseball field. As a project to improve a neighborhood park, the proposed project would not have the potential to substantially affect housing, employment, and population projections within the region, which is the basis of the Bay Area Clean Air Plan projections. Therefore, the proposed project is not considered a regionally significant project under CEQA Guidelines Section 15206 that would affect regional vehicle miles traveled (VMT) and warrant intergovernmental review by ABAG and MTC.

Furthermore, construction of the proposed 23.5-acre park would fall under BAAQMD's screening criteria, which states that city parks of 2,613 acres or larger have the potential to generate a substantial increase in operational criteria air pollutant emissions. BAAQMD's screening criteria is used to determine projects that have the potential to generation emissions that exceed BAAQMD's operational emissions thresholds (see criterion (b)). These thresholds are established to identify projects that have the potential to generate a substantial amount of operational criteria air pollutants. Because the proposed project would not exceed these thresholds during project operations, the project would not be considered by BAAQMD to be a substantial emitter of criterial air pollutants. Therefore, the proposed project would not conflict with or obstruct implementation of the 2017 Bay Area Clean Air Plan and impacts would be considered *less than significant*.

b) Would the project 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 and 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.

Construction Emissions

City of San José General Plan Policy MS-13.1 requires construction to conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines.[18] Construction activities produce combustion emissions from various sources, such as on-site heavy-duty construction vehicles, vehicles hauling materials to and from the project site, and motor vehicles transporting the construction crew. Site preparation activities produce fugitive dust emissions (PM_{10} and $PM_{2.5}$) from soil-disturbing activities such as grading and excavation. Air pollutant emissions from construction activities on site would vary daily as construction activity levels change. The proposed project would involve the construction of a trails, shade structures, fitness equipment, and fields, as well as renovations to existing structures. BAAQMD's CEQA Guidelines identifies screening criteria for construction-related criteria air pollutant emissions. Based on BAAQMD's screening criteria, city parks of 67 acres or larger have the potential to generate a substantial increase in construction-related criteria air pollutant emissions and would need further analysis. Because Alviso Park would be 23.5 acres under the proposed project, the proposed project would be substantially below the BAAQMD screening threshold and construction would generate nominal criteria air pollutant emissions. Additionally, the project will include the following Project Conditions that outline BAAQMD's Basic Construction Project Conditions to assist in reducing the impact of temporary construction.

Project Conditions: The project would incorporate the following standard BAAQMD dust control measures during all phases of construction on the project site to reduce dustfall emissions:

1. All active construction areas shall be watered twice daily or more often if necessary. Increased watering frequency shall be required whenever wind speeds exceed 15 miles-per-hour.

2. Pave, apply water three times daily, or apply non-toxic soil stabilizers on all unpaved access roads and parking and staging areas at construction sites.

3. Cover stockpiles of debris, soil, sand, and any other materials that can be windblown. Trucks transporting these materials shall be covered.

4. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

[18] City of San José, 2011, Envision San José 2040 General Plan, http://www.sanjoseca.gov/DocumentCenter/Home/View/474, accessed on November 11, 2016.

5. Subsequent to clearing, grading, or excavating, exposed portions of the site shall be watered, landscaped, treated with soil stabilizers, or covered as soon as possible. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas and previously graded areas inactive for 10 days or more.

6. Installation of sandbags or other erosion control measures to prevent silt runoff to public roadways.

7. Replanting of vegetation in disturbed areas as soon as possible after completion of construction.

8. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes. Clear signage shall be provided for construction workers at all access points.

9. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

10. Post a publicly visible sign with the telephone number and person to contact at the City of San José regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

Furthermore, the proposed project does not have any unusual circumstances, such as the potential to result in overlapping construction activities. Construction activities associated with installation of walking paths, shade structures, fields, and existing structure renovation would not require substantial use of heavy equipment and, therefore, would generate nominal emissions. A quantified analysis of the proposed project's construction emissions is not warranted by BAAQMD in this scenario and, due to the limited construction activities needed, the impact would be *less than significant*.

Operational Emissions

The existing Alviso Park facilities include a swimming pool and other structures that are open to the public. Existing emissions generated at the project site include energy use associated with the existing structures such as the swimming pool, landscape, and other area sources emissions generated at sports fields. The majority of proposed project components would not generate emissions (e.g., trails, playgrounds, etc.). However, the new restroom and lighting would generate nominal electricity demand. The proposed Plan would slightly increase visitor use but would not result in a substantial increase in VMT and associated emissions (see Section XVII, Transportation/Traffic). BAAQMD's CEQA Guidelines identifies screening criteria for operation-related criteria air pollutant emissions. Based on BAAQMD's screening criteria, city parks of 2,613 acres or larger have the potential to generate a substantial increase in criteria air pollutant emissions and would need further analysis. The area proposed for improvements associated with the proposed plan is substantially below the BAAQMD screening threshold and would generate nominal criteria air pollutant emissions. Additionally, under the proposed project many existing facilities such as the pool pump filters building would be improved and older equipment would be replaced with

newer, more energy-efficient equipment. The criteria air pollutant emissions impacts of the project are therefore *less than significant*.

c) Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project area is in non-attainment under applicable federal or State ambient air quality standards (including releasing emissions which exceed quantitative thresholds for ozone precursors?

The SFBAAB is currently designated as a nonattainment area for California and National AAQS for ozone (O_3) and for $PM_{2.5}$, and a nonattainment area under the California AAQS for PM_{10}. Any project that does not exceed or can be mitigated to less than the BAAQMD significance levels, used as the threshold for determining major projects, does not add significantly to a cumulative impact.

As discussed above in (see criteria (a) and (b)), the proposed project would have less-than-significant impacts with regard to construction, operation (Bay Area Clean Air Plan consistency, odors, and CO hotspots, regional air pollutant emissions) and community risk and hazards. Consequently, the proposed project's contribution to cumulative air quality impacts would be *less than significant*.

d) Would the project expose sensitive receptors to substantial pollutant concentrations?

As discussed in Section 4.1, Introduction, the California Supreme Court in a December 2015 opinion (*CBIA v. BAAQMD*) confirmed that CEQA, with several specific exceptions, is concerned with the impacts of a project on the environment, and not the effects the existing environment may have on a project. Therefore, the effect of existing air pollutants from off-site sources on new sensitive receptors introduced by the project would not be considered an impact under CEQA and the impact analysis below focuses on the potential for the proposed project to increase air pollutants. However, the City of San José currently has policies that address existing sources of pollution.

The City of San José General Plan Policy MS-11.2 mandates that the City minimize exposure of people to air pollution and TACs, and requires a health risk assessment in accordance with BAAQMD-recommended procedures for projects the emit toxic air contaminants.[19] The impact analysis below is followed by an assessment of the proposed Plan's compliance with relevant General Plan policies.

Construction Off-Site Community Risk and Hazards

The closest sensitive receptors to the project-related construction activities include George Mayne Elementary School immediately to the southeast, as well as the single-family residences across Trinity Park Drive to the south of the project site, and single-family residences to the west of the project site across Grand Boulevard.

The construction of the park as envisioned in the proposed Plan would temporarily elevate concentrations TACs and diesel- $PM_{2.5}$ in the vicinity of sensitive land uses during construction activities. The proposed project involves siting recreational land uses proximate to existing residential units and an elementary

[19] City of San José, 2011, Envision San José 2040 General Plan. http://www.sanjoseca.gov/DocumentCenter/Home/View/474, accessed on November 11, 2016

school in the vicinity of the project site. BAAQMD has developed screening distances for assessing potential health risks from residential, commercial, and industrial construction activities, but not for recreational or open space construction. However, development of pedestrian paths, landscaping improvements, and park amenities do not require extensive grading, building construction, and paving, and therefore would not generate an intensive construction schedule or a substantial off-road equipment fleet. Based on communications with BAAQMD, BAAQMD does not require construction health risk assessments for construction activities with a limited construction schedule and heavy equipment fleet, which would therefore generate nominal emissions.[20] Development of the park as envisioned in the proposed Plan would not result in significant construction impacts to off-site sensitive receptors. Overall, construction emissions associated with the proposed project would not exceed BAAQMD's project-level and cumulative significance thresholds for community risk and hazards, and the impact would be *less than significant*.

Operational Phase On-Site Community Risk and Hazards

Evaluation of impacts of the environment on the proposed Plan is not a CEQA issue unless it would exacerbate an environmental hazard or such analysis is identified in the PRC (i.e., exception). Exposure to elevated concentrations of vehicle-generated $PM_{2.5}$ and TACs at sensitive land uses has been identified by CARB, the California Air Pollution Control Officer's Association, and BAAQMD as a potential air quality hazard.

CO Hotspot Analysis

Areas of vehicle congestion have the potential to create pockets of CO called hotspots. These pockets have the potential to exceed the State one-hour standard of 20 parts per million (ppm) or the eight-hour standard of 9 ppm. The project would not conflict with the Santa Clara Valley Transportation Authority (VTA) Congestion Management Program (CMP) because it would not hinder the capital improvements outlined in the CMP or alter regional travel patterns. VTA's CMP must be consistent with MTC and ABAG's *Plan Bay Area*. An overarching goal of the regional plan is to concentrate development in areas where there are existing services and infrastructure rather than allocate new growth in outlying areas where substantial transportation investments would be necessary to achieve the per capita passenger vehicle, VMT, and associated greenhouse gas (GHG) emissions reductions. The project site is not within an area that has traffic congestion that has the potential to exceed the ambient air quality standards. Furthermore, the proposed project could slightly increase visitor use, but would not increase traffic volumes at affected intersections by more than 44,000 vehicles per hour or 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (i.e., bridges and tunnels) (see Section XVII, Transportation and Traffic). The proposed project would not exceed the screening criteria of the BAAQMD. Therefore, impacts associated with CO hotspots for the proposed Plan would be *less than significant*.

[20] Based on telephone conversation with Bay Area Air Quality Management District (BAAQMD) air quality staff on May 5, 2015.

Compliance with General Plan Policies for Air Pollution Exposure to Future Sensitive Receptors

The proposed project would be consistent with General Plan policies related to air pollution exposure to future sensitive receptors, as presented in the Regulatory Setting section above. The renovation of existing structures onsite is consistent with General Plan Policy MS-1.7, which encourages retrofits for existing buildings to use green building principles in order to mitigate the environmental impact of those buildings, achieve GHG reductions, and improve air quality. Likewise, Additionally, Construction associated with the proposed project would satisfy Policies MS-10.1, MS-10.2, and MS-13.1 by meeting all required Project Conditions and following BAAQMD CEQA Guidelines and Best Management Practices for fugitive dust, as outlined above. The proposed project is therefore consistent with General Plan Policies MS-1.7, MS-10.1, MS-10.2, and MS-13.1. Further, compliance with regulations in the SJMC during the plan review and building permit processes would ensure consistency with the policies identified above.

e) Would the project create objectionable odors affecting a substantial number of people?

San José General Plan Goal MS-12 seeks to minimize the exposure of residents to objectionable odors, and requires an analysis of possible odor impacts for facilities that are potential sources of objectionable odors.[21] The proposed project would improve a neighborhood park with a new pool, sports fields, walking trails, and recreational uses. Construction and operation of these types of improvements would not generate substantial odors or be subject to odors that would affect a substantial number of people. The type of facilities that are considered to have objectionable odors include wastewater treatments plants, compost facilities, landfills, solid waste transfer stations, fiberglass manufacturing facilities, paint/coating operations (e.g. auto body shops), dairy farms, petroleum refineries, asphalt batch plants, chemical manufacturing, and food manufacturing facilities. Parks and recreational uses are not associated with foul odors that constitute a public nuisance. During construction activities, construction equipment exhaust and application of asphalt and architectural coatings would temporarily generate odors. Any construction-related odor emissions would be temporary and intermittent. Additionally, noxious odors would be confined to the immediate vicinity of the construction equipment. By the time such emissions reach any sensitive receptor sites, they would be diluted to well below any level of air quality concern. Impacts would be *less than significant*.

[21] City of San José, 2011, Envision San José 2040 General Plan. http://www.sanjoseca.gov/DocumentCenter/Home/View/474, accessed on November 11, 2016

IV. BIOLOGICAL RESOURCES

Would implementation of the proposed Plan:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on a plant or animal population, or essential habitat, defined 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)?	❒	❒	■	❒
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?	❒	❒	■	❒
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (CWA), (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	❒	■	❒	❒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	❒	❒	■	❒
e) Conflict with any local ordinances or policies protecting biological resources, such as a tree preservation policy or ordinance?	❒	■	❒	❒
f) Conflict with an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or State habitat conservation plan?	❒	■	❒	❒

ENVIRONMENTAL SETTING

The following section is based on the *Alviso Park Master Plan Update Biological Resource Report*, prepared by H.T Harvey and Associates, dated November 15, 2016, which is included in this document as Appendix A.

Regulatory Framework

Federal

Clean Water Act

Areas meeting the regulatory definition of "waters of the United States" are subject to the jurisdiction of the United States Army Corps of Engineers (USACE) under provisions of Section 404 of the Clean Water Act (CWA). Under the CWA, the USEPA seeks to restore and maintain the chemical, physical, and biological integrity of the nation's waters. Waters of the United States are defined in 33 Code of Federal Regulations (CFR), Part 328, and may include all waters used currently and historically for interstate commerce (including all waters subject to the ebb and flow of the tide), all interstate waters (including interstate wetlands), all other waters (intrastate lakes, rivers, streams, mudflats, sandflats, playa lakes, natural ponds, etc.), territorial seas, and wetlands adjacent to waters of the United States. Wetlands on non-agricultural lands are identified using the *Corps of Engineers Wetlands Delineation Manual* using an approach that relies on identification of three parameters: hydrophytic vegetation (i.e., plants that grows wholly or partly submerged in water), hydric soils, and wetland hydrology indicators. Areas typically not considered to be jurisdictional waters include nontidal drainage and irrigation ditches excavated in uplands, artificially irrigated areas, artificial lakes or ponds used for irrigation or stock watering, small artificial water bodies such as swimming pools, and water-filled depressions.

Construction activities in jurisdictional waters are regulated by the USACE. The placement of fill into such waters must comply with Section 404 permit requirements of the USACE. No USACE permit will be effective in the absence of Section 401 Water Quality Certification. The State Water Resources Control Board (SWRCB) is the State agency (together with nine Regional Water Quality Control Boards [RWQCBs]) charged with implementing water quality certification in California. The San Francisco Bay RWQCB is the regional board that regulates water quality in Region 2, which includes the City of San José and Santa Clara County.

The northeastern portion of the project site supports approximately 1.04 acres of potential jurisdictional waters of the United States (seasonal wetland habitat). Additional studies would need to be conducted to make a more definitive statement regarding potential jurisdiction of the seasonal wetlands on the site. Specifically, a formal wetland delineation is needed to determine if hydric soils and wetland hydrology indicators are present along with the hydrophytic vegetation that was observed in the seasonal wetland. If ultimately determined to be regulated by the USACE, impacts on this area would require a Section 404 permit from the USACE, in addition to a Section 401 Water Quality Certification from the RWQCB.

Rivers and Harbors Act

Section 10 of the Rivers and Harbors Act of 1899 prohibits the creation of any obstruction to the navigable capacity of waters of the United States, including discharge of fill and the building of any wharfs, piers, jetties, and other structures without Congressional approval or authorization by the Chief of Engineers and Secretary of the Army (33 USC 403). Navigable waters of the United States, which are defined in 33 CFR, Part 329.4, include all waters subject to the ebb and flow of the tide, and/or those which are presently or have historically been used to transport commerce. The shoreward jurisdictional limit of tidal

waters is further defined in 33 CFR, Part 329.12 as "the line on the shore reached by the plane of the mean (average) high water." The USACE does not regulate wetlands under Section 10, only the aquatic or open waters component of bay habitat, and that there is overlap between Section 10 jurisdiction and Section 404 jurisdiction. According to 33 CFR, Part 329.9, a waterbody that was once navigable in its natural or improved state retains its character as "navigable in law" even though it is not presently used for commerce as a result of changed conditions and/or the presence of obstructions. Historical Section 10 waters may occur behind levees in areas that are not currently exposed to tidal or muted-tidal influence, and meet the following criteria: (1) the area is presently at or below the mean high water line; (2) the area was historically at or below mean high water in its "unobstructed, natural state"; and (3) there is no evidence that the area was ever above mean high water.

As mentioned above, Section 404 of the CWA authorizes the USACE to issue permits to regulate the discharge of dredged or fill material into waters of the United States. If a project also proposes to discharge dredged or fill material and/or introduce other potential obstructions in navigable waters of the United States, a Letter of Permission authorizing these impacts must be obtained from the USACE under Section 10 of the Rivers and Harbors Act.

The project site is located approximately 0.15 miles north of the Guadalupe River mouth, and 0.1 miles south of an unnamed slough. Because the site does not support open water, it does not overlap with current Section 10 waters. However, it was verified that nearly the entire project site except for the southern boundary of the Main Park parcel occurs within historical Section 10 waters by reviewing maps of historical sloughs, which are depicted on historical maps with a double-blue line. The site does not appear to have ever been filled above the mean high water elevation. Impacts on historical Section 10 jurisdictional areas may require a Letter of Permission from the USACE.

Federal Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA), 16 USC Section703, prohibits killing, possessing, or trading of migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. The MBTA protects whole birds, parts of birds, and bird eggs and nests; and prohibits the possession of all nests of protected bird species whether they are active or inactive. An active nest is defined as having eggs or young, as described by the Department of the Interior in its April 16, 2003 Migratory Bird Permit Memorandum. Nest starts (nests that are under construction and do not yet contain eggs) are not protected from destruction. All native bird species that occur on the project site are protected under the MBTA.

State

Porter-Cologne Water Quality Control Act

The SWRCB works in coordination with the San Francisco Bay RWQCBs to preserve, protect, enhance, and restore water quality. The San Francisco Bay RWQCB makes decisions related to water quality for its region, and may approve, with or without conditions, or deny projects that could affect waters of the State. Their authority to regulate activities that could result in a discharge of dredged or fill material

comes from the CWA and Porter-Cologne Water Quality Control Act (Porter-Cologne) (Water Code Sections 13000 *et seq.*).

Porter-Cologne broadly defines waters of the State as "any surface water or groundwater, including saline waters, within the boundaries of the state." Because Porter-Cologne applies to any water, whereas the CWA applies only to certain waters, California's jurisdictional reach overlaps and may exceed the boundaries of waters of the United States. For example, Water Quality Order No. 2004-0004-DWQ states that "shallow" waters of the State include headwaters, wetlands, and riparian areas. The SWRCB has recently developed a preliminary draft Water Quality Control Policy that addresses numerous policy elements including development of a wetland definition and description of methodology to be used in defining wetlands as part of waters of the State. Pursuant to Section 401 of the CWA, projects that are regulated by the USACE must obtain a Water Quality Certification permit from the San Francisco Bay RWQCB. This certification ensures that the proposed project will uphold state water quality standards. Because California's jurisdiction to regulate its water resources is much broader than that of the federal government, proposed impacts on waters of the State require Water Quality Certification even if the area occurs outside of USACE jurisdiction. Moreover, the San Francisco Bay RWQCB may impose mitigation requirements even if the USACE does not. Under the Porter-Cologne, the SWRCB and San Francisco Bay RWQCB also have the responsibility of granting CWA National Pollutant Discharge Elimination System (NPDES) permits and Waste Discharge Requirements for certain point-source and non-point discharges to waters. These regulations limit impacts on aquatic and riparian habitats from a variety of urban sources.

Waters of the State on the project site include all waters of the United States as described above (approximately 1.04 acres of seasonal wetland habitat). Impacts on waters of the State would require a Section 401 Water Quality Certification from the San Francisco Bay RWQCB.

Regional

Santa Clara Valley Habitat Plan

The City of San José adopted the Santa Clara Valley Habitat Plan (VHP), a habitat conservation plan and natural community conservation plan, on January 29, 2013.[22] The VHP was initiated by six "local partners" (Santa Clara Valley Transportation Authority, County of Santa Clara, Santa Clara Valley Water District, and the Cities of San José, Morgan Hill, and Gilroy), in cooperation with the CDFW and the USFWS. The VHP covers approximately 520,000 acres, primarily within southern Santa Clara County, and nine special-status plant and nine special-status animal species (called "covered species" in the VHP). The VHP is "intended to provide an effective framework to protect, enhance, and restore natural resources in specific areas of Santa Clara County, while improving and streamlining the environmental permitting process for impacts on threatened and endangered species." Approval of impacts on covered species from project activities covered by the VHP (i.e., projects that meet a number of criteria concerning location, proponent, and type) are considerably expedited. Fees paid in accordance with the extent and nature of projects' impacts on wetland, aquatic, and riparian habitats are used to further conservation efforts via the acquisition, creation, or enhancement, as well as the preservation and management, of habitat for these species. In

[22]City of San José, Planning Division, Santa Clara Valley Habitat Plan, http://www.sanJoséca.gov/index.aspx?nid=3919, accessed on October 24, 2016.

addition, covered projects are subject to a number of measures concerning avoidance and minimization of impacts on covered species and habitats through project design and construction measures (such as preconstruction species surveys and seasonal restrictions on construction activities) to directly protect species. Several "no take" species also exist that, because of their rarity or regulatory status (e.g., state fully protected species), cannot be "taken" by a project that is covered by the plan.

The City is a co-permittee under the VHP, and the proposed project is a covered project under the VHP. As such, the City would be covered under the auspices of the VHP, and would adhere to the conservation measures set forth therein. Further, the City would pay VHP fees for habitat impacts, in accordance with the types and acreage of habitat impacted, resulting from Plan implementation.

None of the special-status plant species covered under the VHP occurs on the project site. However, the VHP includes conservation strategies and mitigation measures for two wildlife species that may be found in or near the project site, the burrowing owl (*Athene cunicularia*) and tricolored blackbird (*Agelaius tricolor*).

Local

San José Tree Ordinance

The SJMC Title 13 regulates the removal of trees, including any live or dead woody perennial plant, having a main stem or trunk 56 inches or more in circumference (18 inches in diameter) at a height of 24 inches above the natural grade slope.

City-designated heritage trees are considered sensitive resources. A heritage tree is any tree located on private property, which because of factors including (but not limited to) history, girth, height, species, or unique quality has been found by the City Council to have special significance to the community. It is unlawful to vandalize, mutilate, remove or destroy heritage trees.

City of San José Riparian Corridor Policy and Bird-Safe Building Council Policy 6-34

Council Policy 6-34 (adopted in August of 2016) provides guidance, consistent with the General Plan, for protecting and restoring riparian habitat; limiting the creation of new impervious surface within Riparian Corridor setbacks; and encouraging bird-safe design in Bayland and riparian habitats of lower Coyote Creek north of State Route 237. This policy supplements the regulations for riparian corridor protection already contained within the Habitat Plan, Municipal Code, and other existing City policies that may provide for riparian protection and bird-safe design.

Specific guidance pertaining to setbacks, allowed activities, and materials and lighting in riparian areas are included within Council Policy 6-34. Further, bird-safe design guidelines for structures north of State Route 237 to advise that buildings:

- Avoid use of mirrors and large areas of reflective glass;
- Avoid use of transparent glass skyways, walkways, or entryways, free-standing glass walls, and transparent building corners;
- Avoid funneling open space to a building façade;
- Strategically place landscaping to reduce reflection and views of foliage inside or through glass;

- Avoid or minimize up-lighting and spotlights; and
- Turn non-emergency lighting off, or shield it, at night to minimize light from buildings that is visible to birds, especially during bird migration season (February through May and August through November).

Envision San José 2040 General Plan

The Envision San José 2040 General Plan includes goals and policies that address biological resources pertinent to the project site as follows:

- Goal ER-4 Special-Status Plants and Animals - Preserve, manage, and restore habitat suitable for special-status species, including threatened and endangered species.
  - Policy ER-4.1: Preserve and restore, to the greatest extent feasible, habitat areas that support special-status species. Avoid development in such habitats unless no feasible alternatives exist and mitigation is provided of equivalent value.
  - Policy ER-4.2: Limit recreational uses in wildlife refuges, nature preserves and wilderness areas in parks to those activities which have minimal impact on sensitive habitats.
  - Policy ER-4.3: Prohibit planting of invasive non-native plant species in natural habitats that support special-status species.
  - Policy ER-4.4: Require that development projects incorporate mitigation measures to avoid and minimize impacts to individuals of special-status species.
- Goal ER-5 Migratory Birds - Protect migratory birds from injury or mortality.
  - 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.
- Goal ER-6 Urban Natural Interface - Minimize adverse effects of urbanization on natural lands adjacent to the City's developed areas.
  - Policy ER-6.1: Encourage fencing between residential areas and natural lands to minimize the encroachment of people, pets, and non-native vegetation into natural lands.
  - Policy ER-6.2: Design development at the urban/natural community interface of the Greenline/Urban Growth Boundary (UGB) to minimize the length of the shared boundary between urban development and natural areas by clustering and locating new development close to existing development. Key areas where natural communities are found adjacent to the UGB include the Baylands in Alviso, the Santa Teresa Hills, Alum Rock Park, and Evergreen.
  - Policy ER-6.3: Employ low-glare lighting in areas developed adjacent to natural areas, including riparian woodlands. Any high-intensity lighting used near natural areas will be placed as close to the ground as possible and directed downward or away from natural areas.

- Policy ER-6.4: Site public facilities such as ballparks and fields that require high-intensity night lighting at least 0.5 miles from sensitive habitats to minimize light pollution, unless it can be demonstrated that lighting systems will not substantially increase lighting within natural areas (e.g., due to screening topography or vegetation).
- Policy ER-6.6: Encourage the use of native plants in the landscaping of developed areas adjacent to natural lands.
- Policy ER-6.7: Include barriers to animal movement within new development and, when possible, within existing development to prevent movement of animals (e.g., pets and wildlife) between developed areas and natural habitat areas where such barriers will help to protect sensitive species.
- Policy ER-6.8: Design and construct development to avoid changes in drainage patterns across adjacent natural areas and for adjacent native trees, such as oaks.

- Goal ER-7 Wildlife Movement - Minimize adverse effects of future development on wildlife movement and remove or reduce existing impediments to wildlife movement
  - Policy ER-7.1: In the area north of Highway 237 design and construct buildings and structures using bird-friendly design and practices to reduce the potential for bird strikes for species associated with the baylands or the riparian habitats of lower Coyote Creek.

Existing Conditions

The 23.5-acre project site is located in the Alviso neighborhood on the fringe of the southern portion of the San Francisco Bay in Santa Clara County, California. It is 0.15 mile north of the Guadalupe River mouth and 0.1 mile south of an unnamed slough, both of which are connected with San Francisco Bay. The Don Edwards San Francisco Bay NWR is located 0.2 miles to the northwest of the site, and supports extensive tidal wetlands, salt ponds, mudflats, and tidal sloughs. Although the project site occurs within historical sloughs of the bay, it does not currently support tidal marsh or open water habitat.

As described in Chapter 3, Project Description, of this Initial Study, the project site is partially developed, and includes landscaped areas and infrastructure associated with the George Mayne Elementary School, Alviso Branch Library, and Alviso Park. The remaining portions of the site are vacant and generally support California annual grassland with a more or less ruderal (i.e., disturbed) character. A Pacific Gas and Electric (PG&E) easement is located on the vacant lot along Grand Boulevard, an area which has been identified in the Alviso Master Plan as one of five key areas in the Alviso neighborhood with high habitat value.

Existing Land Uses, Vegetation Communities, and Habitats

Table 4-1 includes the acreage of the various habitats that occur on the project site, and Figure 4-1, Biotic Habitats Map, illustrates their distribution.

Source: H.T. Harvey & Associates, Alviso Park Master Plan Update (3745-01), Biological Resources Report, November 2016.

0 520
Scale (Feet)

Figure 4-1
Biotic Habitats Map

TABLE 4-1 HABITAT AREAS ON THE PROJECT SITE

Habitat	Area (Acres)
California annual grassland	14.50
Golf courses/urban parks	8.79
Seasonal wetlands	1.04
Ornamental woodland	0.28
Total	**24.61**

Source: *Alviso Park Master Plan Update Biological Resource Report*, prepared by H.T Harvey and Associates, dated November 15, 2016, Table 1 Habitat Acreages on the Project Site.

California Annual Grassland

Vegetation: Approximately 14.50 acres of ruderal California annual grassland occur on the project site, located in an abandoned school garden, and in vacant lots along the eastern and western perimeters of the site. This plant community has a ruderal character indicative of disturbance and is dominated by non-native grasses. For a complete list of plants on the project site, refer to Appendix A.

Wildlife: The California annual grassland on the project site provides breeding habitat for relatively few bird species due to the lack of structural complexity of the vegetation. Although ground-nesting species such as the western meadowlark (*Sturnella neglecta*) breed here, most of the bird species using the project site during the breeding season nest in the landscaped habitat or more heavily vegetated areas outside the project site, using the California annual grassland habitat on the site only for foraging. For a complete list of birds on the project site, refer to Appendix A of this Initial Study.

Few species of reptiles and amphibians occur in the California annual grassland on the project site due to its ruderal character, disturbed nature, and low habitat heterogeneity. Nevertheless, the western fence lizard (*Sceloporus occidentalis*), gopher snake (*Pituophis melanoleucus*), and common garter snake (*Thamnophis sirtalis*) occur in this type of habitat, and amphibians such as the Sierran chorus frog (*Pseudacris sierra*), which breed in wet areas found adjacent to the project site, may forage in this habitat. Small mammals expected to be present include the western harvest mouse (*Reithrodontomys megalotis*), California vole (*Microtus californicus*), and non-native Norway rat (*Rattus norvegicus*). Small burrowing mammals, such as the Botta's pocket gopher (*Thomomys bottae*) and California ground squirrel (*Spermophilus beecheyi*), are also present and their burrows are common throughout the ruderal grassland. Larger mammals, such as the striped skunk (*Mephitis mephitis*), raccoon (*Procyon lotor*), and non-native Virginia opossum (*Didelphis virginiana*) and red fox (*Vulpes vulpes*) are also likely to occur here.

Golf Courses/Urban Parks

Vegetation: The project site includes 8.79 acres of the golf courses/urban parks land cover type. The majority of the landscaped area in the project site is an irrigated lawn that serves as a baseball field at the park, and is co-dominated by non-native grasses such as annual bluegrass (*Poa annua*) and Bermuda grass

(*Cynodon dactylon*). Several species common to the golf courses/urban parks land cover on the site appear on the California Invasive Plant Council (Cal-IPC) Inventory. Bermuda grass, tree of heaven, and cotoneaster are considered "moderately" invasive, and can cause substantial and apparent ecological impacts on plant and animal communities, vegetation structure, and other physical processes. For a complete list of vegetation on the project site, refer to Appendix A of this Initial Study.

Wildlife: The wildlife most often associated with golf courses/urban parks areas are those that are tolerant of periodic human disturbances, including introduced species such as the European starling, rock pigeon (*Columba livia*), and Norway rat. Numerous common, native species are also able to utilize these habitats, especially the landscaped areas, including the western fence lizard, striped skunk and a variety of birds, such as the American crow, Anna's hummingbird (*Calypte anna*), Bewick's wren (*Thryomanes bewickii*), bushtit (*Psaltriparus minimus*), California towhee (*Melozone crissalis*), northern mockingbird (*Mimus polyglottos*), oak titmouse (*Baeolophus inornatus*) and red-winged blackbird, all of which were observed on the project site. Large trees provide potential nesting habitat for urban-adapted raptors such as the red-tailed hawk and Cooper's hawk (*Accipiter cooperi*). However, no old nests of raptors were observed in trees on the site during the survey. In addition, the eaves and corners of the buildings on the project site may be attractive to other nesting and/or roosting bird species in the area, such as the barn swallow, black phoebe, and house finch. For a complete list of vegetation on the project site, refer to Appendix A of this Initial Study.

Seasonal Wetland

Vegetation: A seasonal wetland, 1.04 acres in size, was documented at the northernmost end of the project site during the reconnaissance survey. A formal wetland delineation was not conducted; however, this feature would likely be considered Waters of the United States and State, and would thus fall under the jurisdiction of the USACE and San Francisco Bay RWQCB. This habitat was dominated by "facultative" plant species which are moderately hydrophytic and are equally likely to occur in wetlands and uplands, including bird's foot trefoil (*Lotus corniculatus*), seaside barley (*Hordeum marinum*), saltgrass (*Distichlis spicata*), and alkali heath (*Frankenia salina*). The presence of saltgrass and alkali heath, both halophytic species, is indicative of alkaline and/or saline soils resulting from historical tidal inundation. Currently, the feature is situated within a concave depression at a slightly lower elevation than the California annual grassland and developed areas surrounding it. Moreover, historical aerial images from 2000 to 2015 show the area as being saturated during the wet season and sometimes continuing to stay wet with green vegetation into the dry, summer months.

Wildlife: Seasonal wetlands can provide habitat for a unique array of special-status and common wildlife species that rely specifically on the particular features they provide. However, because the seasonal wetland on the project site does not pond water and is regularly disturbed by activities such as tractor mowing that compress soils and inhibit use by wetland-associated invertebrate and amphibian species that might take refuge in the moist soils, the habitat provided by this feature is functionally similar to the adjacent grasslands from the perspective of wildlife use.

Ornamental Woodland

Vegetation: Ornamental woodland at the site occurs along the western edge of the parcels, in the form of planted street trees in a 0.28-acre area. The majority of these trees are non-native Peruvian peppertree, and these areas tend to lack herbaceous vegetation adjacent to the sidewalk due to disturbance.

Wildlife: The ornamental woodland on the project site provides relatively low value as habitat for wildlife due to the lack of understory vegetation and the relatively small nature of the non-native trees present. Nevertheless, a variety of common bird species, such as Anna's hummingbirds, mourning doves, and others, may nest in these trees, and peppertree fruits are also eaten by a number of bird species.

Special-Status Plants

The 2016 CNPS and CNDDB identify 71 special-status plant species as potentially occurring in the nine 7.5-minute quadrangles containing and/or surrounding the project site for CRPR 1 and 2 plants, and in Santa Clara County for CRPR 3 and 4 plants. Sixty-seven special-status plant species identified during the background review were determined to be absent from the project site due to one or more of the following reasons: (1) a lack of specific habitat (e.g., coastal salt marsh) and/or edaphic requirements (e.g., serpentine or alkaline soils) for the species in question, (2) the elevation range of the species is outside of the range on the project site, and (3) the species is known to be extirpated from the site vicinity.

Suitable habitat, edaphic requirements, and elevation range were present on the project site for the following four special-status species, which are assessed in more detail below: (1) brittlescale (*Atriplex depressa*, CRPR 1B.2), (2) Congdon's tarplant (*Centromadia parryi* ssp. *congdonii*) (CRPR 1B.1), (3) Hoover's button celery (*Eryngium aristulatum* var. *hooveri*, CRPR 1B.1), and (4) San Joaquin spearscale (*Extriplex joaquiniana*, CRPR 1B.1). On the project site, suitable habitat for brittlescale, Hoover's button celery, and San Joaquin spearscale is only present within the seasonal wetland. This area had short-statured but identifiable vegetation during a focused survey conducted in August of 2015. The survey was conducted during the blooming periods for brittlescale and San Joaquin spearscale, and just after the blooming period for Hoover's button celery, so all of these target plants should have been detectable. However, none of these species were observed, and thus the brittlescale, Hoover's button celery, and San Joaquin spearscale are considered absent from the site. A focused survey for Congdon's tarplant was conducted on November 10, 2016. The species was still detectable and in late flower at a reference site (i.e., Sunnyvale Baylands Park) on this date. Thus, based on the project site conditions and the reference population observation at Sunnyvale Baylands Park, Congdon's tarplant, if present, should have been detectable on the project site during the November 2016 survey. Congdon's tarplant was not detected on the site during the November 2016 focused survey. Therefore, it is determined to be absent from the project site.

Special-Status Animals

The legal status and likelihood of occurrence on the project site of special-status animal species known to occur, or potentially occurring in the project region are presented in Table 2 of Appendix A of this Initial Study, and CNDDB animal records in the general project vicinity are shown in Figure 7 of Appendix A of this Initial Study. Most of the special-status species listed in Table 2 of Appendix A of this Initial Study are

not expected to occur on the project site because it lacks suitable habitat, is outside the known range of the species, and/or is isolated from the nearest known extant populations by development or otherwise unsuitable habitat. Animal species not expected to occur on the project site for these reasons include the southern green sturgeon (*Acipenser medirostris*), longfin smelt (*Spirinchus thaleichthys*), Central California coast steelhead (*Oncorhynchus mykiss*), California tiger salamander (*Ambystoma californiense*), California red-legged frog (*Rana draytonii*), western pond turtle (*Actinemys marmorata*), bald eagle, Swainson's hawk (*Buteo swainsoni*), least Bell's vireo (*Vireo bellii pusillus*), California Ridgway's rail (*Rallus obsoletus obsoletus*), California black rail (*Laterallus jamaicensis coturniculus*), western snowy plover (*Charadrius alexandrinus nivosus*), California least tern (*Sterna antillarum browni*), San Francisco common yellowthroat (*Geothlypis trichas sinuosa*), Alameda song sparrow (*Melospiza melodia pusillula*), salt marsh harvest mouse (*Reithrodontomys raviventris*), salt marsh wandering shrew (*Sorex vagrans halicoetes*), and San Francisco dusky-footed woodrat (*Neotoma fuscipes annectens*).

Other special-status species have some potential to occur on the project site only as visitors, migrants, or transients, but are not expected to reside or breed on the site, occur in large numbers, or otherwise make substantial use of the site. These include the American peregrine falcon (*Falco peregrinus anatum*), golden eagle, northern harrier (*Circus cyaneus*), loggerhead shrike (*Lanius ludovicianus*), tricolored blackbird, white-tailed kite, and pallid bat (*Antrozous pallidus*).

Only one special-status animal species, the burrowing owl, could potentially breed on the project site. Expanded descriptions are provided in Appendix A for those species potentially occurring on the project site, as well as species for which resource agencies have expressed particular concern and for which expanded discussion is required.

Sensitive and Regulated Plant Communities and Habitats

The CDFW ranks certain rare or threatened plant communities, such as wetlands, meadows, and riparian forest and scrub, as 'threatened' or 'very threatened'. These communities are tracked in the CNDDB. Impacts on CDFW sensitive plant communities, or any such community identified in local or regional plans, policies, and regulations, must be considered and evaluated under the CEQA (CCR Title 14, Division 6, Chapter 3, Appendix G). Furthermore, wetland and riparian habitats are also afforded protection under applicable federal, State, or local regulations, and are generally subject to regulation, protection, or consideration by the USACE, San Francisco Bay RWQCB, CDFW, and/or the USFWS.

DISCUSSION

a) Would the project have a substantial adverse effect, either directly or through habitat modifications, on a plant or animal population, or essential habitat, defined 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)?

Burrowing Owls

California annual grasslands on the project site contain ground squirrel burrows that provide potential nesting, wintering, and foraging habitat for burrowing owls. If active burrowing owl nests are present on the project site at the time of construction, construction-related disturbance could result in injury or

mortality of an owl. In addition, construction-related disturbance could lead to the incidental loss of fertile eggs or nestlings or otherwise lead to nest abandonment. Even if burrowing owls are not breeding on the site, construction could result in injury or mortality of an owl in the event that an occupied burrow is filled or compacted during construction. The project would also result in the modification of up to 14.50 acres of potential nesting, wintering, and foraging habitat, including habitat mapped as burrowing owl nesting habitat by the VHP.

VHP Condition 15 requires the implementation of measures to avoid and minimize direct impacts on burrowing owls, including preconstruction surveys, establishment of 250-feet non-disturbance buffers around active nests during the breeding season (February 1 through August 31), establishment of 250-feet non-disturbance buffers around occupied burrows during the nonbreeding season, and construction monitoring. In addition, because the project site is mapped as burrowing owl habitat by the VHP, the City of San José would be required to pay a burrowing owl fee. The fee would help fund the VHP conservation program. The VHP has established requirements for both preservation and management of 5,300 acres of occupied or potential burrowing owl nesting habitat to guide the use of impact fees paid to the SCVHA. The VHP includes an aggressive suite of measures aimed at reversing the declining trend of the burrowing owl population in Santa Clara County. This will occur on a large-scale, regional basis, which will have far greater ecological value than "traditional" mitigation that relies on isolated, piecemeal, mitigation sites. This holistic strategy is strongly endorsed by the CDFW and the USFWS, which are the state and federal trustee agencies, respectively, that have stewardship over these resources. Both of these agencies are partners in, and strong proponents of, the VHP as they see its value as a tool for the mitigation of impacts and the long-term protection and recovery of the important resources.

Given the regional rarity of burrowing owls, and recent population declines in the Bay Area, any loss of burrowing owls, any activities resulting in the destruction of occupied burrowing owl burrows, or the loss of occupied burrowing owl habitat would substantially impact the species, a significant impact under CEQA. However, implementation of VHP Condition 15 (Chapter 6 of the VHP), along with payment of burrowing owl impact fees, which would contribute to the conservation strategy included in Chapter 5 of the VHP, would reduce impacts on individual burrowing owls and their habitat to a *less-than-significant* level is outlined in Mitigation Measure BIO-1.

Impact BIO-1: Project implementation could result in an adverse effect on burrowing owls and their habitat.

> Mitigation Measure BIO-1: The project proponent shall implement Condition 15 of the Santa Clara Valley Habitat Plan (VHP) and pay burrowing owl impact fees to the Habitat Agency prior to any ground disturbance activities. Pursuant to Condition 15, a qualified biologist shall conduct pre-construction surveys in all suitable habitat areas. To maximize the likelihood of detecting owls, the preconstruction survey shall last a minimum of three hours. The survey shall begin one hour before sunrise and continue until two hours after sunrise (for three hours total) or begin two hours before sunset and continue until one hour after sunset. Additional time may be required for large project sites. A minimum of two surveys shall be conducted (if owls are detected on the first survey, a second survey is not needed). All owls observed will be counted and their locations mapped. Surveys shall conclude no more than two calendar days prior to construction. Therefore, the project proponent must begin surveys no more than four days prior to construction (two days of surveying plus up to

two days between surveys and construction). To avoid last-minute changes in schedule or contracting that may occur if burrowing owls are found, the project proponent may also conduct a preliminary survey up to fourteen (14) days before construction. This preliminary survey may count as the first of the two required surveys as long as the second survey concludes no more than two calendar days in advance of construction.

If evidence of western burrowing owls is found during the breeding season (February 1st through August 31st), the project proponent shall avoid all nest sites that could be disturbed by project construction during the remainder of the breeding season or while the nest is occupied by adults or young. Avoidance shall include establishment of a 250-foot non-disturbance buffer zone around nests. Construction may occur outside of the 250-foot non-disturbance buffer zone. Construction may occur inside of the 250-foot non-disturbance buffer during the breeding season if:

- The nest is not disturbed; and
- The project proponent develops an avoidance, minimization, and monitoring plan that is approved by the Habitat Agency and the Wildlife Agencies prior to project construction.

If evidence of western burrowing owls is found during the non-breeding season (September 1st through January 31st), the project proponent shall establish a 250-foot non-disturbance buffer around occupied burrows as determined by a qualified biologist. Construction activities outside of this 250-foot buffer are allowed. Construction activities within the non-disturbance buffer are allowed if certain criteria are met, as outlined in the VHP Conditions Implementation Guide, in order to prevent owls from abandoning important overwintering sites.

The project proponent and/or contractor shall submit evidence of compliance with the VHP to the City's Supervising Environmental Planner prior to the start of ground disturbance activities.

Non-Breeding Special-Status Birds

Several special-status bird species occur in the project area as non-breeding migrants, transients, or foragers, but they are not known or expected to breed or occur in large numbers on the project site; these are the American peregrine falcon, golden eagle, northern harrier, loggerhead shrike, tricolored blackbird, and white-tailed kite.

The American peregrine falcon, golden eagle, white-tailed kite (all fully protected species), and loggerhead shrike and northern harrier (both California state species of special concern) are not expected to breed on the project site due to a lack of suitable nesting habitat. Although individuals of these species may occasionally occur on the site while foraging, they are not expected to occur on the site regularly or in large numbers.

The VHP does not map suitable habitat for the tricolored blackbird on, or within 250 feet of, the project site. However, the species is known to forage in the project vicinity during the nonbreeding season, and may occur on the project site as an uncommon nonbreeding visitor.

The proposed project would have some potential to impact foraging habitat and/or temporarily disturb individuals of these species. Work activities associated with the project might result in a temporary direct

impact through the alteration of foraging patterns (e.g., avoidance of work sites because of increased noise and activity levels during maintenance activities) but would not result in the loss of individuals, as individuals would be easily able to fly away from any areas of project disturbance before injury could occur. Therefore, this impact would be *less than significant*.

Invasive Weeds

The California annual grassland on the project site supports several infestations of weed species considered by Cal-IPC to have moderate to severe ecological impacts. The potential spread of such weeds to sensitive habitat types would degrade these habitats, possibly reducing their ability to provide habitat values to common and sensitive species that utilize them, and could be a substantial adverse impact under CEQA. However, by developing and maintaining (e.g., through landscaping) the areas that currently support weed infestations, the project would likely lead to a reduction of these weed species at the project site. Additionally, the project would wash all heavy equipment used in ground disturbing activities at the site at a legally operating equipment yard or car wash prior to being used at another site, to prevent the inadvertent spread of weeds or introduction of new infestations of yellow star thistle, fennel, or bull thistle to other sites where such infestations may impact adjacent sensitive habitats. Based on these avoidance measures and regional and local permits and policies, the project is not expected to contribute to the spread or introduction of weed infestations onto sensitive habitats within or outside the project site, and this impact is considered *less than significant* under CEQA.

Impacts from Field Lighting

Artificial lighting has the potential to indirectly affect mammals, birds, and other animals by making them more visible to nocturnal predators such as owls and mammalian predators, thus increasing predation. The presence of artificial light may also influence habitat use by rodents and by breeding birds by causing avoidance of well-lit areas, resulting in a net loss of habitat availability and quality. Lighting may also adversely affect the circadian rhythms of certain animals.

Lighting from the proposed project would be the result of new low-level pedestrian and path lighting; replacement of the existing, non-functional stadium lighting located at the baseball/softball field; and addition of supplemental lighting within the improved sections of the plaza, swimming pool, and adjacent to each building on-site. Areas to the north, west, and south of the project site are primarily occupied by commercial and urban residential land uses, which do not support sensitive species that might be significantly impacted by illumination from the proposed project. However, the unnamed slough to the north of the project site and the bufferlands of the Santa Clara/San José Regional Wastewater Facility to the northeast provide suitable habitat for a variety of wildlife, including sensitive species such as the burrowing owl and Alameda song sparrow (*Melospiza melodia pusillula*). These species and others using these habitats may be subject to increased predation, decreased habitat availability (for species that show aversions to increased lighting), and alterations of physiological processes if the proposed project produces appreciably greater illumination than the existing conditions. However, all lighting would conform to existing City standards for neighborhood parks and other applicable regulations, addressing issues such as light spillage, energy efficiency, and the City of San José Dark Sky Ordinance. Thus, proposed lighting would have minimal spillover to any surrounding sensitive wildlife habitat, and the

lighting would not adversely affect nighttime views in the area. Therefore, impacts from increased lighting would be *less than significant*.

Impacts from Noise

Similar to the impact of increased lighting described above, operation of the proposed project has the potential to generate noise that may adversely affect wildlife inhabiting the slough and bufferlands to the north. These species may be subject to decreased habitat availability (for species that show aversions to increased noise and thus do not use adjacent habitats) and alterations of behavior if the proposed project produces substantially greater noise than the existing conditions.

The project is subject to the noise standards established in the City's General Plan. The City considers significant noise impacts to occur if a project would:

- Cause the day/night average sound level (DNL) at noise sensitive receptors to increase by five A-weighted decibels (dBA) DNL or more where the noise levels would remain "Normally Acceptable;" or
- Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.

However, given the existing uses at the park, the proposed project would not introduce any new types or concentrations of noise to the area that would be markedly different from the current conditions. In addition, although the baseball facilities may accommodate practices and games (for local teams), it is not expected to host tournaments or other regional-based events, and sound system usage would be sporadic, occasional, and of limited duration; primarily during early evening hours or during daylight weekends hours. Further, as detailed in Section XII, Noise, additions to the park due to the proposed project (e.g., a fenced dog park, walking paths, picnic areas, and athletic fields) would not result in significant noise impacts as defined in the General Plan. Because the proposed project would not generate significant increases in noise, increase noise as a result of the project would not be considered substantial enough to adversely affect biological resources. Therefore, impacts from noise on biological resources are considered *less than significant*.

b) Would the project 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?

The only sensitive natural community in or near the project vicinity is Northern Coastal Salt Marsh, which is not present on the project site but occurs approximately 1.3 miles to the northwest along the edge of the Bay. The seasonal wetland on-site supports some species associated with the upper elevation edges of Northern Coastal Salt Marsh, such as salt grass and alkali heath, but does not have other indicative species such as pickleweed (*Salicornia* spp.). Additionally, no tidal influence occurs at the site. Therefore, no sensitive natural communities tracked by the CNDDB occur on the project site.

In addition to tracking sensitive natural communities, the CDFW also ranks vegetation alliances, defined by repeating patterns of plants across a landscape that reflect climate, soil, water, disturbance, and other environmental factors, and maintains a list of vegetation alliances and associations within the state of California. The alkali heath marsh alliance, *Frankenia salina/Distichlis spicata* association occurs within the seasonal wetland on the project site, and is considered sensitive according to this ranking. No other

sensitive alliances occur on the project site, as the vegetative communities are composed of primarily non-native plant species.

The seasonal wetlands on the project site may be considered waters of the United States/State, and as wetlands, are considered a sensitive habitat type. No drainages, streams, or sloughs occur on the project site, so no stream or riparian habitat considered sensitive or regulated as riparian habitat under State Fish and Game Code is present. No non-wetland habitats considered sensitive by the VHP, including serpentine bunchgrass grasslands; chaparral, valley or blue oak woodlands; or riparian forest or woodlands occur on the project site. However, the VHP does consider seasonal wetlands to be a sensitive habitat type. For a discussion on seasonal wetlands refer below to criterion (c) below. Impacts to riparian habitat or other sensitive natural community would result in a *less-than-significant* impact and no mitigation measures are required.

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

Project activities are currently planned to directly avoid the seasonal wetland at the north end of the project site, which may be considered jurisdictional waters of the United States/State. Construction of a portion of the Bay Trail is planned along the western edge of the site along Grand Avenue. Although the proposed park plan would locate the Bay Trail to largely avoid the wetland area, some portion of this trail or its fill pad may be placed in seasonal wetland habitat. In the absence of VHP compliance measures, if the seasonal wetland on the project site is determined to be Waters of the United States /State, permanent impacts, including placement of fill, due to implementation of park improvements would be a significant impact. Implementation of Mitigation Measures BIO-2a and BIO-2b would reduce this impact to a *less-than-significant* level. In addition, the project would pay VHP impact fees for all impacts on wetlands, which would be used by the SCVHA to help compensate for impacts on aquatic habitats. The payment of these wetland VHP fees would allow for the acquisition, preservation, and restoration of wetlands as described in Chapter 5 of the VHP.

Impact BIO-2: Project implementation could potentially have adverse impacts on federally protected wetlands.

Mitigation Measure BIO-2a: The project proponent shall implement Conditions 3 and 12 of the VHP to reduce construction impacts on wetlands. These VHP conditions require avoidance of wetlands during construction.

VHP Condition 3 consists of avoidance and minimization measures outlined in Table 6-2 of the VHP. Applicable avoidance and minimization measures shall be implemented during construction. VHP Condition 12 requires the implementation of design phase and construction phase measures to avoid and minimize impacts on wetlands and ponds to the extent feasible, including erosion control measures, fencing of avoided wetlands during construction, establishment of buffers between wetlands and refueling areas, and measures to minimize the spread of invasive species.

The project proponent and/or contractor shall submit evidence of compliance with the VHP to the City's Supervising Environmental Planner prior to the start of any ground disturbance activities.

Mitigation Measure BIO-2b: Prior to any construction activities that could result in fill of the seasonal wetland on the project site, the project proponent shall complete a formal wetland delineation that shall be submitted to the USACE for verification, and the project shall obtain a Section 404 fill discharge permit from the USACE for any impacts to Waters of the U.S., and a Section 401 Water Quality Certification and/or Waste Discharge Requirement from the RWQCB for any impacts to Waters of the State. In addition, the project proponent shall pay wetland impact fees to the Habitat Agency.

d) Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery site?

Environmental corridors are segments of suitable habitat that provide connectivity between larger areas of suitable habitat, allowing species to disperse through otherwise unsuitable areas. On a broader level, corridors may also function as avenues along which wide-ranging animals can travel, plants can propagate, genetic interchange can occur, populations can move in response to environmental changes and natural disasters, and threatened species can be replenished from other areas. The project site is not located within a particularly important corridor for wildlife movement, it does not meet the definition of a Riparian Project per City Council Policy 6-34 (i.e., is not located within 300 feet of a riparian corridor's top of bank or vegetative edge), and the VHP does not map any important landscape linkages in the project vicinity. The project vicinity contains extensive open and low-density residential habitat suitable for use by terrestrial species moving among areas of core habitat rather than providing more limited suitable habitat surrounded by non-habitat. As a result, wildlife can move on a broad front along numerous pathways in the project vicinity. In addition, no high-quality cover for use by dispersing wildlife is present.

Project activities may result in a temporary, and very small-scale and localized, impediment to wildlife movement. If animals try to avoid equipment any activity within work areas during construction, they may attempt to cross the roads in the project area, increasing their risk of road mortality. However, the project has the potential to affect wildlife movement only during construction, and it does not include any structures or features that would result in long-term impediments to movement. Overall, the project site would retain its value for wildlife movement after project completion, as no new barriers to wildlife movement would be constructed.

Further, the proposed project complies with the Bird-Safe Design Guidance contained in City Council Policy 6-34 as follows:

- Neither mirrors nor large areas of reflective glass are proposed.
- No transparent glass skyways, walkways, entryways, or building corners are proposed.
- Use of up-lighting and spotlights is not proposed.
- The project avoids funneling open space to a building façade.
- Non-emergency lighting will be turned off at night or shielded to minimize light that is visible to birds during nighttime migration.

Therefore, the proposed project would not substantially impact wildlife movement through the area and this impact would be *less than significant* and no mitigation measures are required.

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

As the project is currently designed, trees in the ornamental woodlands on the project site may be removed or pruned. While there are no heritage trees on the project site, there are street trees that occur on the Grand Avenue right-of-way. Because these trees are protected by the City of San José's tree ordinance, their removal would meet the threshold of having a substantial adverse effect, and would be considered potentially significant under criterion (a). Implementation of Mitigation Measure BIO-4 would reduce this impact to a *less-than-significant* level.

Impact BIO-3: Project implementation could potentially have adverse impacts on trees protected by the City of San José's tree ordinance.

> Mitigation Measure BIO-3: Tree Preservation and Replacement. During detailed design of future projects under the Master Plan, the project proponent shall avoid and minimize adverse impacts on trees protected by the City of San José's tree ordinance. Where impacts on trees cannot be avoided, the project proponent shall comply with City's policies to protect the urban forest.
>
> If a tree proposed for removal is located on public property, the project proponent and/or contractor shall post a notice on the tree signed by the Director of Public Works seven days prior to the tree being removed. Trees removed as a result of construction of the project shall be replaced or mitigated in accordance with the following requirements:
> - City of San José Tree Removal Controls (Municipal Code Section 13.31.010 to 13.32.100).
> - San José Municipal Code street tree protection requirements (Municipal Code Section 13.28).
> - General Plan Policies MS-21.4, MS-21.5, and MS-21.6.

f) Would the project conflict with an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?

As described above, the proposed project is a "covered project" under the VHP and is therefore required to comply with all applicable VHP conditions (i.e., Conditions 1, 3, 12, and 15). See Appendix B for a complete list of VHP design phase and construction phase avoidance and minimization measures in accordance with VHP Conditions.

All migratory bird species and their nests are protected under the MBTA. All the special-status bird species listed in the VHP are considered migratory birds and subject to the prohibitions of the MBTA. Actions conducted under the VHP must comply with the provisions of the MBTA and avoid killing or possessing covered migratory birds, their young, nests, feathers, or eggs. Construction disturbance during the avian breeding season (February 1st through August 31st, for most species) could result in the incidental loss of eggs or nestlings, either directly, through the destruction or disturbance of active nests, or indirectly, by causing the abandonment of nests. Because such an impact would conflict with Condition 1 of the VHP, it would be considered an impact under CEQA. The following mitigation measure would be implemented to reduce impacts due to conflict with Condition 1 of the VHP to a *less-than-significant* level.

Impact BIO-4: Project implementation could potentially have adverse impacts to nesting birds.

Mitigation Measure BIO-4: The project proponent shall schedule construction activities to avoid the avian breeding season (February 1st through August 31st, for most species in Santa Clara County). If it is not possible to schedule construction activities between September 1st and January 31st (inclusive), preconstruction surveys for nesting birds will be conducted by a qualified biologist (certified for raptors and birds) or ornithologist to ensure that no nests will be disturbed during project implementation. During the early part of the breeding season (February 1st through April 30th), pre-construction surveys will be conducted no more than 14 days prior to the initiation of any ground-disturbing activities in any given area. During the late part of the breeding season (May 1st through August 31st), pre-construction surveys will be conducted no more than 30 days prior to the initiation of any ground disturbing activities in any given area. If construction is phased, surveys will be conducted prior to the commencement of each construction phase. The surveys will be limited to the portions of the project work area where construction activities will occur. During each survey, the qualified biologist will inspect all trees and other potential nesting habitats (e.g., shrubs, ruderal grasslands, wetlands, and buildings) in and immediately adjacent to the impact areas for nests.

If an active nest is found, the qualified biologist, in consultation with the CDFW, shall designate the extent of a disturbance-free buffer zone to be established around the nest (typically 300 feet for raptors and 100 feet for non-raptors) to ensure that no active nests of species protected by the MBTA under the California Fish and Game Code shall be disturbed during project implementation. No project-related activities shall be performed within the buffer zones until the young have fledged or the nest has been determined to be inactive by a qualified biologist.

The qualified biologist shall submit a report to the City's Environmental Supervising Planner 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 the continuance of any ground disturbance activities.

V. CULTURAL RESOURCES

Would implementation of the proposed Plan:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	❒	❒	❒	■
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	❒	❑	■	❒
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	❒	❑	■	❒
d) Disturb any human remains, including those interred outside of dedicated cemeteries?	❒	❒	■	❒
e) Cause a substantial adverse change in the significance of a tribal cultural resource as defined in PRC Section 21074?	❒	❒	■	❒

ENVIRONMENTAL SETTING

Regulatory Framework

Federal

The National Historic Preservation Act (NHPA) of 1966 established the National Register of Historic Places (National Register) as the official designation of historical resources, including districts, sites, buildings, structures, and objects. For a property to be eligible for listing in the National Register, it must be significant in American history, architecture, archaeology, engineering, or culture, and must retain integrity in terms of location, design, setting, materials, workmanship, feeling, and association. Resources less than 50 years in age, unless of exceptional importance, are not eligible for the National Register. Though a listing in the National Register does not prohibit demolition or alteration of a property, CEQA requires the evaluation of project effects on properties that are listed in the National Register.

State

Assembly Bill 52

Assembly Bill (AB) 52, the Native American Historic Resource Protection Act, which went into effect July 1, 2015, sets forth a proactive approach intended to reduce the potential for delay and conflicts between Native American and development interests. AB 52 adds "tribal cultural resources" (TCR) to the specific cultural resources protected under CEQA, and requires lead agencies to notify relevant tribes about development projects. It also mandates lead agencies to consult with tribes, if requested by the tribe, and sets the principles for conducting and concluding consultation.

Projects subject to AB 52 are those that file a notice of preparation for an EIR or notice of intent to adopt a negative or mitigated negative declaration on or after July 1, 2015. The Governor's Office of Planning and Research (OPR) has prepared a draft update to Appendix G of the CEQA Guidelines related to TCRs pursuant to AB 52. In absence of adopted guidelines, OPR suggests addressing if the project would cause a substantial adverse change in the significance of a TCR as defined in PRC 21074.

Under AB 52, a TCR is defined as a site, feature, place, cultural landscape (must be geographically defined in terms of size and scope), sacred place, and object with cultural value to a California Native American tribe that is either included or eligible for inclusion in the California Register or included in a local register of historical resources. The lead agency, supported by substantial evidence, may choose at its discretion to treat a resource as a TCR.

California Register of Historic Resources

CCR Title 14, Chapter 11.5, Section 4850 creates the California Register of Historical Resources (California Register) that is maintained by the California Department of Parks and Recreation Office of Historic Preservation (OHP). Historic properties listed, or formally designated for eligibility to be listed, on the National Register are automatically listed on the California Register. State Landmarks and Points of Interest are also automatically listed. The California Register can also include properties designated under local preservation ordinances or identified through local historical resource surveys.

The criteria for inclusion on the California Register (CCR Section 4852[a]) are listed below:

- Is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.
- Is associated with the lives of persons important to local, California, or national history.
- Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values.
- Has yielded, or may be likely to yield, information important to the pre-history or history of the local area, California, or the nation.

In addition to meeting one or more of the above criteria, eligibility for the California Register requires that a resource retains sufficient integrity to convey a sense of its significance or importance. Seven elements are considered key in considering a property's integrity; location, design, setting, materials, workmanship, feeling, and association.

State Historical Building Code

The State Historical Building Code (SHBC) provides alternative building regulations and building standards for the rehabilitation, preservation, restoration (including related reconstruction), or relocation of buildings or structures designated as historic buildings. These regulations are intended to facilitate the restoration or change of occupancy so as to preserve their original or restored architectural elements and features, to encourage energy conservation and enable a cost-effective approach to preservation, and to provide for the safety of the building occupants.

Public Resources Code Section 5097.5

California PRC Section 5097.5 prohibits "knowing and willful" excavation or removal of any "vertebrate paleontological site…or any other archaeological, paleontological or historical feature, situated on public lands, except with express permission of the public agency having jurisdiction over such lands." Public lands are defined to include lands owned by or under the jurisdiction of the State or any city, county, district, authority, or public corporation, or any agency thereof.

Health and Safety Code Section 7050.5

California law protects Native American burials, skeletal remains, and associated grave goods regardless of their antiquity and provides for the sensitive treatment and disposition of those remains. Section 7050.5 of the California Health and Safety Code states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the remains are discovered has determined whether or not the remains are subject to the coroner's authority. If the human remains are determined to be of Native American origin, the county coroner must contact the California NAHC within 24 hours of this identification. An NAHC representative will then identify a Native American Most Likely Descendant to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. In

addition, CEQA Guidelines Section 15064.5 specifies the procedures to be followed in case of the discovery of human remains on non-federal land. The disposition of Native American burials falls within the jurisdiction of the NAHC.

Local

San José Municipal Code

Chapter 13.48 of the SJMC outlines the City's Historic Preservation Ordinance. SJMC Chapter 13.48 provides the information on general provisions, the designation process, conversation areas, requirements of the Historic Preservation Permit, and financial incentives through a Mills Act Historical Property Contract.

Preservation of Historic Landmarks City Council Policy

Adopted December 8, 1998 and amended May 23, 2006, City Council Policy regarding the Preservation of Historic Landmarks applies to any designated "landmark structure," which includes a City Landmark structure, Contributing Structure in a City Landmark Historic District, structure listed on the National Register of Historic Places and/or the California Register of Historical Resources, a Contributing Structure in a National Register Historic District, or a structure that qualifies for any of the above (candidate), based on the applicable City, State, or National qualification criteria. This policy also affects new construction within designated City, State, and National Landmark districts for purposes of district integrity. The Policy requires public notification of proposals to alter or demolish a candidate or designated landmark structure, public input and city council review, an analysis and findings justifying alteration or demolition, and financial resources for preservation.[23]

Historic Resources Inventory

The City maintains a database of historic properties linked to the City's geographic information system (GIS) system that provides a listing and mapping of historic resources that have been documented and evaluated and their significance. The Historic Resources Inventory (HRI), a product of this database, is publicly available sorted by address and by significance category. A resource qualifies as a City Landmark if it has special historical, architectural, cultural, aesthetic, or engineering interest or value of an historic nature and is one of the following resource types:

1. An individual structure or portion thereof;
2. An integrated group of structures on a single lot;
3. A site or portion thereof; or
4. Any combination thereof.

[23] City of San José, City Council Policy Preservation of Historic Landmarks, https://www.sanjoseca.gov/DocumentCenter/Home/View/364, accessed on October 12, 2016.

Envision San José 2040 General Plan

The Envision San José 2040 General Plan includes goals, policies, and programs relevant to the cultural resources factors potentially affected by the proposed project. The City's General Plan contains the following environmental resources policies relevant to the cultural resources of the proposed project:

- **Policy ER-10.1:** For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.
- **Policy ER-10.2:** Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon their 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.
- **Policy LU-13.4:** Require public and private development projects to conform to the adopted City Council Policy on the Preservation of Historic Landmarks.

Existing Conditions

The Alviso neighborhood, known as "Port of Alviso (San José)," is a listed National Register district, but is not a designated City District. As a National Register property, this district is automatically included on the California Register. The district, located approximately 0.25 mile northwest of the project site, is bounded on the north by an arm of Alviso Slough; on the west by the Alviso Slough, the 1850 canal, and the Guadalupe River; on the south by Moffat Street; and, on the east, by a line down the center of Gold Street to Catherine Street, west on Catherine to the center of the block between El Dorado and Gold, and then south to Moffat.[24] The City-designated Historic City Landmark on the City's HRI nearest to the project site is the Wade Residence, located at 1641 El Dorado Street, approximately 0.5 mile west of the project site.[25]

The site has been previously disturbed to create the existing Alviso Park improvements, fire station, and grassland areas. Although there are no known archeological or paleontological resources, human remains, or tribal cultural resources located on the project site, there is the potential for buried archaeological sites and as-yet-undocumented subsurface resources (i.e., prehistoric/historic cultural, Native American, and paleontological) to be disturbed by future construction. The City has not received any request from any Tribes in the geographic area with which it is traditionally and culturally affiliated with or otherwise to be

[24] City of San José Planning Department, Historic Preservation Program, Alviso National Register District, http://www.sanJoséca.gov/index.aspx?NID=2967, accessed October 11, 2016.

[25] City of San José Designated Historic City Landmarks, http://www.sanJoséca.gov/DocumentCenter/View/35476, accessed on October 12, 2016.

notified about projects in the city of San José. Nonetheless, the evaluation of potential impacts to TCRs is addressed under criterion (e) below. As presented in Appendix J, Cultural Resources, of the Envision San José 2040 General Plan, the Alviso neighborhood is archaeologically sensitive, with recorded prehistoric and historic archaeological sites and Spanish adobe locations.[26]

DISCUSSION

a) Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?

There are no existing structures on the project site and the site has no registered historical resources. The closest historic site is located approximately 0.5 mile west of the project site within the Alviso Historic District. Therefore, there would be *no impact* and no mitigation measures are required.

b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

The project site has been previously disturbed, having been graded and developed in the past to support current public uses. The proposed project does not require any major excavation beyond what has occurred on the site for previous development activities; therefore, it is not expected that native soils would be affected during the construction phase. However, because the proposed project would replace the existing restroom and pool, and create new on-site paths and recreational areas, there is a potential for buried archaeological sites and as yet undocumented subsurface resources to be uncovered. With compliance with the Project Conditions below, the impact would be *less than significant* and no mitigation measures are required.

Project Conditions: If any prehistoric or historic subsurface cultural resources are discovered during ground-disturbing activities, all work within 50 feet of the resources shall be halted and a qualified archaeologist shall be consulted to assess the significance of the find according to CEQA Guidelines Section 15064.5. If any find is determined to be significant, representatives from the City and the archaeologist would meet to determine the appropriate avoidance measures or other appropriate mitigation. All significant cultural materials recovered shall be, as necessary and at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documentation according to current professional standards. In considering any suggested mitigation proposed by the consulting archaeologist to mitigate impacts to historical resources or unique archaeological resources, the City shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, proposed project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) would be instituted. Work may proceed on other parts of the project site while mitigation for historical resources or unique archaeological resources is being carried out.

[26] City of San Jose, 2011, Envision San José 2040 General Plan, Appendix J – Cultural Resources, page 18.

c) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

As described above, the project site has been graded and disturbed in the past and the proposed project does not require any substantial excavation activities. However, because the proposed project would replace the existing restroom and pool, and create new on-site paths and recreational areas, there is a potential for buried paleontological sites and as yet undocumented subsurface resources to be uncovered. With compliance with Project Conditions below, the impact would be *less than significant* and no mitigation measures are required.

Project Conditions: In the event that fossils or fossil-bearing deposits are discovered during construction, excavations within 50 feet of the find shall be temporarily halted or diverted. The contractor shall notify a qualified paleontologist to examine the discovery. The paleontologist shall document the discovery as needed, in accordance with Society of Vertebrate Paleontology standards (Society of Vertebrate Paleontology 1995), evaluate the potential resource, and assess the significance of the finding under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the project proponent determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project based on the qualities that make the resource important. The excavation plan shall be submitted to the City for review and approval prior to implementation.

d) Would the project disturb any human remains, including those interred outside of dedicated cemeteries?

There are no known human remains on the project site. As described above, the project site has been graded and disturbed in the past and the proposed project does not require any substantial excavation activities. However, because the proposed project would replace the existing restroom and pool, and create new on-site paths and recreational areas, there is a potential for buried human remains and as yet undocumented subsurface resources to be uncovered. With compliance with Project Conditions below, the impact would be *less than significant* and no mitigation measures are required.

Project Conditions: Pursuant to Health and Safety Code Section 7050.5 and the CEQA Guidelines Section 15064.5(e) 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 shall be stopped. The Santa Clara County Coroner shall be notified immediately and make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC) immediately. Once the NAHC identifies the most likely descendants, the descendants will make recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.

e) Would the proposed project cause a substantial adverse change in the significance of a tribal cultural resources as defined in PRC Section 21074?

No archeological resources, ethnographic sites, or Native American remains are known to be located on the project site. No Tribes or the City have identified any Tribal Cultural Resources on the site. The City of

San José has not received any request from any Tribes in the geographic area with which it is traditionally and culturally affiliated with or otherwise to be notified about projects in the City of San José. The project site has been previously disturbed, having been graded and developed in the past to support current public uses. The proposed project does not require any major excavation beyond what has occurred on the site for previous development activities; therefore, it is not expected that native soils would be affected during the construction phase. As discussed under criterion (b), compliance with the Project Conditions below would reduce impacts to unknown archaeological deposits, including TCRs, to a less-than-significant level. As discussed under, criterion (d), compliance with State and federal regulations would reduce the likelihood of disturbing human remains, including those of Native Americans. Therefore, compliance with State and federal regulations related to the protection of human remains described in criterion (d), and compliance with the associated Project Conditions discussed under that criterion, the impact to TCRs would be less than significant.

With the Project Conditions described in criterion (b), impacts related to the potential discovery or disturbance of any human remains accidentally unearthed during construction activities associated with the proposed project would be *less than significant* and no mitigation measures are required.

VI. GEOLOGY AND SOILS

Would implementation of the proposed Plan:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	❒	❒	❒	■
ii) Strong seismic ground shaking?	❒	❒	■	❒
iii) Seismic-related ground failure, including liquefaction?	❒	❒	❒	■
iv) Landslides?	❒	❒	❒	■
b) Result in substantial soil erosion or the loss of topsoil?	❒	❒	■	❒
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	❒	❒	■	❒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	❒	❒	■	❒

Would implementation of the proposed Plan:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of wastewater?	❒	❒	❒	■

ENVIRONMENTAL SETTING

Regulatory Framework

State

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act was passed in 1972 to mitigate the hazard of surface fault rupture to structures used for human occupancy. The main purpose of this Act is to prevent the construction of buildings used for human occupancy on top of active faults. This Act only addresses the hazard of surface fault rupture and is not directed toward other earthquake hazards, such as earthquake-induced liquefaction or landslides.

The law requires the State Geologist to establish regulatory zones (known as Earthquake Fault Zones or Alquist-Priolo Zones) around the surface traces of active faults, and to issue appropriate maps. The maps, which are developed using existing United States Geological Survey (USGS) 7.5-minute quadrangle map bases, are then distributed to all affected cities, counties, and State agencies for their use in planning and controlling new or renewed construction. Generally, construction within 50 feet of an active fault zone is prohibited. San José is listed as a city affected by Alquist-Priolo Earthquake Fault Zones.[27] However, the project site itself is not within an Alquist-Priolo Earthquake Fault Zones.[28]

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act, which was passed in 1990, addresses seismic hazards such as liquefaction and seismically-induced landslides. Under this Act, seismic hazard zones are mapped by the State Geologist to assist local governments in land use planning. Section 2691(c) of this Act states that "it is necessary to identify and map seismic hazard zones in order for cities and counties to adequately prepare the safety element of their general plans and to encourage land use management policies and regulations to reduce and mitigate those hazards to protect public health and safety." Section 2697(a) of

[27] California Department of Conservation, http://www.conservation.ca.gov/cgs/rghm/ap/Pages/affected.aspx, accessed on November 10, 2016.

[28] California Department of Conservation, http://gmw.consrv.ca.gov/shmp/download/quad/MILPITAS/maps/MILPITAS.PDF, accessed on November 10, 2016.

the Act states that "cities and counties shall require, prior to the approval of a project located in a seismic hazard zone, a geotechnical report defining and delineating any seismic hazard."

California Building Code

As described under the Regulatory Framework of Section I, Aesthetics, the CBC is located in Part 2 of Title 24, and has been adopted for use by the City in SJMC Section 24.03.100. Through the CBC, the State provides a minimum standard for building design and construction. The CBC contains specific requirements for seismic safety, excavation, foundations, retaining walls, and site demolition. It also regulates grading activities, including drainage and erosion control.

Local

The Envision San José 2040 General Plan includes goals, policies, and programs relevant to the geologic and soils factors potentially affected by the proposed project. The City's General Plan contains the following environmental considerations/hazards policies relevant to the geology and soils of the proposed project:

- 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-3.2: Within seismic hazard zones identified under the Alquist-Priolo Fault Zoning Act, California Seismic Hazards Mapping Act and/or by the City of San José, complete geotechnical and geological investigations and approve development proposals only when the severity of seismic hazards have been evaluated and appropriate mitigation measures are provided as reviewed and approved by the City of San José Geologist. State guidelines for evaluating and mitigating seismic hazards and the City-adopted California Building Code will be followed.
- 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: Approve 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-4.3: Locate new public improvements and utilities outside of areas with identified soils and/or geologic hazards (e.g., deep seated landslides in the Special Geologic Hazard Study Area and former landfills) to avoid extraordinary maintenance and operating expenses. Where the location of public improvements and utilities in such areas cannot be avoided, effective mitigation measures will be implemented.

- 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, are adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 15 and April 15.
- Policy EC-4.7: Consistent with the San José Geologic Hazard Ordinance, prepare geotechnical and geological investigation reports for projects in areas of known concern to address the implications of irrigated landscaping to slope stability and to determine if hazards can be adequately mitigated.
- Policy EC-4.12: Require review and approval of grading plans and erosion control plans (if applicable) prior to issuance of a grading permit by the Director of Public Works.

Existing Conditions

Regional Seismicity

The Earth's crust includes tectonic plates that locally collide with or slide past one another along plate boundaries. California is particularly susceptible to such plate movements, notably the largely horizontal or "strike-slip" movement of the Pacific Plate as it impinges on the North American Plate. In general, earthquakes occur when the accumulated stress along a plate boundary or fault is suddenly released, resulting in seismic slippage. This slippage can vary widely in magnitude, ranging in scale from a few millimeters or centimeters, to tens of feet.

The performance of man-made structures during a major seismic event varies widely due to a number of factors, including location with respect to active fault traces or areas prone to liquefaction or seismically-induced landslides; the type of building construction (i.e., wood frame, unreinforced masonry, non-ductile concrete frame); the proximity, magnitude, and intensity of the seismic event itself; and many other factors. In general, evidence from past earthquakes shows that wood frame structures tend to perform well especially when their foundations are properly designed and anchored. Conversely, older, unreinforced masonry structures and non-ductile reinforced concrete buildings (especially those built in the 1960s and early 1970s), do not perform as well, especially if they have not undergone appropriate seismic retrofitting. Applicable building code requirements, such as those found in the CBC, include seismic requirements that are designed to ensure the satisfactory performance of building materials under prescribed seismic conditions.

Faults

The project site, like much of the San Francisco Bay area, is vulnerable to seismic activity due to the presence of active faults in the region. The closest active fault to the project site is the Hayward Fault System, which is located about 4.5 miles to the east. Other active earthquake faults in the region include the Monte Vista Fault, which lies roughly 9.5 miles to the west, followed by the San Andreas Fault, roughly 15 miles west from the project site, the Calaveras Fault which is approximately 9 miles to the east, and the

San Gregorio Fault, whose trace passes as close as 25 miles southwest of the project site.[29] No mapped earthquake faults run within the project site and Figure 3.6-1 of the Envision San José 2040 General Plan illustrates that the project site is not located within an earthquake fault hazard zone. Thus, surface fault rupture is not considered a significant hazard within the study area.

Ground Shaking

The severity of ground shaking depends on several variables such as earthquake magnitude, hypocenter proximity, local geology including the properties of unconsolidated sediments, groundwater conditions, and topographic setting. In general, ground shaking hazards are most pronounced in areas that are underlain by loosely consolidated soil/sediment.[30]

The USGS estimates that the probability of a magnitude (M) 6.7 or greater earthquake in the greater San Francisco Bay region prior to year 2032 to be 62 percent, or roughly a two-thirds probability over this timeframe. The forecasted probability for each individual fault to produce an M 6.7 or greater seismic event by the year 2032 is as follows: 27 percent for the Hayward Fault, 21 percent for the San Andreas Fault, 11 percent for the Calaveras Fault, and ten percent for the San Gregorio Fault.[31] Earthquakes of this magnitude can create ground accelerations severe enough to cause major damage to structures and foundations not designed to resist the forces generated by earthquakes. Underground utility lines are also susceptible where they lack sufficient flexibility to accommodate the seismic ground motion.[32] In the event of an M 7.9 earthquake on the San Andreas Fault, the seismic forecasts presented on ABAG's interactive GIS website (developed by a cooperative working group that included the USGS and the CGS) suggest that the project site is expected to experience "violent" shaking.[33]

Liquefaction

Liquefaction typically occurs in areas where moist, fine-grained, cohesionless sediment or fill materials are subjected to strong, seismically-induced ground shaking. Under certain circumstances, the ground shaking can temporarily transform an otherwise solid material to a fluid state. Liquefaction is a serious hazard because buildings in areas that experience liquefaction may subside and suffer major structural damage. Liquefaction is most often triggered by seismic shaking, but it can also be caused by improper grading, landslides, or other factors. In dry soils, seismic shaking may cause soil to consolidate rather than flow, a process known as densification.

The project site is located near the San Francisco Bay, where the prevailing soil type is known as "Bay Mud," consisting of silty clay, sand, gravel, peat, and shell fragments. According to hazard maps published

[29] Bay Quake Alliance, http://bayquakealliance.org/howclose, accessed on October 12, 2016.

[30] Lucile M. Jones, United States Geological Survey, and Mark Benthien, Southern California Earthquake Center, 2011, *Putting Down Roots in Earthquake Country.*

[31] United States Geological Survey, San Francisco Region Earthquake Probability, http://earthquake.usgs.gov/regional/nca/wg02/images/percmap-lrg.html, accessed on October 12, 2016.

[32] Association of Bay Area Governments, 1995, *The San Francisco Bay Area On Shaky Ground*, Publication Number P95001EQK, 13 maps, scale 1:1,000,000.

[33] Association of Bay Area Governments, 2013, Interactive Hazards Map, Earthquake Shaking Scenarios., http://resilience.abag.ca.gov/earthquakes/santaclara, accessed on October 12, 2016.

by the USGS, the probability of liquefaction in the project site during an M 7.8 earthquake on the northernmost segments of the San Andreas Fault is between five to ten percent.[34] As shown on Figure 3.6-1 of the Envision San José 2040 General Plan, the project site is not located within a liquefaction hazard zone.

Landslides, Erosion, and Subsidence

Landslides are gravity-driven movements of earth materials that may include rock, soil, unconsolidated sediment, or combinations of such materials. The rate of landslide movement can vary considerably. Some move rapidly as in a soil or rock avalanche, while other landslides creep or move slowly for extended periods of time. The susceptibility of a given area to landslides depends on many variables, although the general characteristics that influence landslide hazards are well understood. The factors that influence the probability of a landslide and its relative level of risk include the following:

- Slope Material: Loose, unconsolidated soils and soft, weak rocks are more hazardous than are firm, consolidated soils or hard bedrock.
- Slope Steepness: Most landslides occur on moderate to steep slopes.
- Structure and Physical Properties of Materials: This includes the orientation of layering and zones of weakness relative to slope direction.
- Water Content: Increased water content increases landslide hazard by decreasing friction and adding weight to the materials on a slope.
- Vegetation Coverage: Abundant vegetation with deep roots promote slope stability.
- Proximity to Areas of Erosion or Man-made Cuts: Undercutting slopes can greatly increase landslide potential.
- Earthquake Ground Motions: Strong seismic ground motions can trigger landslides in marginally stable slopes or loosen slope materials, and also increase the risk of future landslides.

The project site is located in northern Santa Clara Valley, which is bounded by the Diablo Range to the east and the Santa Cruz Mountains to the west. The project area is relatively flat with an average elevation of approximately three feet above mean sea level.[35] According to the California Department of Conservation Landslide Inventory Map, published in 2011, the project site is not within an active or historic, or dormant landslide area.[36] In addition, Figure 3.6-1 of the Envision San José 2040 General Plan EIR illustrates that the project site is not located within a landslide hazard zone.

[34] United States Geological Survey Earthquake Hazards Program, Liquefaction Hazard Maps, http://earthquake.usgs.gov/regional/nca/liquefaction, accessed on October 12, 2016.

[35] Google Earth Pro, accessed on October 14, 2016.

[36] California Department of Conservation, Landslide Inventory Map, 2011, ftp://ftp.consrv.ca.gov/pub/dmg/pubs/lsim/LSIM_Milpitas.pdf, accessed on October 13, 2016.

Soils

Expansive soils have a high shrink-swell potential and occur where a sufficient percentage of certain clay materials are present in the soil. These soil conditions can impact the structural integrity of buildings and other structures. Much of the soil in San José is moderately to highly expansive. Moderately to highly expansive soils are found both on the valley floor and in hillside areas. Expansive soils on sloping hillsides are subject to soil creep, which can induce lateral forces on foundations and retaining walls. The Santa Clara Valley is underlain by sedimentary and metamorphic rocks of the Franciscan Complex. Overlying these rocks are alluvial sediments deposited by streams draining the adjacent mountains during recent geologic times (Holocene age). The alluvial deposits consist of unconsolidated to semi-consolidated sand, silt, clay, and gravel. Surface soils in the project area have been mapped as Yolo association soils, which have a slow infiltration rate and a moderate shrink-swell (expansion) potential.[37]

Weak soils can compress, collapse, or spread laterally under the weight of buildings and fill, causing settlement relative to the thickness of the weak soil. Usually the thickness of weak soil will vary and differential settlement will occur. Weak soils also tend to amplify shaking during an earthquake, and can be susceptible to liquefaction, as discussed further in sections below. The most hazardous weak soils in San José are younger Bay Mud and certain granular soils or fills with a high water content. Bay Mud is present in the margins near San Francisco Bay; potentially collapsible soils are located in isolated areas around the City; and potentially liquefiable soils occur throughout much of the lands of San José.

The United States Department of Agriculture (USDA) soil survey of Santa Clara County provides an overview of the soil types present in the project site as well as their physical and engineering properties.[38] The survey broadly identified two major soil associations in the project site: 1) the Embarcadero, silty clay loam, typically comprised of very deep, naturally poorly-drained clay loams; 2) Clear Lake, complex soils that are generally composed of very deep, poorly-drained soils.[39] Based on the City Monitored Site Naturally Occurring Asbestos Areas Map, the site is not located within a naturally occurring asbestos (NOA) area.

[37] United States Department of Agriculture Soil Conservation Service, 1958, *Soil Survey of Santa Clara County,* California.

[38] United States Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey, http://websoilsurvey.nrcs.usda.gov/app, accessed on October 13, 2016.

[39] Loam is soil composed of sand, silt, and clay in relatively even concentration (about 40-40-20 percent concentration respectively). The term is often qualified to indicate a relative abundance of one constituent over others (e.g., a "sandy loam" is a loam, but where sand is more abundant than silt and clay).

DISCUSSION

a) Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving: (i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; (ii) Strong seismic ground shaking; (iii) Seismic-related ground failure, including liquefaction; (iv) Landslides, mudslides or other similar hazards?

As discussed in Section 4.1, Introduction, the California Supreme Court in a December 2015 opinion (*CBIA v. BAAQMD*) confirmed that CEQA, with several specific exceptions, is concerned with the impacts of a project on the environment, and not the effects the existing environment may have on a project. Therefore, the introduction of people or structures to existing seismic hazards would not be considered an impact under CEQA. However, the City of San José currently has policies that address existing seismic hazards and new development. The impact analysis below is followed by an assessment of the proposed project's compliance with relevant General Plan policies.

a)(i) The project site is not located within a designated Alquist-Priolo Earthquake Fault Zone.[40] As described above, because seismic hazards are an existing environmental condition, this threshold is no longer a CEQA concern under the CBIA v. BAAQMD case. Therefore, the project would result in *no impact* related to rupture of a known fault.

a(ii) An earthquake of moderate to high magnitude generated within the San Francisco Bay region could cause considerable ground shaking at the project site. The degree of shaking is dependent on the magnitude of the event, the distance to its zone of rupture, and local geological conditions. In the event of an M 7.9 earthquake on the San Andreas Fault, the project site would be expected to experience "violent" shaking.[41] Because the project site is located in a seismically active region, strong ground shaking would be expected during the lifetime of the proposed project. However, the project would not exacerbate this existing hazard and, as a neighborhood park with no habitable structures, the proposed project would not expose any people or structures to this hazard. Therefore, the project would result in a *less-than-significant* impact related to strong seismic ground shaking.

a)(iii) The project site is not located within a liquefaction zone.[42] As described above, because seismic hazards are an existing environmental condition, this threshold is no longer a CEQA concern under the CBIA v. BAAQMD case. Therefore, there would be *no impact* and no mitigation measures are required.

[40] California Department of Conservation, http://gmw.consrv.ca.gov/shmp/download/quad/MILPITAS/maps/MILPITAS.PDF, accessed on November 10, 2016.

[42] City of San José, 2011, Envision San José 2040 General Plan EIR, Figure 3.6-1.

a)(iv) The topography of the project site is generally flat, and the proposed project would not result in an erosion or landslide hazard. As described above, because seismic hazards are an existing environmental condition, this threshold is no longer a CEQA concern under the CBIA v. BAAQMD case. Accordingly, the proposed project would result in *no impact* and no mitigation measures are required.

Compliance with General Plan Policies for Exposure to Existing Hazards

The City has adopted policies in the Envision San José 2040 General Plan related to exposure to existing hazards that minimize the risk of injury, loss of life, property damage and community disruption from fault rupture, seismic shaking, seismic-related ground failure, landslides or mudslides.

The proposed project would be consistent with General Plan policies EC-3.1, EC,-3.2, EC-4.1, EC 4.2, EC-4.3, EC-4.5, EC-4.7, and EC-4.12, as presented in the Regulatory Setting above, through the adherence to applicable CBC and City requirements. The future renovation of existing structures such as an enclosed sun deck and shade structures, and the design and construction of proposed new structures such as a swimming pool, restroom, picnic areas and playgrounds, would conform to the CBC standards for seismic and soil stability. The proposed project would undergo geotechnical and geological investigations that evaluate and provide appropriate measures to address geologic concerns, if required. Further, compliance with regulations in the SJMC, such as the Geologic Hazard Ordinance, during the plan review, grading, and building permit processes would ensure consistency with the policies identified above.

b) Would the project result in substantial soil erosion or the loss of topsoil?

The proposed project would be constructed in accordance with the standard engineering practices in the CBC, as adopted by the City of San José. In addition, the City of San José Department of Public Works will issue a Public Works Clearance prior to ground disturbance activities. The development of the proposed project would involve some grading activities to establish new pathways and outdoor recreation areas, but would not require major earthmoving activities. Therefore, the project would not result in significant erosion and/or loss of topsoil such that hazardous conditions would be created on- or off-site. Accordingly, the proposed project would result in a *less-than-significant* impact and no mitigation measures are required.

c) Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

As discussed in criterion (a), the project site is not located within a liquefaction zone. Because of the low potential for liquefaction, the risk of lateral spreading at the site would also be low.

As previously discussed in the existing conditions discussion, the project site is generally flat with an average elevation of approximately three feet above mean sea level. The properties surrounding the project site are also typified by low topographic relief. Therefore, the risk of landslides is low. As described above, the project site is not subject to high risks of liquefaction, lateral spreading, or landslides. Therefore, impacts of project development would be *less than significant,* and no mitigation measures would be required.

d) Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

The project area surface soils have been mapped as Yolo association soils, which have a moderate shrink-swell (expansion) potential, which may expand and contract as a result of seasonal or man-made soil moisture conditions.[43] Expansive soils undergo a significant volume change as a result of wetting or drying. This volume change can cause damage to improperly designed foundations and pavements. Therefore, without mitigation the new restroom building and any paved recreation areas could be susceptible to risks associated with expansive soils. With compliance with Project Conditions below, the impact would be *less than significant* and no mitigation measures are required.

Project Conditions: Prior to the first phase of construction, a design-level geotechnical investigation shall be prepared and submitted to the City of San Jose Public Works Department for review and confirmation that the proposed development fully complies with the California Building Code and the requirements of applicable City Ordinances No. 25015 and Building Division Policy No. SJMC 24.02.310-4-94. The report shall determine the project site's surface geotechnical conditions and address potential seismic hazards, such as seismicity, expansive soils, and liquefaction. The report shall identify building techniques appropriate to minimize seismic damage. In addition, the following requirement for the geotechnical and soils report shall be met:

- Analysis presented in the geotechnical report shall conform to the California Division of Mines and Geology recommendations presented in the "Guidelines for Evaluating Seismic Hazards in California."

e) Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of wastewater?

The development of the proposed project would not require the construction or use of septic tanks or alternative wastewater disposal systems. As such, the proposed project would result in *no impact* and no mitigation measures are required.

VII. GREENHOUSE GAS EMISSIONS

Would implementation of the proposed Plan:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment?	❒	❒	■	❒

[43] Final Program Environmental Impact Report for the North San José Development Policies Update Addendum, State Clearinghouse (SCH) Number 2004102067, page 52.

Would implementation of the proposed Plan:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
b) Conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs?	❒	❒	■	❒

ENVIRONMENTAL SETTING

Scientists have concluded that human activities are contributing to global climate change by adding large amounts of heat-trapping gases, known as greenhouse gases (GHGs), into the atmosphere. The primary source of these GHG emissions is fossil fuel use. The Intergovernmental Panel on Climate Change (IPCC) has identified four major GHGs, water vapor, carbon dioxide (CO_2), methane (CH_4), and ozone (O_3), that are the likely cause of an increase in global average temperatures observed within the 20th and 21st centuries. Other GHG identified by the IPCC that contribute to global warming to a lesser extent include nitrous oxide (N_2O), sulfur hexafluoride (SF_6), hydro fluorocarbons, perfluorocarbons, and chlorofluorocarbons.[44,45] Black carbon emissions are not included in the GHG analysis because CARB does not include this pollutant in the State's AB 32 inventory and treats this short-lived climate pollutant separately. [46,47]

Regulatory Framework

Federal

The USEPA announced on December 7, 2009, that GHG emissions threaten the public health and welfare of the American people and that GHG emissions from on-road vehicles contribute to that threat. The USEPA's final findings respond to the 2007 United States Supreme Court decision that GHG emissions fit within the Clean Air Act definition of air pollutants. The findings do not in and of themselves impose any emission reduction requirements, but allow the USEPA to finalize the GHG standards proposed in 2009 for

[44] Water vapor (H_2O) is the strongest GHG and the most variable in its phases (vapor, cloud droplets, ice crystals). However, water vapor is not considered a pollutant, but part of the feedback loop rather than a primary cause of change.

[45] Black carbon contributes to climate change both directly, by absorbing sunlight, and indirectly, by depositing on snow (making it melt faster) and by interacting with clouds and affecting cloud formation. Black carbon is the most strongly light-absorbing component of PM emitted from burning fuels. Reducing black carbon emissions globally can have immediate economic, climate, and public health benefits. California has been an international leader in reducing emissions of black carbon, with close to 95 percent control expected by 2020 due to existing programs that target reducing PM from diesel engines and burning activities. However, State and national GHG inventories do not yet include black carbon due to ongoing work resolving the precise global warming potential of black carbon. Guidance for CEQA documents does not yet include black carbon.

[46] Particulate matter emissions, which include black carbon, are analyzed in Section 5.2, *Air Quality*. Black carbon emissions have sharply declined due to efforts to reduce on-road and off-road vehicle emissions, especially diesel particulate matter. The State's existing air quality policies will virtually eliminate black carbon emissions from on-road diesel engines within 10 years.

[47] California Air Resources Board, 2016, Proposed Short-Lived Climate Pollutant Reduction Strategy. https://www.arb.ca.gov/cc/shortlived/meetings/04112016/proposedstrategy.pdf, accessed on November 11, 2016.

new light-duty vehicles as part of the joint rulemaking with the Department of Transportation.[48]The USEPA's endangerment finding covers emissions of six key GHGs—CO_2, CH_4, N_2O, hydrofluorocarbons, perfluorocarbons, and SF_6—that have been the subject of scrutiny and intense analysis for decades by scientists in the United States and around the world. The first three are applicable to the proposed project because they constitute the majority of GHG emissions from the onsite land uses, and per BAAQMD guidance are the GHG emissions that should be evaluated as part of a GHG emissions inventory.

State

Assembly Bill 32 and Executive Order S-03-05

Executive Order S-03-05, signed June 1, 2005, set the following GHG reduction targets for the State: 2000 levels by 2010, 1990 levels by 2020, 80 percent below 1990 levels by 2050. 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. The CalEPA is the state agency in charge of coordinating the GHG emissions reduction effort and establishing targets along the way.

Senate Bill 32 and Executive Order B-03-05

Executive Order B-30-15, signed April 29, 2015, sets a goal of reducing GHG emissions within the State to 40 percent of 1990 levels by year 2030, which was later signed into law as a legislative mandate under Senate Bill (SB) 32. Executive Order B-30-15 also directs CARB to update the California Air Resources Board's (CARB) Scoping Plan to quantify the 2030 GHG reduction goal for the State and requires state agencies to implement measures to meet the interim 2030 goal of Executive Order B-30-15 as well as the long-term goal for 2050 in Executive Order S-03-5.

Senate Bill 375

SB 375, the Sustainable Communities and Climate Protection Act, was adopted in 2005 to connect the Scoping Plan's GHG emissions reductions targets for the transportation sector to local land use decisions that affect travel behavior. Specifically, SB 375 required California Air Resources Control Board (CARB) to establish GHG emissions reduction targets for each of the 18 regions in California managed by a metropolitan planning organization (MPO). The Metropolitan Transportation Commission (MTC) is the MPO for the nine-county San Francisco Bay Area region. MTC's targets are a 7 percent per capita reduction in GHG emissions from 2005 by 2020, and 15 percent per capita reduction from 2005 levels by 2035.[49]

[48] United States Environmental Protection Agency, 2009, EPA: Greenhouse Gases Threaten Public Health and the Environment, Science overwhelmingly shows greenhouse gas concentrations at unprecedented levels due to human activity, http://yosemite.epa.gov/opa/admpress.nsf/0/08D11A451131BCA585257685005BF252.

[49] California Air Resources Board, 2010, Staff Report, Proposed Regional Greenhouse Gas Emission Reduction Targets for Automobiles and Light Trucks Pursuant to Senate Bill 375.

Local

Envision San José 2040 General Plan

The Envision San José 2040 General Plan includes goals and policies that address GHGs pertinent to the project site as follows:

- Goal IP-1: Make land use and permit decisions to implement the Envision General Plan Land Use / Transportation Diagram and to further the vision, goals and policies of the Envision General Plan.
- Policy LU-10: Meet the housing needs of existing and future residents by fully and efficiently utilizing lands planned for residential and mixed-use and by maximizing housing opportunities in locations within a half mile of transit, with good access to employment areas, neighborhood services, and public facilities.
- Policy MS-10.1: Assess projected air emissions from new development in conformance with the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines and relative to state and federal standards. Identify and implement feasible air emission reduction measures.

Greenhouse Gas Reduction Strategy

The City of San José adopted its Greenhouse Gas Reduction Strategy (GHGRS) in June, 2011 and was re-adopted after certification of a Supplemental EIR in December 2015. The GHGRS identifies a target for the City to meet the plan efficiency threshold of 6.6 metric tons of CO2 equivalent per service population per year (MT CO2e / SP / year). To achieve the City's GHG reduction target, the GHGRS outlines energy, transportation, land use, water, solid waste, and off-road equipment GHG reduction measures that would be implemented in the city.[78]

The GHGRS includes goals and policies that address GHGs pertinent to the project site as follows:

- Policy CD-2.1: Promote the Circulation Goals and Policies in this Plan. Create streets that promote pedestrian and bicycle transportation by following applicable goals and policies in the Circulation section of this Plan.
    a) Design the street network for its safe shared use by pedestrians, bicyclists, and vehicles. Include elements that increase driver awareness.
    b) Create a comfortable and safe pedestrian environment by implementing wider sidewalks, shade structures, attractive street furniture, street trees, reduced traffic speeds, pedestrian-oriented lighting, mid-block pedestrian crossings, pedestrian-activated crossing lights, bulb-outs and curb extensions at intersections, and on-street parking that buffers pedestrians from vehicles.
    c) Consider support for reduced parking requirements, alternative parking arrangements, and Transportation Demand Management strategies to reduce area dedicated to parking and increase area dedicated to employment, housing, parks, public art, or other amenities. Encourage de-coupled parking to ensure that the value and cost of parking are considered in real estate and business transactions.

- Policy CD-3.2: Prioritize pedestrian and bicycle connections to transit, community facilities (including schools), commercial areas, and other areas serving daily needs. Ensure that the design of new facilities can accommodate significant anticipated future increases in bicycle and pedestrian activity.
- 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 and other site features and adjacent public streets.
- Policy CD-3.4: Encourage pedestrian cross-access connections between adjacent properties and require pedestrian and bicycle connections to streets and other public spaces, with particular attention and priority given to providing convenient access to transit facilities. Provide pedestrian and vehicular connections with cross-access easements within and between new and existing developments to encourage walking and minimize interruptions by parking areas and curb cuts.
- Policy CD-3.6: Encourage a street grid with lengths of 600 feet or less to facilitate walking and biking. Use design techniques such as multiple building entrances and pedestrian paseos to improve pedestrian and bicycle connections.
- Policy CD-3.8: Provide direct access from developments to adjacent parks or open spaces, and encourage residential development to provide common open space contiguous to such areas.
- Policy CD-3.10: New development should increase neighborhood connectivity by providing access across natural barriers (e.g., rivers) and man-made barriers (e.g., freeways).
- Policy CD-5.1: Design areas to promote pedestrian and bicycle movements and to facilitate interaction between community members and to strengthen the sense of community.
- Policy LU-5.4: Require new commercial development to facilitate pedestrian and bicycle access through techniques such as minimizing building separation from public sidewalks; providing safe, accessible, convenient, and pleasant pedestrian connections; and including secure and convenient bike storage.
- Policy LU-5.5: Provide pedestrian and vehicular connections between adjacent commercial properties with reciprocal-access easements to encourage safe, convenient, and direct pedestrian access and “one-stop” shopping. Encourage and facilitate shared parking arrangements through parking easements and cross-access between commercial properties to minimize parking areas and curb-cuts.
- Policy LU-9.1: Create a pedestrian-friendly environment by connecting new residential development with safe, convenient, accessible, and pleasant pedestrian facilities. Provide such connections between new development, its adjoining neighborhood, transit access points, schools, parks, and nearby commercial areas. Consistent with Transportation Policy TR-2.11, prohibit the development of new cul-de-sacs or gated communities that do not provide through- and publicly-accessible bicycle and pedestrian connections.
- Policy TR-2.8: Require new development 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-2.11:** Work with local school districts to identify trails as Safe Routes to School.
- **Policy TR-2.18:** Provide bicycle storage facilities as identified in the Bicycle Master Plan.
- **Policy TR-3.3:** As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute toward transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.
- **Policy TR-6.7:** As part of the project development review process, ensure that adequate off-street loading areas in new large commercial, industrial, and residential developments are provided, and that they do not conflict with pedestrian, bicycle, or transit access and circulation.

Existing Conditions

The project site currently does not generate GHG emissions from vehicle trips. Existing emissions generated at the project site include energy use from the existing structures such as the swimming pool and area source emissions associated with the sports fields.

DISCUSSION

a) Would the project generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment?

The proposed project would not generate enough GHG emissions on its own to influence global climate change; therefore, the GHG analysis measures the proposed Plan's contribution to the cumulative environmental impact. The proposed Plan would not generate a long-term increase in GHG. The development contemplated by the proposed Plan would include construction of fields, shade structures, walkways, and update existing structures such as playgrounds and bathrooms. The proposed Plan would not result in an increase in vehicle trips within the area, as most park visitors walk or bike from the nearby neighborhood rather than drive. Likewise, the proposed Plan would not contribute to global climate change through the increase in air emissions from heating and cooling associated with a building, as emissions from new structures would be nominal, and old structures would be renovated with newer, more energy-efficient features.

The GHGRS identifies a series of GHG emissions reduction measures to be implemented by development projects that would allow the City to achieve its GHG reduction goals. The measures center around five strategies: energy, waste, water, transportation, and carbon sequestration. When the GHGRS was in effect, some measures were considered mandatory for all proposed development projects, while others were considered voluntary. Voluntary measures were incorporated as mitigation measures for proposed projects at the discretion of the City. For the purposes of tracking the proposed project's consistency with the City's Strategy, the measures below are identified as mandatory or voluntary.

Mandatory Criteria

1. Consistency with the Land Use/Transportation Diagram (General Plan Goals/Policies IP- 1, LU-10)
2. Implementation of Green Building Measures (General Plan Goals MS-1, MS-2, andMS-14)
   - Solar Site Orientation
   - Site Design
   - Architectural Design
   - Construction Techniques
   - Consistency with City Green Building Ordinance and Policies
   - Consistency with GHGRS Policies: MS-1.1, MS-1.2, MS-2.3, MS-2.11, and MS-14.4
3. Pedestrian/Bicycle Site Design Measures
   - Consistency with the Zoning Ordinance
   - Consistency with GHGRS Policies CD-2.1, CD-3.2, CD-3.3, CD-3.4, CD-3.6, CD-3.8, CD-3.10, CD-5.1, LU-5.4, LU-5.5, LU-9.1, TR-2.8, TR-2.11, TR-2.18, TR-3.3, TR-6.7
4. Salvage building materials and architectural elements from historic structures to be demolished to allow re-use (General Plan Policy LU-16.4), if applicable;
5. Complete an evaluation of operation energy efficiency and design measures for energy intensive industries (e.g. data centers) (General Plan Policy MS-2.8), if applicable;
6. Preparation and implementation of the Transportation Demand Management (TDM) Program at large employers (General Plan Policy TR-7.1), if applicable; and
7. Limits on drive-through and vehicle serving uses; all new uses that serve the occupants of vehicles (e.g. drive-through windows, car washes, service stations) must not disrupt pedestrian flow. (General Plan Policy LU-3.6), if applicable.

The proposed project is consistent with the General Plan designations set for the site in the Land Use/Transportation Diagram and is, therefore, consistent with Criteria 1. The project would improve pedestrian facilities adjacent to the site and available to visitors of the site through and is therefore consistent with Criteria 3.

Criteria 2, 4, 5, 6, and 7 are not applicable to the proposed project because the project does not propose any structures, the site does not contain historic structures, the project is not an energy-intensive use, the project is not a large employers, and the project does not propose vehicle serving uses.

Voluntary Criteria

Table 4-2 provides a summary of the voluntary criteria and describes the proposed project's compliance with each criterion.

TABLE 4-2 VOLUNTARY GREENHOUSE GAS REDUCTION STRATEGY CRITERIA

GHGRS Policies	Description of Project Measure	Project Conformance/ Applicability
Built Environment and Recycling		
Installation of solar panels or other clean energy power generation sources on development sites, especially over parking areas. (MS-2.7, MS-15.3, MS-16.2)	The proposed replacement structures would only include small bathroom buildings; and therefore proposed project does not consist of buildings where on-site solar generation would generally be supported.	☐ Proposed ☒ Not Proposed or ☐ Not Applicable
Use of Recycled Water Use recycled water wherever feasible and cost-effective (including non-residential uses outside of the Urban Service Area). (MS-17.2, MS-19.4)	There are no recycled water lines in the vicinity of the site.	☐ Required/ Proposed ☐ Not Proposed or ☒ Not Applicable
Transportation and Land Use		
Install and maintain trails adjacent to designated trail locations. Have new residential developers build and maintain trails when development occurs adjacent to a designated trail location. (PR-8.5, TN-2.7)	Provides open space, walking paths, and outdoor recreation areas. By developing trails and walkways connecting to the San Francisco Bay Trail, the proposed project would provide opportunities for alternative modes of transportation.	☒ Proposed ☐ Not Proposed or ☐ Not Applicable
Car share programs Promote car share programs to minimize the need for parking spaces. (TR-8.5)	The project is not proposing any car share programs.	☐ Proposed ☒ Not Proposed or ☐ Not Applicable
Parking in Downtown and Urban Village Overlay areas Avoid the construction of surface parking except as an interim use and use structured parking to fulfill parking requirements. (CD-2.11)	The project site is not located in Downtown or an Urban Village Overlay area.	☐ Surface Parking Proposed ☐ Surface Parking Not Proposed or ☒ Not Applicable
Limit parking above code requirements. (TR-8.4)	The project is not proposing any additional parking spaces.	☒ Project is Parked at or below Code Requirements ☐ Project is Parked above Code Requirements or ☐ Not Applicable
Consider opportunities for reducing parking spaces (including measures such as shared parking, TDM, and parking pricing to reduce demand). (TR-8.12)	The project is not proposing any parking spaces.	☐ Proposed ☒ Project Does Not Propose or ☐ Not Applicable

The proposed project is consistent with the mandatory criteria of the GHGRS as well as a number of the applicable voluntary criteria. Because this document assesses compliance with BAAQMD CEQA Guidelines, as well as State and federal standards, the proposed project is consistent with General Plan Policy MS-10.1. Therefore, the proposed project is consistent with the GHGRS and GHG emissions generated by the proposed Plan are a *less-than-significant* impact and no mitigation measures are required.

b) Would the project conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs?

Applicable plans adopted for the purpose of reducing GHG emissions include CARB's Scoping Plan, the MTC/ABAG's *Plan Bay Area*, and GHGRS. The project's compliance with GHGRS is outlined in criterion (a) above. A consistency analysis with other plans is presented below.

CARB's Scoping Plan

In accordance with AB 32, CARB developed the 2008 Scoping Plan to outline the State's strategy to achieve 1990 level emissions by year 2020. The CARB Scoping Plan is applicable to state agencies and is not directly applicable to cities/counties and individual projects. Nonetheless, the Scoping Plan has been

the primary tool that is used to develop performance-based and efficiency-based CEQA criteria and GHG reduction targets for climate action planning efforts.

Since adoption of the 2008 Scoping Plan, State agencies have adopted programs identified in the plan, and the legislature has passed additional legislation to achieve the GHG reduction targets. Statewide strategies to reduce GHG emissions include the Low Carbon Fuel Standard (LCFS), California Appliance Energy Efficiency regulations; California Building Standards (i.e., California Green Building Standards Code [CALGreen] and the 2008 Building and Energy Efficiency Standards); California Renewables Energy Portfolio standard (33 percent RPS); changes in the corporate average fuel economy standards (e.g., Pavley I and California Advanced Clean Cars [Pavley II]); and other measures that would ensure the State is on target to achieve the GHG emissions reduction goals of AB 32. The State is currently preparing the *2030 Target Scoping Plan Update* to address the new 2030 interim target to achieve a 40 percent reduction below 1990 levels by 2030, established by SB 32. While measures in the Scoping Plan apply to State agencies and not the proposed project, statewide GHG emissions reduction measures that are being implemented over the next six years would reduce the proposed project's GHG emissions. Impacts would be *less than significant* and no mitigation measures are required.

MTC/ABAG's Plan Bay Area

The *Plan Bay Area* is the Bay Area's Regional Transportation Plan/Sustainable Community Strategy. The *Plan Bay Area* was adopted jointly by ABAG and MTC July 18, 2013.[50] To achieve MTC/ABAG's sustainable vision for the Bay Area, the *Plan Bay Area* land use concept plan for the region concentrates the majority of new population and employment growth in the region in Priority Development Areas (PDAs). PDAs are transit-oriented, infill development opportunity areas within existing communities. The project is not within a PDA and would not affect regional population and employment projects. The proposed project is a park project that would serve the Alviso neighborhood in San José and would be consistent with the overall goals of *Plan Bay Area* by implementing neighborhood recreational facilities thus potentially reducing vehicle miles traveled (VMT) and associated GHG emissions. Therefore, the impacts would be *less than significant* and no mitigation measures are required.

[50] It should be noted that the Bay Area Citizens filed a lawsuit on MTC's and ABAG's adoption of Plan Bay Area.

VIII.HAZARDS AND HAZARDOUS MATERIALS

Would implementation of the proposed Plan:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	❒	❒	■	❒
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?	❒	❒	■	❒
c) Emit hazardous emissions or handle hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?	❒	❒	■	❒
d) Be located on a site which is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment?	❒	❒	■	❒
e) For a project 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, result in a safety hazard for people living or working in the project area?	❒	❒	❒	■
f) For a project within the vicinity of a private airstrip, result in a safety hazard for people living or working in the project area?	❒	❒	❒	■
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	❒	❒	■	❒
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?	❒	❒	❒	■

ENVIRONMENTAL SETTING

Regulatory Framework

Federal

United States Environmental Protection Agency

The United States Environmental Protection Agency (USEPA) laws and regulations ensure the safe production, handling, disposal, and transportation of hazardous materials. Laws and regulations established by the USEPA are enforced in Santa Clara County by the CalEPA.

United States Department of Transportation

The United States Department of Transportation (USDOT) has the regulatory responsibility for the safe transportation of hazardous materials between states and to foreign countries. The USDOT regulations govern all means of transportation, except for those packages shipped by mail, which are covered by United States Postal Service regulations. The federal Resource Conservation and Recovery Act of 1976 imposes additional standards for the transport of hazardous wastes.

State

California Environmental Protection Agency

California Environmental Protection Agency (CalEPA) was created in 1991 by Governor Executive Order W-5-91. Several State regulatory boards, departments, and offices were placed under the CalEPA umbrella to create a cabinet-level voice for the protection of human health and the environment and to assure the coordinated deployment of State resources. Among those responsible for hazardous materials and waste management are the DTSC, Department of Pesticide Regulation, and Office of Environmental Health Hazard Assessment (OEHHA). CalEPA also oversees the unified hazardous waste and hazardous materials management regulatory program (Unified Program), which consolidates, coordinates, and makes consistent the following six programs:

- Hazardous Materials Release Response Plans and Inventories (Business Plans)
- Underground Storage Tank Program
- Aboveground Petroleum Storage Tank Act
- Hazardous Waste Generator and Onsite Hazardous Waste Treatment Programs
- California Uniform Fire Code: Hazardous Material Management Plans and Inventory Statements
- CalARP

California Department of Toxic Substances Control

The California DTSC, which is a department of CalEPA, is authorized to carry out the federal RCRA hazardous waste program in California to protect people from exposure to hazardous wastes. The department regulates hazardous waste, cleans up existing contamination, and looks for ways to control and reduce the hazardous waste produced in California, primarily under the authority of RCRA and in accordance with the California Hazardous Waste Control Law (California Health and Safety Code Division

20, Chapter 6.5) and the Hazardous Waste Control Regulations (CCR Title 22, Divisions 4 and 4.5). Permitting, inspection, compliance, and corrective action programs ensure that people who manage hazardous waste follow federal and State requirements and other laws that affect hazardous waste specific to handling, storage, transportation, disposal, treatment, reduction, cleanup, and emergency planning.

State Water Resources Control Board

As discussed in Section IV, Biological Resources, the SWRCB, through the San Francisco Bay RWQCB, regulates discharge of potentially hazardous materials to waterways and aquifers and administers basin plans for groundwater resources in various regions of the State. The SWRCB provides oversight for sites at which the quality of groundwater or surface waters is threatened, and has the authority to require investigations and remedial actions.

California Building Code

As described under the Regulatory Framework of Section I, Aesthetics, the CBC is located in Part 2 of Title 24, and has been adopted for use by the City in SJMC Section 24.03.100. The 2016 CBC went into effect on January 1, 2017. Commercial and residential buildings are plan-checked by local City and County building officials for compliance with the CBC.

California Fire Code

Part 9 of Title 24 contains the California Fire Code (CFC). The 2013 CFC adopts by reference the 2012 International Fire Code (IFC) with necessary State amendments. The 2016 CFC will go into effect on January 1, 2017. Updated every three years, the CFC includes provisions and standards for emergency planning and preparedness, fire service features, fire protection systems, hazardous materials, fire flow requirements, and fire hydrant locations and distribution. Similar to the CBC, the CFC is generally adopted on a jurisdiction-by-jurisdiction basis, subject to further modification based on local conditions. Typical fire safety requirements include: installation of sprinklers in all high-rise buildings; the establishment of fire resistance standards for fire doors, building materials, and particular types of construction; and the clearance of debris and vegetation within a prescribed distance from occupied structures in wildlife hazard areas.

Materials-Specific Programs and Regulations

Asbestos-Containing Materials Regulations

State-level agencies, in conjunction with the USEPA and Occupational Safety and Health Administration (OSHA), regulate removal, abatement, and transport procedures for asbestos-containing materials (ACM). Releases of asbestos from industrial, demolition, or construction activities are prohibited by these regulations and medical evaluation and monitoring is required for employees performing activities that could expose them to asbestos. Additionally, the regulations include warnings that must be heeded and practices that must be followed to reduce the risk for asbestos emissions and exposure. Finally, federal, State, and local agencies must be notified prior to the onset of demolition or construction activities with the potential to release asbestos.

Polychlorinated Biphenyls

The USEPA prohibited the use of Polychlorinated Biphenyls (PCBs) in the majority of new electrical equipment starting in 1979, and initiated a phase-out for much of the existing PCB-containing equipment. The inclusion of PCBs in electrical equipment and the handling of those PCBs are regulated by the provisions of the Toxic Substances Control Act, 15 USC Section 2601 *et seq.* (TSCA). Relevant regulations include labeling and periodic inspection requirements for certain types of PCB-containing equipment and outline highly specific safety procedures for their disposal. The State of California likewise regulates PCB-laden electrical equipment and materials contaminated above a certain threshold as hazardous waste; these regulations require that such materials be treated, transported, and disposed accordingly. At lower concentrations for non-liquids, regional water quality control boards may exercise discretion over the classification of such wastes.

Lead-Based Paint (LBP)

CalOSHA's Lead in Construction Standard is contained in CCR Title 8, Section 1532.1. The regulations address all of the following areas: permissible exposure limits (PELs); exposure assessment; compliance methods; respiratory protection; protective clothing and equipment; housekeeping; medical surveillance; medical removal protection; employee information, training, and certification; signage; record keeping; monitoring; and agency notification.

Regional

San Francisco Bay Regional Water Quality Control Board

As discussed in Section IV, Biological Resources, the Porter-Cologne established the SWRCB and the San Francisco Bay RWQCB, which regulates water quality in the project area. The San Francisco Bay RWQCB has the authority to require groundwater investigations when the quality of groundwater or surface waters of the State is threatened, and to require remediation actions, if necessary.

Bay Area Air Quality Management District

The Bay Area Air Quality Management District (BAAQMD) has primary responsibility for control of air pollution from sources other than motor vehicles and consumer products (which are the responsibility of CalEPA and CARB). The BAAQMD is responsible for preparing attainment plans for non-attainment criteria pollutants, control of stationary air pollutant sources, and the issuance of permits for activities including demolition and renovation activities affecting asbestos containing materials (District Regulation 11, Rule 2) and lead (District Regulation 11, Rule 1).

Airport Land Use Compatibility Plans

The project site is located approximately 4 miles to the east of Moffett Federal Airfield, less than 4 miles to the north of the Norman Y. Mineta San José International Airport, 26 miles to the southeast of San Francisco International Airport, and 23 miles to the south of Oakland International Airport. The project site is also located in close proximity to two smaller airports: the site is located 8 miles southeast of the Palo Alto Airport and approximately 16 miles southeast of the San Carlos Airport. The nearest heliport,

Flea Port Heliport, is located approximately 6 miles south of the project site. No portions of the project site are located within the airport land use compatibility zones established by the Norman Y. Mineta San José International Airport Comprehensive Land Use Plan (CLUP).[51]

Local

County of Santa Clara County Department of Environmental Health

The County of Santa Clara Department of Environmental Health (SCCDEH) is the local CUPA agency. (Responsibility for the Hazardous Materials Business Plan Program and Underground Storage Tank Program was transferred from San José Fire Department to SCCDEH in July 2011). The SCCDEH is responsible for the following programs under the State's Unified Program:

- Hazardous Materials Business Plans
- Hazardous Waste Generator Program
- Hazardous Waste Tiered Permitting
- Underground Storage Tanks
- Aboveground Petroleum Storage Act
- California Accidental Release Program

In addition, the SCCDEH administers the following programs under local authority.

- California Fire Code
- Hazardous Materials Storage Ordinance (Division B11 of Santa Clara County Ordinance)
- Toxic Gas Ordinance (Division B11 Chapter XIV of Santa Clara County Ordinance)

The SCDEH conducts inspections, surveillances, or monitoring, or other purposes to protect the present and future public health and safety and the environment as provided in Chapter 6.5 and 6.8 of the California Health and Safety Code and Chapter 4 of Division 7 of the Water Code.[52] Further, the Hazardous Materials Compliance Division (HMCD) was established in 1983 with the adoption of the local Hazardous Materials Storage Ordinance (HMSO), which regulates the storage of hazardous materials both above and below ground. In addition to the HMSO, HMCD enforces the County's Toxic Gas Ordinance and Non-Point Source (Urban Runoff) Ordinance.[53]

Envision San José 2040 General Plan

The Envision San José 2040 General Plan includes goals, policies, and programs relevant to hazards and hazardous materials as they pertain to the hazards and hazardous materials factors potentially affected by the proposed project. The City's General Plan contains the following environmental considerations/hazards policies relevant to hazards and hazardous materials of the proposed project:

[51] Santa Clara County Airport Land Use Commission, 2008, San José International Airport Comprehensive Land Use Plan, Figure 8, Airport Influence Area, https://www.sccgov.org/sites/dpd/DocsForms/Documents/ALUC_201008_SJC_Maps.pdf, accessed on October 21, 2016.

[52] County of Santa Clara Department of Environmental Health Programs and Services, https://www.sccgov.org/sites/deh/program/Pages/default.aspx, accessed on October 21, 2016.

[53] County of Santa Clara Deparment of Environmental Health Hazardous Materials Compliance Division, https://www.sccgov.org/sites/hazmat/Pages/hmp.aspx, accessed on October 21, 2016.

- Policy EC-6.1: Require all users and producers of hazardous materials and wastes to clearly identify and inventory the hazardous materials that they store, use or transport in conformance with local, State and federal laws, regulations and guidelines.
- Policy EC-6.2: Require proper storage and use of hazardous materials and wastes to prevent leakage, potential explosions, fires, or the escape of harmful gases, and to prevent individually innocuous materials from combining to form hazardous substances, especially at the time of disposal by businesses and residences. Require proper disposal of hazardous materials and wastes at licensed facilities.
- Policy EC-6.6: Address through environmental review for all proposals for new residential, park and recreation, school, day care, hospital, church or other uses that would place a sensitive population in close proximity to sites on which hazardous materials are or are likely to be located, the likelihood of an accidental release, the risks posed to human health and for sensitive populations, and mitigation measures, if needed, to protect human health.
- Policy EC-6.7: Do not approve land uses and development that use hazardous materials that could impact existing residences, schools, day care facilities, community or recreation centers, senior residences, or other sensitive receptors if accidentally released without the incorporation of adequate mitigation or separation buffers between uses.
- 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-7.6: The City will encourage use of green building practices to reduce exposure to volatile or other hazardous materials in new construction materials.
- Policy EC-7.11: Require sampling for residual agricultural chemicals, based on the history of land use, on sites to be used for any new development or redevelopment to account for worker and community safety during construction. Mitigation to meet appropriate end use such as residential or commercial/industrial shall be provided.
- Policy EC-8.1: Minimize development in very high fire hazard zone areas. Plan and construct permitted development so as to reduce exposure to fire hazards and to facilitate fire suppression efforts in the event of a wildfire.

- Policy EC-8.2: Avoid actions which increase fire risk, such as increasing public access roads in very high fire hazard areas, because of the great environmental damage and economic loss associated with a large wildfire.
- Policy EC-8.3: For development proposed on parcels located within a very high fire hazard severity zone or wildland-urban interface area, implement requirements for building materials and assemblies to provide a reasonable level of exterior wildfire exposure protection in accordance with City-adopted requirements in the California Building Code.
- Policy EC-8.4: Require use of defensible space vegetation management best practices to protect structures at and near the urban/wildland interface.
- Policy PR-6.5: Design and maintain park and recreation facilities to minimize water, energy and chemical (e.g., pesticides and fertilizer) use. Incorporate native and/or drought-resistant vegetation and ground cover where appropriate.

Existing Conditions

This section describes existing conditions related to hazardous materials, airport hazards, and wildlife fires within the project area.

Hazardous Materials Sites

The term "hazardous material" is defined in different ways for different regulatory programs. The California Health and Safety Code Section 25501 definition of a hazardous material is: "any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment."

The DTSC divides hazardous material sites into three categories: clean-up sites, permitted sites, and other sites. Sites listed within these three categories can be at various stages of evaluation or clean up, from the beginning to the end of the process. California Government Code Section 65962.5 requires CalEPA to compile, maintain, and update specified lists of hazardous material release sites. The CEQA Statute (PRC Section 21092.6) requires the lead agency to consult the lists compiled pursuant to Government Code Section 65962.5 to determine whether a proposed project and any alternatives are identified on any of the following lists:

- United States EPA National Priorities List (NPL): Lists all sites under the EPA's Superfund program, which was established to fund cleanup of contaminated sites that pose risk to human health and the environment.
- United States EPA Toxics Release Inventory (TRI) Program: Tracks the management of certain toxic chemicals that may pose a threat to human health and the environment.
- United States EPA Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) and Archived Sites: CERCLIS contains 15,000 sites nationally identified as hazardous sites. This would also involve a review for archived sites that have been removed from CERCLIS due to No Further Remedial Action Planned (NFRAP) status.

- United States EPA Resource Conservation and Recovery Act Information System (RCRIS or RCRAInfo): RCRAInfo is a national inventory system about hazardous waste handlers. Generators, transporters, handlers, and disposers of hazardous waste are required to provide information for this database.
- DTSC Cortese List: The DTSC maintains the Hazardous Waste and Substances Sites (Cortese) List as a planning document for use by the State and local agencies to comply with the CEQA requirements in providing information about the location of hazardous materials release sites. This list includes the Site Mitigation and Brownfields Reuse Program Database (CalSites).
- DTSC HazNet: DTSC uses this database to track hazardous waste shipments.
- SWRCB Leaking Underground Storage Tank Information System (LUSTIS): The SWRCB maintains an inventory of USTs and leaking USTs, which tracks unauthorized releases.

The required lists of hazardous material release sites are commonly referred to as the "Cortese List" after the legislator who authored the legislation. Those requesting a copy of the Cortese List are referred directly to the appropriate information resources contained on internet websites hosted by the boards or departments referenced in the statute, including DTSC's online EnviroStor[54] database and the SWRCB's online GeoTracker[55] database. These two databases include hazardous material release sites, along with other categories of sites or facilities, specific to each agency's jurisdiction.

Regulatory databases were reviewed to identify known or suspected sources of contamination. According to CalRecycle's list, the project site does not contain any solid waste facilities or disposal sites, including landfills, transfer stations, material recovery facilities, composting sites, or closed disposal sites. The nearest facility to the project site is Sainte Claire Landfill (43-CR-0008) located at Gold and Maffat Street, which is currently closed. The nearest active landfill is Zanker Recycling, a permitted Class III Landfill (43-AN-0007), located approximately 0.5 miles east of the project site at 705 Los Esteros Road.[56]

A search of DTSC's EnviroStore database on October 13, 2016 revealed that there are no listings within the project site. The nearest hazardous materials site is a non-operating permitted hazardous waste site (CAL000161743), undergoing closure, located approximately 0.3 miles northwest of the project site at 5002 Archer Street.[57]

A search of the SWRCBs GeoTracker database on October 13, 2016, revealed that there are no listings within the project site. The nearest site is a cleanup program site (T10000008997) is located directly south of the project site at Pin High Golf Center. The site is identified as "Open-Site Assessment," meaning an assessment of site conditions is ongoing with regulatory agency oversight. Potential contaminants of concern include: arsenic, Dichloroethene (DCE), Diesel, Lead and other metals, Polychlorinated Biphenyls

[54] Department of Toxic Substances Control, EnviroStor, http://www.envirostor.dtsc.ca.gov, accessed on November 7, 2015

[55] State Water Resources Control Board, GeoTracker, http://www.geotracker.waterboards.ca.gov, accessed on November 7, 2015.

[56] CalRecycle, Solid Waste Information System Facility/Site Listing, http://www.calrecycle.ca.gov/SWFacilities/Directory/Search.aspx, accessed on October 13,2016.

[57] California Department of Toxic Substances Control, EnviroStor, http://www.envirostor.dtsc.ca.gov/public, accessed on October 13, 2016.

(PCBs), Total Petroleum Hydrocarbons (TPH), Vinyl Chloride, and other substances related to automotive uses.[58]

On May 8, 2017, the City of San José Environmental Services Department (ESD) completed a Phase I Environmental Site Assessment (ESA) and limited Phase II ESA in order to determine the presence of any recognized environmental conditions (RECs) that would indicate the presence or likely presence of any hazardous substances or petroleum products in, on, or at the property due to a 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. (See Appendix C.) The Phase I ESA did not reveal any environmental conditions that would preclude developing the property as a public park. No significant levels of pesticides or asbestos were detected in the shallow soils. Therefore, the Phase I ESA did not recommend further testing of the site.

Although the Phase I ESA did not reveal any RECs, based on historic aerial photos existing Alviso Park was previously used for agricultural purposes (row crops) and a portion of expansion parcel D was previously used as a salvage yard. The agricultural history and former salvage yard pose potential environmental concerns. In addition, this site is located within the South Bay Asbestos Area, which is under regulatory oversight. Asbestos-containing soils were imported to build flood levees around Alviso and several landfills in the area accepted asbestos containing waste.

Aircraft Hazards

The project site is located approximately 4 miles to the east of Moffett Federal Airfield, less than 4 miles to the north of the Norman Y. Mineta San José International Airport, 26 miles to the southeast of San Francisco International Airport, and 23 miles to the south of Oakland International Airport. The project site is also located in close proximity to two smaller airports: the site is located 8 miles southeast of the Palo Alto Airport and approximately 16 miles southeast of the San Carlos Airport. The nearest heliport, Flea Port Heliport, is located approximately 6 miles south of the project site. None of the proposed improvements on the proposed project site would be at a height that would require airspace review by the Federal Aviation Administration (FAA).

Wildland Fires

The severity of the wildfire hazard is determined by the relationship between three factors: fuel classification, topography, and critical fire weather frequency. CAL FIRE defines Fire Hazard Severity Zones for areas within the state; fire hazard is defined as a "measure of the likelihood of an area burning and how it burns," with a zone being an area characterized by a particular level of fire hazard. CAL FIRE "Fire Hazard Severity Zone" maps indicate areas for which the State of California has fiscal responsibility for wildland fire protection services as the State Responsibility Area, and areas for which local jurisdictions have fiscal responsibility as the Local Responsibility Area.

[58] California State Water Resources Control Board, GeoTracker, http://geotracker.waterboards.ca.gov, accessed on October 13, 2016.

The project site is not located within an area of moderate, high, or very high Fire Hazard Severity for the Local Responsibility Area,[59] nor does it contain any areas of moderate, high, or very high Fire Hazard Severity for the State Responsibility Area.[60]

DISCUSSION

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

The proposed project would not involve the routine transport or disposal of hazardous materials. Small amounts of potentially hazardous materials associated with heavy mechanical equipment would be used during construction or during routine maintenance. However, these would not be of a large enough quantity, due to the small scale of the proposed project, to create a hazard to the public or the environment. Standard precautions and BMPs to prevent spills would minimize exposure of hazardous materials to people and the environment.

Project operation would involve the use of small amounts of hazardous materials for cleaning and maintenance purposes, such as cleansers, pool water products, degreasers, pesticides, and fertilizers. These potentially hazardous materials would not be of a type or be present in sufficient quantities to pose a significant hazard to public health and safety or the environment. Furthermore, such substances would be used, transported, stored, and disposed of in accordance with applicable federal, State, and local laws, policies, and regulations. Therefore, the proposed project would not create a hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials and would not create a hazardous condition that would lead to the reasonably foreseeable upset that could release hazardous materials into the environment. The impact would be a *less than significant* and no mitigation measures are required.

b) Would the project 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?

The project site does not contain any known hazardous materials spills or storage. As described above, the project would involve the routine usage of small amounts of hazardous materials during project construction and operation, but these materials would not be of a quantity or type to be susceptible to an accidental spill or release that would affect the environment or surrounding uses. In addition, the proposed project would be required to comply with existing federal, State, and local regulations. The project would also be required to be consistent with General Plan Policy EC-6.2, which requires proper storage and use of hazardous materials. In compliance with Policies EC-7.1 and EC-7.2, which require an evaluation of the proposed site's historical and present uses, the City has completed a Phase I ESA (see Appendix C) to evaluate whether any potential environmental conditions exist that could adversely impact the community or environment. No significant hazardous materials were discovered as part of this

[59] California Department of Forestry and Fire Protection, 2008, http://frap.fire.ca.gov/webdata/maps/santa_clara/fhszl_map.43.pdf, accessed on October 13, 2016.

[60] California Department of Forestry and Fire Protection, 2007, http://frap.fire.ca.gov/webdata/maps/santa_clara/fhszs_map.43.pdf, accessed on October 13, 2016.

investigation that would create a significant accident involving the release of hazardous materials. Therefore, the impact would be *less than significant* and no mitigation measures are required. Please see criterion d) for a discussion of potential impacts associated with the project's location on the project site.

c) Would the project emit hazardous emissions or handle hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?

The project site is adjacent to the George Mayne Elementary School. Therefore, hazardous materials used during site preparation and construction phases would have the potential to affect the school property. However, the proposed project would be required to comply with existing federal, State, and local regulations. In addition, the project would be required to be consistent with General Plan Policy EC-6.2, which require proper storage and use of hazardous materials. In compliance with Policies EC-7.1 and EC-7.2, which require an evaluation of the proposed site's historical and present uses, the City has completed a Phase I ESA (see Appendix C) to evaluate whether any potential environmental conditions exist that could adversely impact the community or environment. No significant hazardous materials were discovered as part of this investigation that would create a significant accident involving the release of hazardous materials. The project site does not contain any hazardous materials that would be emitted by the project or handled as part of project operations. Therefore, the impact would be *less than significant* and no mitigation measures are required. Please see criterion d) for a discussion of potential impacts associated with the project's location on the project site.

d) Would the project be located on a site which is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment?

As discussed in Section 4.1, Introduction, the California Supreme Court in a December 2015 opinion (*CBIA v. BAAQMD*) confirmed that CEQA, with several specific exceptions, is concerned with the impacts of a project on the environment, and not the effects the existing environment may have on a project. Therefore, the introduction of people or structures to existing hazard materials would not be considered an impact under CEQA. However, the City of San José currently has policies that address existing hazards and new development. The impact analysis below is followed by an assessment of the proposed project's compliance with relevant General Plan policies.

Based on information gathered from a review of the applicable regulatory databases to identify known or suspected sources of contamination, it was determined that the project site does not contain any known hazardous materials spills or storage sites.[61] Additionally, Figure 3.6-2 of the Envision San José 2040 General Plan EIR illustrates that the project site is not within an area known to contain naturally-occurring asbestos. However, the site's agricultural history and former salvage yard pose potential environmental concerns and the project site is located within the South Bay Asbestos Area, which is under regulatory oversight. Asbestos-containing soils were imported to build flood levees around Alviso and several landfills in the area accepted asbestos containing waste. The limited Phase II analysis did not show any asbestos detections above regulatory levels of concern.

[61] City of San José, 2017, Phase I Environmental Site Assessment with Limited Soil Sampling, Alviso Park Master Plan, page 20.

In addition, Envision San José 2040 General Plan Policy EC-7.11 requires sampling for residual agricultural chemicals and mitigation on sites to be used for redevelopment. As part of the ESA prepared by the City, limited soil sampling investigation was conducted. None of the results detected concentrations exceeding residential USEPA Regional Screening Levels, with the exception of arsenic, which is natural occurring in San José and was found at levels consistent with background concentrations and below levels of regulatory concern.

Nevertheless, the site's former use and location within an area of concern in terms of asbestos exposure could pose a potential hazard. Implementation of the following mitigation measure would reduce this impact to a *less-than-significant* level:

Impact HAZ-1: Project implementation could potentially have adverse impacts associated with location on a hazardous materials site.

> Mitigation Measure HAZ-1: Prior to the start of earthwork, landscaping, and subsurface utility trenching activities, the project proponent shall retain a qualified hazardous materials contractor to prepare a Site Management Plan (SMP). The SMP will serve as a guiding document to provide technical and operational guidance in the event that unexpected pollutants historically associated with the property (i.e., petroleum hydrocarbons, asbestos, and heavy metals) are encountered during park construction. 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 for environmental contaminants of concern to evaluate the site conditions following SMP implementation.
> - For each contractor working at the site, a health and safety plan (HSP) that addresses the safety and health hazards of each phase of site operations and includes the requirements and procedures for employee protection. The HSP shall also outline proper soil handling procedures and health and safety requirements to minimize worker and public exposure to hazardous materials during construction.
>
> The SMP shall detail procedures and protocols for management of soil containing environmental contaminants during site development activities. If applicable, cleanup and remediation activities on the site shall be conducted in accordance with the SMP prior to construction activities. All measures shall be printed on all construction documents, contracts, and project plans. The SMP and any associated environmental investigations shall be provided to the Supervising Planner of the Planning, Building, and Code Enforcement Department and the Environmental Services Department for approval prior to the start of ground disturbance activities.

Compliance with General Plan Policies for Exposure to Existing Hazardous Materials

The City has adopted policies in the Envision San José 2040 General Plan related to exposure to existing hazardous materials that would protect the community and environment from the risks inherent in the

transport, distribution, use, storage, and disposal of hazardous materials; and exposure to hazardous soil, soil vapor, groundwater, and indoor air contamination and hazardous building materials on public properties, such as parks and trails. Construction associated with the proposed project would satisfy General Plan Policies EC-6.1, EC-6.2, EC-6.6, EC-6.7, EC-7.1, EC-7.2, EC-7.4, EC-7.6, and EC-7.11, presented in the Regulatory Setting section above, by meeting all regulatory requirements. Further, the proposed project would not be located on a known hazardous materials site and any on-site handling of hazardous materials would adhere to applicable regulations and project conditions. The future renovation of existing structures such as an enclosed sun deck and shade structures, and the design and construction of proposed new structures such as a swimming pool, restroom, picnic areas, and playgrounds, would minimize chemical use and be required to properly store hazardous materials (e.g., pool chemicals). Compliance with existing regulations would ensure consistency with the policies identified above.

e) For a project within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people living or working in the project area?

The project site is not located within the airport land use plan of any airport. Therefore, the project would result in *no impact* and no mitigation measures are required.

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people living or working in the project area?

Given the distance from any airports and the project's low-intensity usage as a neighborhood park, the project would not create any safety hazards for private airstrips. Therefore, the project would result in *no impact* and no mitigation measures are required.

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

The proposed project would not change any existing access points for emergency vehicles during both the construction and operational phases of the project. Further, the proposed project would create new public access points along the project site boundary that would enhance its conformance with the City-adopted emergency response and evacuation plans. Therefore, the project would result in a *less-than-significant* impact and no mitigation measures are required.

h) Would the project expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildland are adjacent to urbanized areas or where residences are intermixed with wildlands?

As discussed in Section 4.1, Introduction, the California Supreme Court in a December 2015 opinion (*CBIA v. BAAQMD*) confirmed that CEQA, with several specific exceptions, is concerned with the impacts of a project on the environment, and not the effects the existing environment may have on a project. Therefore, the introduction of people or structures to existing wildland fire hazards would not be considered an impact under CEQA. However, the City of San José currently has policies that address existing wildland fire hazards and new development. The impact analysis below is followed by an assessment of the proposed project's compliance with relevant General Plan policies.

The proposed project, a neighborhood park, is not located within an area of moderate, high, or very high Fire Hazard Severity for the Local Responsibility Area, nor does it contain any areas of moderate, high, or very high Fire Hazard Severity for the State Responsibility Area. [62,63] Further, the project would not exacerbate the potential risk, as it would comply with existing policies and regulations related to fire risk.[64] Therefore, the project would result in *no impact* and no mitigation measures are required.

Compliance with General Plan Policies for Exposure to Existing Wildland Fire Risks

The City has adopted policies in the Envision San José 2040 General Plan related to exposure to existing wildland fire risks that would protect lives and property from risks associated with fire-related emergencies at the urban/wildland interface. These policies, which consist of Policies EC-8.1, EC-8.2, EC-8.3, and EC-8.4, applicable to new development, are presented in the Regulatory Setting section above. Because the project site is not located adjacent to wildlands or areas of high fire risk, the proposed project would be consistent with these policies.

IX. HYDROLOGY AND WATER QUALITY

Would implementation of the proposed Plan:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Violate any water quality standards or waste discharge requirements?	❒	❒	■	❒
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would 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 would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?	❒	❒	■	❒
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 would result in substantial erosion or siltation on- or off-site?	❒	❒	■	❒

[62] California Department of Forestry and Fire Protection, 2008, http://frap.fire.ca.gov/webdata/maps/santa_clara/fhszl_map.43.pdf, accessed on October 13, 2016.

[63] California Department of Forestry and Fire Protection, 2007, http://frap.fire.ca.gov/webdata/maps/santa_clara/fhszs_map.43.pdf, accessed on October 13, 2016.

[64] CBIA vs. BAAQMD.

ENVIRONMENTAL ANALYSIS

Would implementation of the proposed Plan:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No 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 would result in flooding on- or off-site?	❒	❒	■	❒
e) Create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	❒	❒	■	❒
f) Otherwise substantially degrade water quality?	❒	❒	■	❒
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?	❒	❒	❒	■
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	❒	❒	■	❒
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?	❒	❒	■	❒
j) Potentially be inundated by seiche, tsunami, or mudflow?	❒	❒	❒	■

ENVIRONMENTAL SETTING

Regulatory Framework

Federal

Clean Water Act

As discussed in Section IV, Biological Resources, the CWA the USEPA seeks to restore and maintain the chemical, physical, and biological integrity of the nation's waters. The CWA employs a variety of regulatory and non-regulatory tools to reduce direct pollutant discharges into waterways, finance municipal wastewater treatment facilities, and manage polluted runoff. The CWA authorizes the USEPA to implement water-quality regulations. The NPDES permit program under Section 402(p) of the CWA controls water pollution by regulating stormwater discharges into the waters of the United States. California has an approved State NPDES program. The USEPA has delegated authority for water permitting to the SWRCB and the San Francisco Bay RWQCB

Section 303(d) of the CWA requires that each state identify water bodies or segments of water bodies that are "impaired" (i.e., not meeting one or more of the water-quality standards established by the state).

These waters are identified in the Section 303(d) list as waters that are polluted and need further attention to support their beneficial uses. Once the water body or segment is listed, the state is required to establish Total Maximum Daily Load (TMDL) for the pollutant causing the conditions of impairment. TMDL is the maximum amount of a pollutant that a water body can receive and still meet water-quality standards. Typically, TMDL is the sum of the allowable loads of a single pollutant from all contributing point and non- point sources. The intent of the 303(d) list is to identify water bodies that require future development of a TMDL to maintain water quality. In accordance with Section 303(d), the RWQCB has identified impaired water bodies within its jurisdiction, and the pollutants or stressors responsible for impairing the water quality. Stormwater from the project site flows into the City's storm drain system along Wilson Way and North First Street, with eventual discharge into the Alviso Marina and South San Francisco Bay. South San Francisco Bay is listed on the SWRCB's 303(d) list.

National Pollutant Discharge Elimination System

As discussed in Section IV, Biological Resources, the CWA-established NPDES permit program regulates municipal and industrial discharges to surface waters of the United States from their municipal separate storm sewer systems (MS4s). Under the NPDES program, all facilities that discharge pollutants into waters of the United States are required to obtain a NPDES permit. Requirements for stormwater discharges are also regulated under this program.

The project is subject to the Waste Discharge Requirements (WDR) of the Municipal Regional Permit (MRP) Order Number R2-2015-0049 and NPDES Permit Number CAS612008, issued on November 19, 2015 and effective as of January 1, 2016. The City of San José, Santa Clara County, and the Santa Clara Valley Water District (SCVWD) are three of the Santa Clara permittees under the MS4 permit. The C.3 provisions for new development and redevelopment allow the permittees to use their planning authorities to include appropriate source control, site design, and stormwater treatment measures in new projects and redevelopment projects to address both soluble and insoluble stormwater runoff pollutant discharges and prevent increases in runoff flows from these projects. The goal is accomplished primarily through the implementation of low impact development (LID) techniques.

National Flood Insurance Program

The National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973 mandate the Federal Emergency Management Agency (FEMA) to evaluate flood hazards. FEMA provides Flood Insurance Rate Maps (FIRMs) for local and regional planners to promote sound land use and floodplain development and identify potential flood areas based on current conditions. To delineate a FIRM, FEMA conducts engineering studies called Flood Insurance Studies (FISs). Using information gathered in these studies, FEMA engineers and cartographers delineate Special Flood Hazard Areas (SFHAs) on FIRMs. The most recent FIRMs that include the project site are 06085C0061H dated May 18, 2009 and 06085C0062J, dated February 19, 2014. The FIRMs shows that the project site is within a 100-year floodplain.

State

Porter-Cologne Water Quality Control Act

As discussed in Section IV, Biological Resources, the Porter-Cologne Water Quality Act is the basic water-quality control law for California and under this Act the SWRCB has ultimate control over State water rights and water-quality policy. In California, the California EPA has delegated authority to issue NPDES permits to the SWRCB. The SWRCB, through its nine RWQCBs, carries out the regulation, protection, and administration of water quality in each region. Each regional board is required to adopt a Water Quality Control Plan, or Basin Plan, that recognizes and reflects the regional differences in existing water quality, the beneficial uses of the region's ground and surface water, and local water-quality conditions and problems. The City of San José is within the Santa Clara Basin and is under the jurisdiction of the San Francisco Bay RWQCB. The San Francisco RWQCB monitors surface water quality through implementation of the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) and designates beneficial uses for surface water bodies and groundwater within the Santa Clara Valley. The Basin Plan for the San Francisco Bay Watershed was last updated in 2015. This Basin Plan describes the water quality that must be maintained to support the designated beneficial uses and provides programs, projects, and other actions necessary to achieve the standards established in the Basin Plan. The Basin Plan also contains water quality criteria for groundwater.

Statewide General Construction Permit

Construction projects of one acre or more are regulated under the General Construction Permit (GCP), Order No. 2012-0006-DWQ, issued by the SWRCB. Under the terms of the permit, applicants must file Permit Registration Documents (PRDs) with the SWRCB prior to the start of construction. The PRDs include a Notice of Intent (NOI), risk assessment, site map, Storm Water Pollution Prevention Plan (SWPPP), annual fee, and a signed certification statement. The PRDs are submitted electronically to the SWRCB via the Stormwater Multiple Application and Report Tracking System (SMARTS) website.

Applicants must also demonstrate conformance with applicable BMPs and prepare a SWPPP, containing a site map that shows the construction site perimeter, existing and proposed buildings, lots, roadways, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns across the project locations. The SWPPP must list BMPs that would be implemented to prevent soil erosion and discharge of other construction-related pollutants that could contaminate nearby water resources. Additionally, the SWPPP must contain a visual monitoring program, a chemical monitoring program for nonvisible pollutants if there is a failure of the BMPs, and a sediment-monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment. Some sites also require implementation of a Rain Event Action Plan (REAP). The updated GCP also requires applicants to comply with post-construction runoff reduction requirements. Since the project would disturb more than one acre, it would be subject to these requirements.

Local

Santa Clara Valley Urban Runoff Pollution Prevention Program

The Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) is an association of 13 cities and towns in the Santa Clara Valley, together with the County of Santa Clara and the SCVWD. The RWQCB has conveyed responsibility for implementation of stormwater regulations to the member agencies of SCVURPPP. The SCVURPPP incorporates regulatory, monitoring, and outreach measures aimed at improving the water quality of South San Francisco Bay and the streams of the Santa Clara Valley to reduce pollution in urban runoff to the "maximum extent practicable." The SCVURPPP maintains compliance with the MS4 Permit and promotes stormwater pollution prevention within that context. Participating agencies (including the City of San José) must meet the provisions of the Santa Clara County permit by ensuring that new development and redevelopment mitigate water quality impacts to stormwater runoff both during the construction and operation of projects.[65]

The SCVURPPP has successively implemented a series of comprehensive stormwater management plans for urban runoff management meeting RWQCB standards. When the MRP was reissued in 2009, new design standards for runoff treatment control measures from new development and significant redevelopment were required, such as LID. The MRP also requires development of a Hydrograph Modification Management Plan (HMP) to manage increased peak runoff flows and volumes (hydromodification) and avoid erosion of stream channels and degradation of water quality caused by new and redevelopment projects in areas subject to hydromodification impacts. The MRP was issued to cover "surface runoff generated from various land uses in all the hydrologic sub basins in the basin which discharge into watercourses, which in turn flow into South San Francisco Bay." The latest program activities conducted by the SCVURPPP are described in the *FY2015-2016 Annual Report.*

The City of San José is a member of the SCVURPPP and follows the guidelines for stormwater runoff control and treatment specified in the C.3 Stormwater Handbook.[66] In addition, the project must comply with the City of San José's Post-Construction Urban Runoff Management Policy (6-20) and the City's Post-Construction Hydromodification Management Policy (8-14), as described below.

Santa Clara Valley Water District

The SCVWD is the flood control agency for the County. Their responsibilities include creek restoration, pollution prevention efforts, and groundwater recharge. The SCVWD requires permits for all well construction and destruction activities and projects occurring on any SCVWD property or easement. Permits are required under the SCVWD's Water Resources Protection Ordinance and the District Well Ordinance. The SCVWD along with 15 cities (including San José), Santa Clara County, business, agriculture, streamside property owners, and environmental interests have established the Water Resources Protection Collaborative, which has prepared and adopted *Guidelines and Standards for Land Use Near Streams: A Manual of Tools, Standards, and Procedures to Protect Streams and Streamside Resources in Santa Clara County.*

[65] Santa Clara Valley Urban Runoff Pollution Prevention Program, 2016, *FY 2015-2016 Annual Report.*
[66] Santa Clara Valley Urban Runoff Pollution Prevention Program, 2016, C.3 Stormwater Handbook.

City of San José Policies

The City of San José has adopted the following policies related to hydrology and water quality issues.

Post-Construction Urban Runoff Management Policy 6-29

The City of San José's Post-Construction Urban Runoff Management Policy 6-29 requires all new development and redevelopment projects to implement post-construction BMPs and treatment control measures (TCMs). The policy also established specific design standards for post-construction TCMs for projects that create, add, or replace 10,000 square feet or more of impervious surfaces. Policy 6-29 is updated as changes to the MRP are made. This policy also sets limitations on the use of infiltration treatment measures for the purpose of groundwater protection from contaminants. A Stormwater Control Plan (SCP) must be prepared for new development and redevelopment projects that create and/or replace 10,000 square feet or more of impervious surface. The SCP must be submitted and approved by the City prior to the issuance of grading permits. Because the proposed project will create or replace more than 10,000 square feet of impervious surface, it is subject to this policy.

Post-Construction Hydromodification Policy 8-14

The City of San José's Post-Construction Hydromodification Policy 8-14 requires all new development 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 preparation and submittal of a Hydromodification Plan (HMP). Projects are not required to include hydromodification controls for peak runoff under this policy if they: 1) do not create an increase in impervious surfaces over pre-project (existing) conditions; 2) are located within catchment areas that drain to hardened channels that extend continuously to the Bay or are located within tidally-influenced creek areas or Bayland areas; 3) are located within catchment and subwatershed areas that are greater than or equal to 65 percent impervious; or 4) drain to an underground storm drain that discharged directly to the San Francisco Bay. Policy 8-14 is updated periodically to reflect the latest MRP requirements. According to the City's Hydromodification Map, the project site is within a catchment draining to hardened channels which drain directly into San Francisco Bay via the Alviso Marina and thus is not subject to hydromodification measures.[67]

Envision San José 2040 General Plan

The Envision San José 2040 General Plan includes goals, policies, and programs relevant to hydrology and water quality issues potentially affected by the proposed project. The City's General Plan contains the following policies relevant to the water quality:

[67] Santa Clara Valley Urban Runoff Pollution Prevention Program, 2011, *Hydromodification Management Applicability Maps*, available online at http://www.scvurppp-w2k.com/HMP_app_maps/San_Jose_HMP_Map.pdf, accessed on September 21, 2016.

- 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 recreational needs or other area functions.
- Policy MS-3.3: Promote the use of drought tolerant plants and landscaping materials for non-residential and residential uses.
- Policy MS-20.3: Protect groundwater as a water supply source through flood protection measures and the use of stormwater infiltration practices that protect groundwater quality. In the event percolation facilities are modified for infrastructure projects, replacement percolation capacity will be provided.
- 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-8.5: Ensure that all development projects in San José maximize opportunities to filter, infiltrate, store and reuse or evaporate stormwater runoff onsite.
- Policy ER-8.6: Eliminate barriers to and enact policies in support of the reuse of stormwater runoff for beneficial uses in existing infrastructure and future development in San José.
- Policy ER-8.7: Encourage stormwater reuse for beneficial uses in existing infrastructure and future development through the installation of rain barrels, cisterns, or other water storage and reuse facilities.
- Policy ER-9.3: Utilize water resources in a manner that does not deplete the supply of surface or groundwater or cause overdrafting of the underground water basin.
- 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, are adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 15 and April 15.
- Policy EC-4.12: Require review and approval of grading plans and erosion control plans (if applicable) prior to issuance of a grading permit by the Director of Public Works.
- Policy EC-5.1: The City shall require evaluation of flood hazards prior to approval of development projects within a Federal Emergency Management Agency (FEMA) designated floodplain. Review new development and substantial improvements to existing structures to ensure it is designed to provide protection from flooding with a one percent annual chance of occurrence, commonly referred to as the "100-year" flood or whatever designated benchmark FEMA may adopt in the future. New development should also provide protection for less frequent flood events when required by the State.
- Policy EC-5.7: Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risks elsewhere.
- Policy EC-5.11: Where possible, reduce the amount of impervious surfaces as a part of redevelopment or roadway improvements through the selection of materials, site planning, and street design.

- Policy IN-3.1: Achieve minimal level of services: for storm drainage, to minimize flooding on public streets and to minimize the potential for property damage from stormwater, implement a 10-year return storm design standard throughout the City and in compliance with all local, State, and Federal regulatory requirements.
- Policy IN-3.7: Design new projects to minimize potential damage due to storm waters 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 NPDES permit.
- Policy IN-3.13: Encourage the use of flood protection guidelines in development, such as those recommended by the SCVWD, FEMA, and DWR.

Existing Conditions

The project site lies within the Baylands Watershed, which encompasses the area and shoreline along San Francisco Bay north of Highway 237. The watershed consists of broad tidal flats, diked marshland, seasonal and perennial wetlands, flood basins, and wastewater treatment basins. Salt evaporation ponds form large areas of diked habitat between major sloughs. Many of the salt ponds have been recently acquired for the public trust to be managed for wildlife, wetland restoration, flood protection, and recreation. Coyote Creek is located approximately 1.75 miles east of the project site.

The City of San José Public Works Department is responsible for the design, construction, and maintenance of the City-owned storm drain system, which includes a network of 1,150 miles of storm drains and drainage channels and 29 stormwater pump stations. Stormwater runoff is collected from City streets and properties via catch basins and storm drain pipes and is then discharged into local creeks that eventually flow into San Francisco Bay. The SCVWD and USACE are responsible for the design and construction of flood control facilities and the maintenance of stream channels within the City of San José and Santa Clara County.

The City of San José is in the process of developing a Storm Drain Master Plan that would identify areas with storm drain deficiencies. However, most of the existing storm drain system is designed to accommodate a 3-year storm event, as in the case for the Alviso neighborhood in North San José. As a result, areas of the City may be subject to ponding or flooding issues. The proposed project would connect to the existing storm drain system and as per City requirements, the on-site storm drain piping must be designed and constructed to meet the City's 10-year storm event design standard. In addition, project developers are required to pay storm drain connection fees and storm drain service charges to assist in funding capital improvements to the system. Construction of a new pump station in the Alviso neighborhood at the northwest corner of Gold Street and Catherine Street is planned for completion in 2017 and will include 100 linear feet of 48-inch force main that connects to a new outfall structure

beyond the levee at the Guadalupe River. This will provide 100-year storm event capacity and is documented in the latest Capital Improvement Program (CIP).[68]

The project site is within the Santa Clara Subbasin of the Santa Clara Valley Groundwater Basin. San Jose Municipal Water System (SJMWS) is the water purveyor for the project site within the City of San José. The North San José/ Alviso neighborhood obtains its water from three major sources: 1) groundwater from local wells, 2) imported surface water provided by San Francisco Public Utilities Commission (SFPUC) and 3) recycled water from the South Bay Water Recycling (SBWR) Program. The project site is located in the North San José/ Alviso neighborhood that is supplied primarily by SFPUC and supplemented by four wells owned and operated by SJMWS. Two groundwater wells are currently in use; two groundwater wells are available for emergency use purposes. Additional details on water usage and water supply are provided in Section VIII, Utilities and Service Systems. Groundwater quality in the Santa Clara Subbasin is generally considered to be good and water quality objectives are met in at least 95 percent of the County water supply wells without the use of treatment methods.[69]

The project site is located in a FEMA-designated 100-year floodplain or Special Flood Hazard Area (SFHA)[70] and therefore is subject to the FEMA regulations and San José regulations (SJMC Chapter 17.08, Special Flood Hazard Area Regulations) for construction of structures within the floodplain. The project site is also within the dam inundation zone of Leroy Anderson Dam and Reservoir, Coyote Dam and Reservoir, and Lenihan Dam (Lexington Reservoir).[71] In addition, the project site is within an area of possible flooding as a result of failure of dikes in the area.[72]

The site is not within a tsunami inundation zone, as indicated on the CalEMA tsunami inundation map for Milpitas Quadrangle.[73] Seiches are standing waves oscillating in an enclosed or semi-enclosed body of water, similar to water sloshing in a bathtub. Although seiches can theoretically occur in San Francisco Bay as a potential secondary hazard from tsunamis, the largest seiche wave ever measured in San Francisco Bay after the 1906 earthquake was only four inches high. The impact from a seiche would result in a lesser impact than a tsunami and because the site is outside of any tsunami inundation zone, flooding from a seiche would not reach the site. The site and the surrounding area is flat and is not in an area subject to debris flows, landslides, or mud flows, as per the ABAG landslide maps.[74]

[68] City of San José, 2016, 2016-2017 Capital Budget, 2017-2021 Capital Improvement Program.

[69] Santa Clara Valley Water District, 2012, Santa Clara Valley Water District, *2012 Groundwater Management Plan.*

[70] Federal Emergency Management Administration, 2009 and 2014, Flood Insurance Rate Map No. 06085C0061H and No. 06085C0062J.

[71] California Office of Emergency Services, 2016, Dam inundation Registered Images and Boundary Files in ESRI Shapefile Format. Version: FY 2014.

[72] Santa Clara County, 2015, Dike Failure Flooding Hazard Zones: Santa Clara County, California.

[73] California Emergency Management Agency, 2009, Tsunami Inundation Map for Emergency Planning, Milpitas Quadrangle.

[74] Association of Bay Area Governments, 2016, Rainfall Induced Landslide Areas, Existing Landslide Distribution, and Earthquake Induced Landslide Study Zones, http://gis.abag.ca.gov/website/Hazards/?hlyr=debrisFlowSource, accessed on September 26, 2016.

DISCUSSION

a) Would the project violate any water quality standards or waste discharge requirements?

Construction-Related Water Quality Impacts

Construction of the park as envisioned under the proposed Plan, including grading and excavation, 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. Construction of the project would disturb more than one acre of soil and, therefore, compliance with the NPDES General Construction Permit (GCP) is required.

The GCP requires the submittal of Permit Registration Documents (PRDs) to the SWRCB prior to the start of construction. The PRDs include a Notice of Intent (NOI) and a site-specific construction SWPPP. The SWPPP describes the incorporation of BMPs to control sedimentation, erosion, and hazardous materials contamination of runoff during construction. New requirements by the SWRCB also require the SWPPP to include post-construction treatment measures aimed at minimizing stormwater runoff.

All development projects in San José must also comply with the City's Grading Ordinance whether or not the projects are subject to the provisions of the GCP. The City of San José Grading Ordinance requires the use of erosion and sediment controls to protect water quality while a site is under construction. Prior to grading activity occurring during the rainy season (October 15 to April 15), an Erosion Control Plan to the Director of Public Works for review and approval. The proposed Plan must detail the BMPs that would be implemented under the following Project Conditions to minimize the potential for stormwater pollutants.

Project Conditions: Consistent with the General Plan, conditions that shall be implemented to prevent stormwater pollution and minimize potential sedimentation during construction include, but are not limited to the following:

- Restrict grading to the dry season (April 15 to October 15) or meet City requirements for grading during the rainy season.
- Utilize on-site sediment control BMPs to retain sediment on the project site.
- Utilize stabilized construction entrances and/or wash racks.
- Sweep or vacuum any street tracking immediately and secure sediment sources to prevent further tracking.
- Provide temporary cover of disturbed surfaces to help control erosion during construction.
- Provide permanent cover to stabilize the disturbed surfaces after construction has been completed.
- Prevent sediment from migrating offsite and protect storm drain inlets, drainage courses, and streams by installing appropriate BMPs (i.e., silt fences, gravel bags, fiber rolls, temporary swales, etc.).

The project, with the implementation of the above Project Conditions, would not result in significant construction-related water quality impacts. Construction-related impacts would be *less than significant* and no mitigation measures are required.

Post-Construction Water Quality Impacts

All new development or redevelopment projects that create and/or replace 10,000 square feet or more of impervious surfaces would be required to incorporate source control, site design, and stormwater treatment measures into the project, pursuant to the SCVURPPP C.3 requirements. The requirements include minimization of impervious surfaces, measures to detain or infiltrate runoff from stormwater, and agreements to ensure that the stormwater treatment and flow control facilities are maintained in perpetuity. In addition, the project must comply with the City of San José's Post-Construction Urban Runoff Management Policy 6-20.

Most of the project site consists of open space and pervious surfaces and will remain so with development of the project. However, with the construction of new paths/sidewalks as well as new or expanded plazas, fitness nodes, restrooms, and storage, the project would create approximately 137,000 square feet of impervious surfaces. Because the amount of impervious surfaces exceeds 10,000 square feet, the project is considered to be a Regulated Project and is required to comply with the stormwater management C.3 provisions of the MRP.

The project is still in the conceptual design phase and no detailed engineering drawings have been prepared. Therefore, the stormwater LID features and stormwater treatment measures that will be implemented as part of the project are still under consideration. However, it is likely that the paths, sidewalks, and restrooms will drain to adjacent planting areas. Pervious pavers will be used for plazas and sidewalks to the extent possible. Stormwater treatment measures using infiltration are not feasible because of the poorly drained clayey loam soils that underlie the site. However, bioretention basins and flow-through planters will be considered as part of the project design. Some of the site design, source control, and treatment measures being considered for the project are listed below.

- Site Control:
  - Limit disturbance of natural water bodies and drainage systems
  - Minimize compaction of highly permeable soils
  - Protect slopes and channels
  - Conserve natural areas
  - Minimize impervious surfaces
  - Minimize stormwater runoff by directing roof runoff and runoff from sidewalks, walkways, and patios onto vegetated areas
  - Construct sidewalks, walkways, driveways, patios, bike lanes, and parking lots with permeable surfaces to the extent possible
- Source Control:
  - Properly design covers, drains, outdoor material storage areas, and trash storage areas
  - Drain trash enclosure areas and outdoor wash areas to sanitary sewer
  - Minimize irrigation and runoff from landscaping areas
  - Install efficient irrigation system

  - Stencil "No Dumping" for all catch basin inlets
- Treatment Control Measures Under Consideration:
  - Evapotranspiration (landscaped detention, trees)
  - Biotreatment (bioretention areas and flow-through planters)

Pervious areas of the site can infiltrate the water quality volume and additional runoff can be discharged to the storm drain with no additional treatment. Runoff from impervious areas can flow either to pervious surfaces or to a small stormwater treatment measure. All treatment measures will be designed in accordance with Provision C.3.d of the MRP and the feasibility of LID features will be determined in accordance with the procedures set forth in the SCVURPPP C.3 Stormwater Handbook. The proposed treatment measures will be numerically sized in accordance with MRP and SCVURPPP guidelines.

A Stormwater Control Plan (SCP) will be prepared that describes all of the site design, source control, and treatment measures as well as an operations and maintenance (O&M) plan that describes how the treatment control measures will be maintained for perpetuity. As a rule of thumb, biotreatment measures would require a surface area equal to approximately 4 percent of the new and/or replaced impervious surfaces. Implementation of these measures and compliance with the C.3 requirements of the MRP would ensure that post-development impacts to water quality would be *less than significant* and no mitigation measures are required.

b) Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would 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 would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?

Implementation of the proposed project as envisioned in the proposed Plan could result in a reduction in groundwater recharge with an increase in impervious surfaces and/or construction dewatering. According to the SWRCB's Geotracker site, groundwater in the vicinity of the site is approximately 15 feet below ground surface (bgs).[75] Because the construction for the proposed park consists of restrooms, picnic areas, plaza areas, and walking paths that require only shallow grading and excavation, construction dewatering likely would not be necessary. Also, the increase in impervious surfaces with the proposed construction would be a small percentage of the 23.5-acre site that will primarily remain as open space. Therefore, groundwater recharge would not be significantly impacted by the proposed project.

Although the site will result in approximately 137,000 square feet of new impervious surfaces (mainly new paved trails), the project applicant will be required to implement site design measures, LID, and BMPs that will contribute to groundwater recharge and minimize stormwater runoff from the site. Stormwater runoff from the trails would discharge to the adjacent soil and landscaped areas, resulting in infiltration and thus minimizing the impacts to groundwater recharge. Rainwater that falls on the athletic fields will also infiltrate into the turf, thus contributing to groundwater recharge. Because the project site will remain primarily open space, the impact to groundwater supplies would be *less than significant*.

[75] State Water Resources Control Board, 2003, Subsurface Investigation Results Report for Voyager Marine, 1296 State Street, Alviso, California 93221.

Each site must be evaluated in terms of the City's General Plan Policy 6-29 that sets limitations on the use of infiltration treatment measures for the purpose of groundwater protection from contaminants. Infiltration devices must be implemented at a level appropriate to protect groundwater quality; not cause or contribute to degradation of groundwater quality; be adequately maintained to maximize pollutant removal capabilities; maintain a vertical distance between the base of the infiltration device and seasonal high groundwater of at least 10 feet; and be located a minimum of 100 feet horizontally from any known water supply wells. Although the conditions at the project site appear to meet these requirements, the soils at the site are generally poorly drained clayey loam. Therefore, the use of infiltration devices will need to be evaluated further in the SCP.

The project site is served by SJMWS and no groundwater wells are located on the property. Although some of the water supplied by SJMWS is from groundwater sources, the nearest production wells are more than 3 miles south from the site. The project would require a minimal amount of potable water, which would be used to supply the restrooms, pool, and drinking fountains. Irrigation for the playfields and landscaping would be supplied by recycled water, which is currently piped to Alviso Park. Therefore, the project would not deplete groundwater supplies and the impact would be *less than significant* and no mitigation measures are required.

c) *Would the project 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 would result in substantial erosion or siltation on- or off-site?*

The project site does not contain any waterways and therefore the proposed project would not alter the course of a stream or river. The project would require grading or soil exposure during construction. If not controlled, the transport of these materials into local waterways could temporarily increase suspended sediment concentrations. To minimize this impact, the project would be required to comply with all of the requirements of the State GCP, including preparation of PRDs and submittal of a SWPPP to the SWRCB prior to the start of construction activities.

In addition, 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. The project would be required to prepare an Erosion Control Plan that details the BMPs that would be implemented to minimize the potential for erosion and/or siltation during construction. Adherence to the Project Conditions described under criterion (a) above, and compliance with State and City regulations and policies, would ensure that impacts from erosion and siltation during construction would be *less than significant* and no mitigation measures are required.

Given the nature of the proposed project (i.e., a community park with open space, trails, athletic fields, and playgrounds), there is limited potential for erosion or siltation to occur once the project has been constructed. However, the C.3 requirements of the MRP include source control measures and site design measures that address stormwater runoff and would reduce the potential for erosion or siltation. In addition, Provision C.3 of the MRP will require the project to implement stormwater treatment measures to contain site runoff, using specific numeric sizing criteria based on volume and flow rate.

With implementation of these erosion and sediment control measures and regulatory provisions to limit runoff, the proposed project would not result in significant increases in erosion and sedimentation and impacts would be *less than significant* and no mitigation measures are required.

d) Would the project 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 would result in flooding on- or off-site?

As described above under criterion (c), the proposed project would not alter the course of a stream or river. However, it would add approximately 137,000 square feet of impervious surface, which would result in an increase in the amount of stormwater runoff from the site as compared to existing conditions. Most of the project site would remain as pervious surfaces, which would allow infiltration of any additional stormwater runoff into the soil. In addition, the project would comply with C.3 provisions of the MRP and implement site design, source control, and stormwater treatment measures (as needed) that would minimize any increase in stormwater runoff. Excess stormwater runoff would be discharged to the City's existing storm drainage system in the adjacent streets (Wilson Way and North First Street).

The project must also comply with the City of San José's Post-Construction Urban Runoff Management Policy 6-20. Prior to the issuance of grading permits, the project applicant must prepare an SCP that describes the BMPs and LID treatment measures that would reduce the amount of stormwater runoff from the site. The City of San José would review the project's connection to the existing storm drain system and determine its acceptability. Review and approval of the SCP, implementation of stormwater treatment measures, and compliance with City and County regulatory requirements would ensure that stormwater runoff from the site would not result in on- or off-site flooding and impacts would be *less than significant* and no mitigation measures are required.

e) Would the project create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?

The proposed project would add approximately 137,000 square feet of impervious surface, which would result in an increase in the amount of stormwater runoff as compared to existing conditions. However, much of the increase consists of paved paths and trails surrounded by open space, so runoff from these areas would infiltrate into adjacent soil and landscaping and therefore would not impact the capacity of the storm drain system. Assuming that bioretention is planned for the project and would be sized to be 4 percent of the impervious surface area on the project site, a preliminary estimate is that approximately 5,500 square feet of surface area would be needed. Once detailed engineering drawings have been drafted and submitted, under the City's standard review procedures the City of San José will review the project's planned connection to the City's storm drain system and will determine whether the storm drain can accept the additional runoff without exceeding the capacity of the storm drain system. Therefore, the impact on the capacity of existing or planned storm drain systems is *less than significant* and no mitigation measures are required.

As previously discussed under criterion (a), BMP and LID features will be implemented during construction and project operation that will control and reduce the potential for sediment, debris, and other pollutants to be discharged into the storm drain system. With implementation of these measures, the project would

not result in substantial additional sources of polluted runoff and impacts would be *less than significant* and no mitigation measures are required.

f) Would the project otherwise substantially degrade water quality?

As discussed under criterion (a), BMPs and LID measures would be implemented across the project site during both construction and operation of the proposed project. These measures would control and prevent the release of sediment, debris, and other pollutants into the storm drain system. Implementation of BMPs during construction would be in accordance with the provisions of the SWPPP, which would minimize the release of sediment, soil, and other pollutants. Operational BMPs would be required to meet the C.3 provisions of the MRP and these requirements include the incorporation of site design, source control, and treatment control measures to treat and control runoff before it enters the storm drain system. With implementation of these BMPs and LID measures in accordance with City and MRP requirements, the potential impact on water quality would be *less than significant* and no mitigation measures are required.

g) Would the project 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 Flood Insurance Rate Maps (FIRMs) for the site area show that the project site is within the 100-year floodplain, designated as Zone AE with a base flood elevation (BFE) of 12.00 feet North American Vertical Datum 1988 (NAVD88). However, there is no housing proposed as part of the project. Therefore, implementation of the proposed project would not place housing within a 100-year floodplain and there would be *no impact* and no mitigation measures are required.

h) Would the project place within a 100-year flood hazard area structures which would impede or redirect flood flows?

As discussed in Section 4.1, Introduction, the California Supreme Court in a December 2015 opinion (*CBIA v. BAAQMD*) confirmed that CEQA, with several specific exceptions, is concerned with the impacts of a project on the environment, and not the effects the existing environment may have on a project. Therefore, the introduction of people or structures to existing flooding hazards would not be considered an impact under CEQA. However, the City of San José currently has policies that address construction of new development and redevelopment projects within 100-year floodplains.

The proposed project will place new structures or structures with significant improvements within the 100-year floodplain and therefore there is the potential for impeding or redirecting flood flow. The FEMA FIRMs show that the project site is within the 100-year floodplain, designated as Zone AE with a base flood elevation (BFE) of 12.00 feet NAVD88. Therefore, the project must comply with the City of San José's Special Flood Hazard Area Regulations, codified in the SJMC Chapter 17.08.

All new and substantially improved structures (including equipment and machinery that support the structure) must elevate the lowest floor above 12.00 feet NAVD88. Non-residential structures can have the lowest floor below the BFE but must flood proof up to 12.00 feet NAVD88, plus one additional foot for insurance rating purposes. An Elevation Certificate (FEMA Form 81-31) for each structure, based on construction drawings, is required prior to the issuance of a building permit. Building support utility

systems, such as HVAC, electrical, plumbing, air conditioning equipment, and other service utilities must be elevated above the BFE or protected from flood damage. Because the planned development will result in minimal structures (i.e., restrooms and an equipment building associated with the new pool) located on the 23.5-acre parcel, which will remain mainly as open space, the proposed development would not exacerbate existing conditions, as it would comply with existing policies and regulations pertaining to flood regulation. Therefore, there would be a *less-than-significant* impact and no mitigation measures are required.

Compliance with General Plan Policies for Existing Flood Hazards

The City has adopted policies in the Envision San José 2040 General Plan related to flood hazards. These policies and actions, which consist of EC-5.1, EC-5.7, IN-3.13, and EC-5.14, presented in the Regulatory Setting above, are applicable to new development. The proposed project would be consistent with these policies and comply with FEMA and the City of San José's floodplain regulations.

i) Would the project 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?

As discussed in Section 4.1, Introduction, the California Supreme Court in a December 2015 opinion (*CBIA v. BAAQMD*) confirmed that CEQA, with several specific exceptions, is concerned with the impacts of a project on the environment, and not the effects the existing environment may have on a project. Therefore, the introduction of people or structures to existing flooding hazards would not be considered an impact under CEQA. However, the City of San José currently has policies that address existing levees and dams and new development. The impact analysis below is followed by an assessment of the proposed project's compliance with relevant General Plan policies.

According to maps compiled by the California Office of Emergency Services (CalOES), the project site is within the Anderson Reservoir dam inundation zone and the Lexington Reservoir (Lenihan Dam) dam inundation zone.[76] Coyote Reservoir operates in tandem with Anderson Reservoir and a release from the Coyote Reservoir would have the same dam inundation zone as Anderson Reservoir. Failure of these dams could result in the release of water held behind the dams and result in flooding in parts of the city, including the project site. A major seismic event, if sufficiently intense, would be the most likely cause of dam failure. All three dams are owned and operated by the SCVWD.

Dam inundation zones are based on the highly unlikely event of a total catastrophic dam failure occurring in a very short period of time. Also, the dam inundation zones for Anderson and Coyote Reservoirs are based on the reservoirs being completely full (i.e., at 100 percent storage capacity). These dams are currently under storage restrictions while seismic upgrades and fault studies are being completed. Therefore, Anderson and Coyote Reservoirs are restricted to capacities of 68 percent and 53 percent, respectively. As a result, the mapped dam inundation zones would be much smaller than the mapped areas. Also, the arrival time of a flood wave at the project site would be 7 to 9 hours for Anderson/Coyote

[76] California Office of Emergency Services, 2016. Dam Inundation Registered Images and Boundary Files in ESRI Shapefile Format. Version: FY 2014. Dated April 2016.

Reservoir and 8.5 hours for Lexington Reservoir, which would be sufficient time for the City to coordinate evacuation procedures.

The probability of dam failure is extremely low and there is no historic record of dam failure in Santa Clara County or San José.[77] Dams in California are continually monitored by various governmental agencies, including the California Division of Safety of Dams (DSOD), which conducts inspections twice a year and reviews all aspects of dam safety. The SCVWD also maintains Emergency Action Plans (EAPs) for each dam that includes procedures for damage assessment and emergency warnings. In addition, the City of San José, in conjunction with Santa Clara County, addresses the possibility of dam failure in the Local Hazard Mitigation Plan, which also provides emergency response actions. Because the project site is over 18 miles from the Lexington Reservoir and over 27.5 miles from the Anderson/Coyote Reservoirs and for the reasons cited above, the proposed project development would not exacerbate existing conditions and there would be *no impact* and no mitigation measures required.

Although there are levees along the Guadalupe River, these levees are 800 feet south from the project site at the nearest location. Because of the distance from the project site and intervening open space for flood attenuation, it is unlikely that flooding would result at the project site in the unlikely event of a levee failure. Therefore, there would be a *less-than-significant* impact associated with levee failure and no mitigation measures are required.

Compliance with General Plan Policies for Levees and Dams

The proposed project would be consistent with the General Plan policy and action related to levees and dams, as presented in the Regulatory Setting section above. This policy and action, which consist of IN-3.13, and EC-5.21, are applicable to new development. Construction associated with the proposed project would satisfy this policy and action by meeting all regulatory requirements, as outlined above. Therefore, the proposed project would be consistent with these policies and comply with FEMA and the City of San José's floodplain regulations.

j) Would the project potentially be inundated by seiche, tsunami, or mudflow?

As discussed in Section 4.1, Introduction, the California Supreme Court in a December 2015 opinion (*CBIA v. BAAQMD*) confirmed that CEQA, with several specific exceptions, is concerned with the impacts of a project on the environment, and not the effects the existing environment may have on a project. Therefore, the introduction of people or structures to existing flooding hazards associated with seiches, tsunamis, or mudflows would not be considered an impact under CEQA. However, the impact analysis is discussed below for informational purposes.

The site is not within a tsunami inundation zone, as indicated on the CalEMA tsunami inundation map for Milpitas Quadrangle.[78] Although seiches can theoretically occur in San Francisco Bay as a potential secondary hazard from tsunamis, the largest seiche wave ever measured in San Francisco Bay after the

[77] Santa Clara County, 2011, Santa Clara County Hazard Mitigation Plan.

[78] California Emergency Management Agency (CalEMA), 2009. *Tsunami Inundation Map for Emergency Planning, Milpitas Quadrangle.* Dated July 31, 2009.

1906 earthquake was only four inches high. The impact from a seiche would result in a lesser impact than a tsunami and because the site is outside of any tsunami inundation zone, flooding from a seiche would not reach the site. The site and the surrounding area are flat and are not in areas subject to debris flows, landslides, or mud flows, as per the ABAG landslide maps. Therefore, there is *no impact* associated with inundation from seiches, tsunamis, or mudflows and no mitigation measures are required.

X. LAND USE

Would implementation of the proposed Plan:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Physically divide an established community?	❒	❒	❒	■
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?	❒	❒	■	❒
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	❒	❒	■	❒

ENVIRONMENTAL SETTING

Regulatory Framework

Regional

Santa Clara Valley Habitat Plan

As discussed in Section IV, Biological Resources, the Santa Clara VHP adopted by the City on January 29, 2013,[79] provides a framework for promoting the protection and recovery of natural resources, including endangered species, while streamlining the permitting process for planned development, infrastructure, and maintenance activities. The VHP allows the Local Partners to receive endangered-species permits for activities and projects they conduct and those under their jurisdiction, and comprehensively evaluates natural-resource impacts and mitigation.

The USFWS will issue the Permittees a 50-year permit that authorizes incidental take of listed species under the federal Endangered Species Act (ESA), while CDFW will issue a 50-year permit that authorizes take of all covered species under the Natural Community Conservation Planning Act (NCCP Act). In addition to obtaining take authorization for each participating agency's respective activities, the cities and

[79]City of San José, Planning Division, Santa Clara Valley Habitat Plan, http://www.sanJoséca.gov/index.aspx?nid=3919, accessed on October 24, 2016.

County will be able to extend take authorization to project applicants under their jurisdiction. USFWS and CDFW will also provide assurances to the Permittees that no further commitments of funds, land, or water will be required to address impacts on covered species beyond that described in the proposed Plan to address changed circumstances. Chapter 5 of the proposed Plan consists of a conservation strategy that was designed to meet the regulatory requirements of ESA and the NCCP Act and to streamline compliance with CEQA, NEPA, and other applicable environmental regulations. The conservation strategy provides mitigation for impacts on covered species on the basis of species and habitat needs, and mitigates all of the impacts described in Chapter 4 of the proposed Plan. To meet the NCCP Act permit standards, the conservation strategy also contributes to species recovery to help to delist the listed species and prevent the listing of non-listed species through the protection, restoration, and enhancement of natural communities and species habitat. The conservation strategy also achieves the objective listed below, pursuant to the NCCP Act (Section 2820).[80]

> Partner with various public agencies in north San José (e.g., San José Water Pollution Control Plant, VTA) to protect and maintain the second largest population of western burrowing owls in the study area (LAND-G6).

Local

This section describes existing land use plans, policies, and regulations that pertain to land use in San José. However, this is not an exhaustive list; land use plans, policies, and regulations that concentrate on specific environmental topics, other than land use and planning, are described in the relevant topical sections of this Initial Study.

Envision San José 2040 General Plan

The Envision San José 2040 General Plan includes goals, policies, and programs relevant to the land use factors potentially affected by the proposed project. The City's General Plan contains the following community design and parks, open space and recreation policies relevant to the land use of the proposed project:

- Policy CD-1.1: Require the highest standards of architectural and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
- Policy CD-1.6: Promote vibrant, publicly accessible spaces that encourage gathering and other active uses that may be either spontaneous or programmed. Place a variety of uses adjacent to public spaces at sufficient densities to create critical mass of people who will activate the space throughout the day and night.
- Policy CD-1.24: Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Avoid any adverse effects on the health and longevity of such trees through design measures, construction, and best maintenance practices. When tree

[80] Santa Clara Valley Habitat Plan, August 2012, Chapter 5 Conservation Strategy, page 5-1.

preservation is not feasible, include replacements or alternative mitigation measures in the project to maintain and enhance our Community Forest.

- Policy CD-2.5: Integrate Green Building Goals and Policies of this Plan into site design to create healthful environments. Consider factors such as shaded parking areas, pedestrian connections, minimization of impervious surfaces, incorporation of stormwater treatment measures, appropriate building orientations, etc.
- Policy CD-3.10: Increase neighborhood connectivity in new development by providing access across natural barriers (e.g., rivers) and man-made barriers (e.g., freeways).
- Policy CD-3.11: Encourage new development to connect with the surrounding community and continue the existing street grid to integrate with the neighborhood.
- Policy CD-4.10: When development is proposed adjacent to existing or planned parks or along park chains, include frontage roads along the public park in that development in order to maximize access to park lands, to provide separation between urban land uses and park lands without the use of "back-up" design, and to maximize public exposure and view of park lands for scenic and security purposes.
- Policy CD-5.1: Design areas to promote pedestrian and bicycle movements, to facilitate interaction between community members, and to strengthen the sense of community.
- Policy CD-5.3: Promote crime prevention through site and building designs that facilitate surveillance of communities by putting "eyes on the street." Design sites and buildings to promote visual and physical access to parks and open space areas. Support safe, accessible, and well-used public open spaces by orienting active use areas and building facades towards them.
- Policy PR-7.2: Condition land development and/or purchase property along designated Trails and Pathways Corridors in order to provide sufficient trail right-of-way and to ensure that new development adjacent to the trail and pathways corridors does not compromise safe trail access nor detract from the scenic and aesthetic qualities of the corridor. Locate trail right-of-ways consistent with the provisions of the City's Riparian Corridor Policy Study and any adopted Santa Clara Valley Habitat Conservation Plan/Natural Communities Conservation Plan (HCP/NCCP).

Alviso Master Plan

The Alviso Master Plan is a policy document that provides the background, vision, and character to guide the future of a unique area at the northern edge of San José. One of the stated purposes of the Plan is to protect and enhance the small town quality of Alviso by guide appropriate new development, community facilities, infrastructure, and beautification. The Plan establishes the location, intensity, and character of land uses; the circulation pattern; and necessary infrastructure improvements to support development.

The Alviso Master Plan designates the existing Alviso Park and expansion parcels A and B as public park and open space. The master plan designates expansion parcel C as medium density residential (8-12 du/ac) and expansion parcel D as industrial park with mixed industrial overlay.

City of San José Greenprint

The Greenprint is the City's 20-Year Strategic Plan for parks, recreational facilities, and programs. The Greenprint is a guide for City staff and policy makers in the day to day decision making process, which provides opportunities to improve resident health and wellness through parks, recreational programs and facilities. The updated plan was presented in the summer and fall of 2009, adopted by the City Council as item 5.2 Greenprint update on the December 8, 2009 council agenda. The Greenprint was the basis of the recreational input into the Envision San José 2040 General Plan. The Greenprint map for the Alviso neighborhood includes the existing Alviso Park and also indicates the location for the expansion of the park.

San José Municipal Code

Besides the General Plan, the SJMC is the primary tool that regulates physical development in the City of San José. The SJMC contains all ordinances for the city, and identifies land use categories, site development regulations, and other general provisions that ensure consistency between the General Plan and proposed development projects. The SJMC Title 20, Zoning, include regulations that are most relevant to land use planning in San José and is summarized below.

The San José Zoning Ordinance (SJMC Title 20) implements the land use designations by establishing comprehensive zoning rules for the city. Chapter 20.10, General Provisions, states that the purpose of the Zoning Ordinance is to guide, control, and regulate future growth and development in the city in a sound and orderly manner, and to promote achievement of the goals and purposes of the San José General Plan; protect the character and economic and social stability of agricultural, residential, commercial, industrial, and other areas in the city; provide light, air, and privacy to property; preserve and provide open space and prevent overcrowding of the land; appropriately regulate the concentration of population; provide access to property and prevent undue interference with and hazards to traffic on public rights-of-way; and prevent unwarranted deterioration of the environment and to promote a balanced ecology.

Existing Conditions

As shown on Figure 3-1 (Regional Context) in Chapter 3, Project Description, of this Initial Study, the project site is located in the northern-most portion of San José. The project site is near the northeast corner of Grand Boulevard and North First Street, as shown in Figure 3-2 (Project Site Parcels). The project site has frontage along the north side of North First Street, opposite the Pin High Golf Center, between Tony P. Santos Street and Trinity Park Drive, as well as frontage along Grand Boulevard between North First Street and Disk Drive. The project site is bounded by George Mayne Elementary School on its eastern border, North First Street on its southern border, and Disk Drive on its northern border. To the west, the project site borders Grand Boulevard and the Trinity Park neighborhood.

The project site is currently designated by the City's General Plan as Open Space, Parklands, and Habitat (OSPH); Residential Neighborhood (RN); and Combined Industrial/Commercial (CIC). The OSPH designation applies to the existing Alviso Park parcel and expansion parcels A and B. The OSPH designation is applied to lands, publicly- or privately-owned, that are intended for low-intensity uses and typically devoted to open space, parks, recreation areas, trails, habitat buffers, nature preserves and other

permanent open space areas. Development of public facilities such as restrooms, playgrounds, educational/visitors' centers, or parking areas are appropriate. New development should be limited to minimize potential environmental and visual impacts.[81]

The RN designation applies to expansion parcel C. The RN designation is applied broadly throughout the city to encompass single-family residential neighborhoods, and is intended to preserve the existing character of these neighborhoods by limiting new development to infill projects which closely conform to the prevailing existing neighborhood character as defined by density, lot size and shape, massing and neighborhood form and pattern. New infill development should conform to design guidelines for this designation and be limited to a density of 8 dwelling units per acre or the prevailing neighborhood density, whichever is lower.[82] The RN designation also applies to the adjacent Trinity Park neighborhood located west of the site

The CIC designation applies to a portion of expansion parcel D east of the PG&E easement. The CIC designation allows flexibility for the development of a mix of compatible commercial and industrial uses, including hospitals and private community gathering facilities, and occurs in areas where the existing development pattern exhibits a mix of commercial and industrial land uses or in areas on the boundary between commercial and industrial uses.[83] The CIC designation also applies to the areas located north and east of Wilson Way, which include burrowing owl habitat dedicated by Cisco, located across Disk Drive; the future Midpoint at 237 Development adjacent to the project site; and the area to the south of the site across North First Street, which includes the Pin High Golf Center.

The expansion parcels are zoned A(PD) and the current Alviso Park parcel is zoned R-M. The A(PD) district allows for any use or combination of uses as described in an approved development standards. The R-M zone is intended to reserve land for the construction, use, and occupancy of higher-density residential development, and allows for public uses such as parks, playgrounds, and community centers.

The project site is located within the VHP Permit Area, and is located within the Expanded Study Area for Burrowing Own Conservation.[84] Additionally, the site is considered Occupied Nesting Burrowing Owl Habitat.[85] As the project proponent, the City of San José is required to participate in the VHP, which aims to establish a burrowing owl population in the study area and expanded study area.[86] The VHP also describes management techniques and tools in Appendix M. The proposed project is characterized by the VHP as urban development (i.e., recreational facility) as shown on Figure 2-2 of the VHP. In addition, the proposed project is consistent with the City of San José Greenprint, as incorporated into the Envision San José 2040 General Plan. As such, the proposed project and subsequent land use activities are as "covered activities" under the VHP. The VHP designates land cover of the project site as follows. The existing Alviso Park and expansion parcels B and C are characterized as developed, urban park, unlikely to support and covered species. Expansion parcel A is characterized as developed, urban-suburban land, where native

[81] City of San José, 2011, Envision San José 2040 General Plan, Chapter 5, page 17.
[82] City of San José, 2011, Envision San José 2040 General Plan, Chapter 5, pages 14-15.
[83] City of San José, 2011, Envision San José 2040 General Plan, Chapter 5, pages 9-10.
[84] Santa Clara Valley Habitat Plan, August 2012, Figure 5-10 Expanded Study Area for Burrowing Owl Conservation.
[85] Santa Clara Valley Habitat Plan, August 2012, Figure 5-11 Burrowing Owl Conservation Strategy – Habitat Types.
[86] Santa Clara Valley Habitat Plan, August 2012, Chapter 5 Conservation Strategy, page 5-157.

vegetation has been cleared for residential, commercial industrial, transportation, or recreational structures. Vegetation found in this land cover type includes planted street trees and parklands, and is composed of nonnative or cultivated plant species. This land cover type is largely characterized by impermeable surfaces and extreme hazards to wildlife that provide no habitat value. Expansion parcel D is characterized as irrigated agriculture, tilled land not appearing to support orchard or vineyard uses, where the land may have been irrigated in the past but shows little or no sign of irrigation currently (e.g., fallow fields).[87] This land cover type has relatively low value for native plants and wildlife in terms of habitat that supports full lifecycle needs.[88]

DISCUSSION

a) Would the project physically divide an established community?

An example of a project that would divide an existing community would be a project that involved a continuous right-of-way, such as a roadway, that would divide a community and impede access between parts of the community. The proposed project involves the construction and operation of a neighborhood park, and would not divide any existing established community. By expanding the limits of the existing Alviso Park and creating additional public access points and pathways through the project site, the proposed project would improve connectivity throughout the project site for the existing community. In this sense, the proposed project would have a beneficial effect. Therefore, there would be *no impact* and no mitigation measures are required.

b) Would the project 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?

Construction of the proposed project as envisioned under the proposed Plan would have a significant impact if it would conflict with community goals as expressed in adopted plans, policies, or regulations. The proposed project does not require amendments to the General Plan or Zoning regulations. The R-M and A(PD) zones allow for the development of parks. Under the Envision San José 2040 General Plan, public facilities are appropriate in the OSPH designation, and new parks are considered an amenity to RN and CIC designations. By increasing the amounts of and access to parks, trails, and outdoor recreational areas in the city the proposed project would be consistent with the City's Greenprint Plan. The Greenprint Plan map indicates the expansion of Alviso Park, consistent with the proposed project.

The Alviso Master Plan designates the existing Alviso Park and expansion parcels A and B as public park and open space. The proposed project would be consistent with the master plan designation for these parcels. The master plan designates expansion parcel C as medium density residential (8-12 du/ac), which requires new development to be consistent with the existing pattern of development. By incorporating expansion parcel C into the park, the project would bring the land use of expansion parcel C into consistency with the adjacent park use. The master plan designates expansion parcel D as industrial park with mixed industrial overlay, which requires new development to avoid all conflicts between sensitive

[87] Santa Clara Valley Habitat Plan, August 2012, Chapter 3 Physical and Biological Resources, page 3-93.
[88] Santa Clara Valley Habitat Plan, August 2012, Chapter 3 Physical and Biological Resources, page 3-97.

receptors and hazardous materials. The proposed plan does not propose any hazardous activities, materials, or uses and would therefore be consistent with the master plan. Potential hazardous materials impacts are addressed under Section VII, Hazards and Hazardous Materials.

Therefore, the proposed Plan would be consistent the General Plan, Zoning Ordinance, Alviso Master Plan, and City policies. Accordingly, the proposed Plan would result in a *less-than-significant* impact and no mitigation measures are required.

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

The project site is located within the VHP Permit Area. Portions of the project site are designated as Urban-Suburban and Irrigated Agriculture land cover, characterized by impermeable surfaces and extreme hazards to wildlife that provide no habitat value, and fallow fields with low value for native plants and wildlife. The entire site is considered occupied nesting Burrowing Owl Habitat. Redevelopment of the site is considered a "covered activity" under the VHP and will be subject to all applicable VHP fees and conditions prior to the start of ground disturbance activities. Compliance with any provisions of the VHP would ensure that no substantial conflicts occur as a result of project implementation. Further discussion and analysis regarding the project's compliance with the VHP is detailed in Section IV, Biological Resources. Accordingly, the proposed Plan would result in a *less-than-significant* impact and no mitigation measures are required.

XI. MINERAL RESOURCES

Would implementation of the proposed Plan:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	❒	❒	❒	■
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?	❒	❒	❒	■

ENVIRONMENTAL SETTING

Regulatory Framework

State

Surface Mining and Reclamation Act of 1974

The California Department of Conservation, Geological Survey (CGS) classifies lands into Aggregate and Mineral Resource Zones (MRZs) based on guidelines adopted by the California State Mining and Geology Board, as mandated by the Surface Mining and Reclamation Act of 1974. These MRZs identify whether

known or inferred significant mineral resources are present in areas. Lead agencies are required to incorporate identified MRZs resource areas delineated by the State into their General Plans.[89]

Existing Conditions

Pursuant to the mandate of the Surface Mining and Reclamation Act of 1975 (SMARA), the State Mining and Geology Board has designated the Communications Hill Area (Sector EE) of San José, bounded generally by the Southern Pacific Railroad, Curtner Avenue, State Route 87, and Hillsdale Avenue, as containing mineral deposits which are of regional significance as a source of construction aggregate materials. Neither the State Geologist nor the State Mining and Geology Board has classified any other areas in San José as containing mineral deposits which are either of statewide significance or the significance of which requires further evaluation. Therefore, the project site is not located within a Mineral Resource Zone (MRZ).

DISCUSSION

a) Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

Lead agencies are required to incorporate identified MRZs resource areas delineated by the State into their General Plans. The City of San José General Plan identified the Communications Hill Area as containing mineral deposits of regional significance. The project site is not identified as containing any mineral deposits and is located approximately 11 miles northwest of the Communications Hill Area. Accordingly, the proposed project would result in *no impact* and no mitigation measures are required.

b) Would the project 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?

As described above under criterion (a), the project site is not identified as containing any mineral deposits. Accordingly, the proposed project would result in *no impact* and no mitigation measures are required.

XII. NOISE

Would implementation of the proposed Plan:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Expose people to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or other applicable standards?	❒	❒	■	❒

[89] Public Resources Code Section 2762(a)(1).

ENVIRONMENTAL ANALYSIS

Would implementation of the proposed Plan:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
b) Expose people to or generate excessive groundborne vibration or ground borne noise levels?	❒	❒	■	❒
c) Create a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	❒	❒	■	❒
d) Create a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	❒	❒	■	❒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	❒	❒	❒	■
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	❒	❒	❒	■

ENVIRONMENTAL SETTING

Noise is defined as unwanted sound, and is known to have several adverse effects on people, including hearing loss, speech and sleep interference, physiological responses, and annoyance. Based on these known adverse effects of noise the federal government, State of California, and City of San José have established criteria to protect public health and safety and to prevent disruption of certain human activities. Characterization of noise and vibration, existing regulations, and calculations for construction noise and vibration levels can be found in Appendix D of this Initial Study.

Noise is most often defined as unwanted sound. Although sound can be easily measured, the perception of noise and the physical response to sound complicate the analysis of its impact on people. People judge the relative magnitude of sound sensation in subjective terms such as “noisiness” or “loudness.”

The following are brief definitions of terminology used in this section:

- Sound. A disturbance created by a vibrating object, which, when transmitted by pressure waves through a medium such as air, is capable of being detected by a receiving mechanism, such as the human ear or a microphone.
- Noise. Sound that is loud, unpleasant, unexpected, or otherwise undesirable.
- Decibel (dB). A unitless measure of sound on a logarithmic scale.

- **Vibration Decibel (VdB).** A unitless measure of vibration, expressed on a logarithmic scale and with respect to a defined reference vibration velocity. In the United States, the standard reference velocity is 1 micro-inch per second ($1x10^{-6}$ in/sec).
- **A-Weighted Decibel (dBA).** An overall frequency-weighted sound level in decibels that approximates the frequency response of the human ear.
- **Equivalent Continuous Noise Level (Leq); also called the Energy-Equivalent Noise Level.** The value of an equivalent, steady sound level which, in a stated time period (often over an hour) and at a stated location, has the same A-weighted sound energy as the time-varying sound. Thus, the L_{eq} metric is a single numerical value that represents the equivalent amount of variable sound energy received by a receptor over the specified duration.
- **Statistical Sound Level (L_n).** The sound level that is exceeded "n" percent of time during a given sample period. For example, the L_{50} level is the statistical indicator of the time-varying noise signal that is exceeded 50 percent of the time (during each sampling period); that is, half of the sampling time, the changing noise levels are above this value and half of the time they are below it. This is called the "median sound level." The L_{10} level, likewise, is the value that is exceeded 10 percent of the time (i.e., near the maximum) and this is often known as the "intrusive sound level." The L_{90} is the sound level exceeded 90 percent of the time and is often considered the "effective background level" or "residual noise level."
- **Day-Night Level (L_{dn} or DNL).** The energy average of the A-weighted sound levels occurring during a 24-hour period, with 10 dB added to the A-weighted sound levels occurring during the period from 10 PM to 7 AM.
- **Community Noise Equivalent Level (CNEL).** The energy average of the A-weighted sound levels occurring during a 24-hour period, with 5 dB added to the A-weighted sound levels occurring during the period from 7:00 a.m. to 10:00 p.m. and 10 dB added to the A-weighted sound levels occurring during the period from 10:00 p.m. to 7:00 a.m. For general community/environmental noise, CNEL and L_{dn} values rarely differ by more than 1 dB. As a matter of practice, L_{dn} and CNEL values are interchangeable and are treated as being equivalent in this assessment.
- **Sensitive Receptor.** Noise- and vibration-sensitive receptors include land uses where quiet environments are necessary for enjoyment and public health and safety. Residences, schools, motels and hotels, libraries, religious institutions, hospitals, and nursing homes are examples.

With respect to projected increases, noise impacts can be broken down into three categories. The first is "audible" impacts, which refer to increases in noise level that are perceptible to humans. Audible increases in general community noise levels generally refer to a change of 3 dB or more since this level has been found to be the threshold of perceptibility in exterior environments. The second category, "potentially audible" impacts, refers to a change in noise level between 1 and 3 dB. This range of noise levels was found to be noticeable to sensitive people in laboratory environments. The last category includes changes in noise level of less than 1 dB that are typically "inaudible" to the human ear except under quiet conditions in controlled environments. Only "audible" changes in noise levels at sensitive receptor locations (i.e., 3 dB or more) are considered potentially significant. Note that a doubling of traffic flows (i.e., 10,000 vehicles per day to 20,000 per day) would be needed to create a 3 dB increase in traffic-generated noise levels (all other factors and variables held constant).

Regulatory Framework

To limit population exposure to physically and/or psychologically damaging as well as intrusive noise levels, the federal government, the State of California, various county governments, and most municipalities in the state have established standards and ordinances to control noise.

Local

Envision San José 2040 General Plan

The Envision San José 2040 General Plan includes goals, policies, and programs relevant to the noise and vibration. The goals of the noise and vibration section are to minimize the impact of noise on people through noise reduction and suppression techniques, and minimize vibration impacts on people, residences, and business operations. In addition, the noise and land use compatibility guidelines set forth in the General Plan are shown in Figure 4-2.

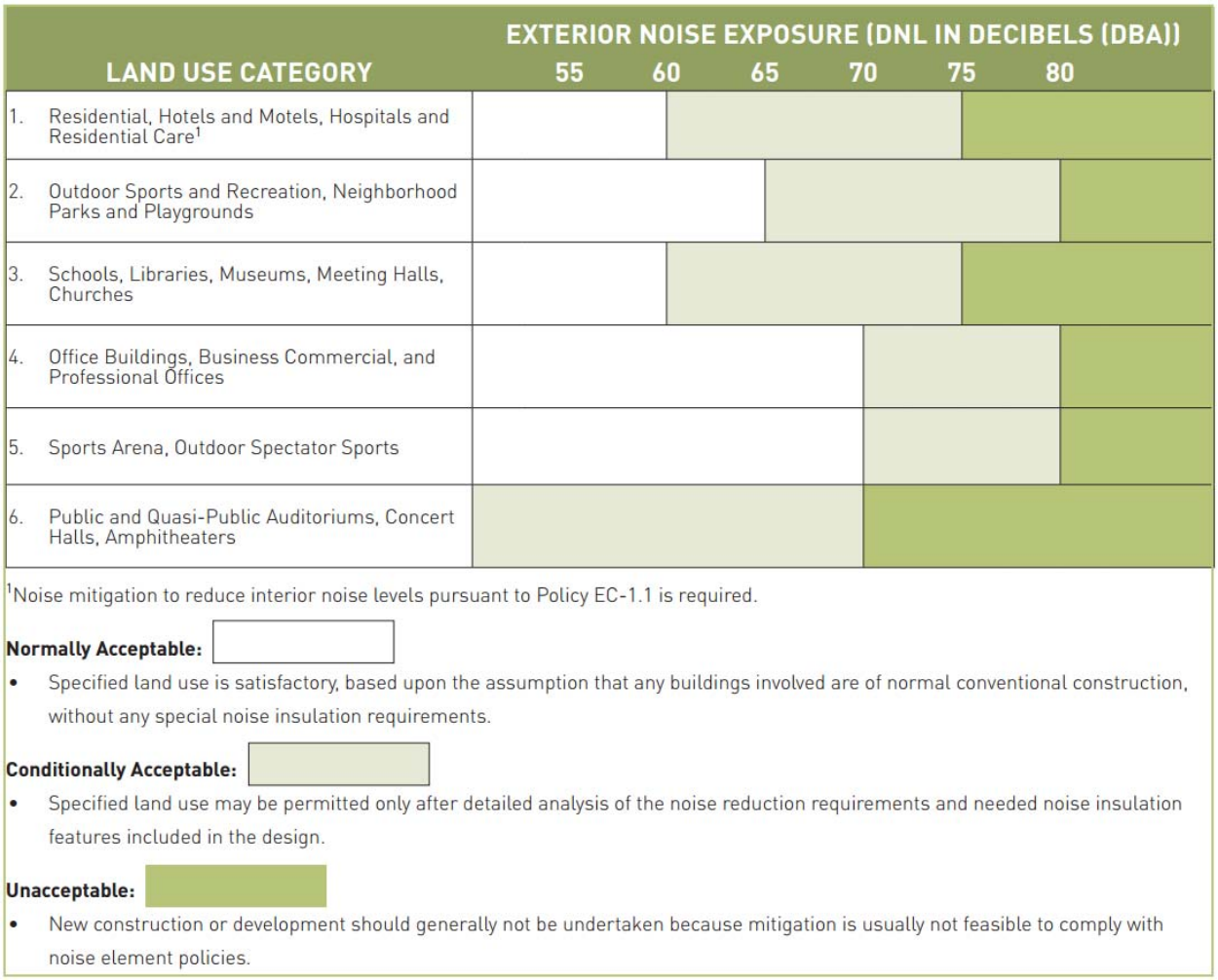
- Policy EC-1.1: Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include:

  Interior Noise Levels: The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected Envision San José 2040 General Plan traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan.

  Exterior Noise Levels: The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses.

- Policy EC-1.2: Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Categories 1, 2, 3 and 6) by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would:
  - Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable"; or
  - Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level
- Policy EC-1.3: Mitigate noise generation of new nonresidential land uses to 55 dBA DNL at the property line when located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses.

Figure 4-2 Land Use Compatibility Noise Guidelines



- Policy EC-1.7: Require construction operations within San José to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City's Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would:
  - Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months.

  For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.
- Policy EC-2.3: Require new development to minimize vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, a vibration limit of 0.08 in/sec PPV

(peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction.

San José Municipal Code

Performance Standards

The SJMC also limits noise levels at adjacent properties. Chapter 20.30.700 states that sound pressure levels generated by any use or combination of uses on a property shall not exceed 55 dBA at any property line shared with land zoned for residential use, except upon issuance and in compliance with a planning permit approval.

Construction Noise

The SJMC Section 20.100.450 prohibits construction activities within 500 feet of residences, unless they take place between the hours of 7:00 a.m. and 7:00 p.m. on Monday through Friday.

Existing Conditions

The project site includes multipurpose fields, picnic areas, playgrounds, a swimming pool with a restroom, a community garden, and fallow grasslands. The site is located in open space, adjacent to a single-family residential neighborhood, with churches and light industrial uses to the southeast. Existing noise sources in the area include residential sources such as Heating Ventilation and Air Conditioning (HVAC) and landscaping, traffic on North 1st Street and nearby residential streets. More distant noise sources include traffic on SR-237.

The nearest off-site sensitive receptors include the residences to the north and west, George Mayne Elementary School, and Our Lady of the Star Sea Church.

DISCUSSION

a) Would the project expose people to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or other applicable standards?

As stated in Policy EC-1.2, a significant impact would occur if the proposed project would result in an increase of noise levels of 5 dBA DNL if their resultant noise level were to remain within the ”Normally Acceptable” range, as listed in the General Plan (e.g., up to 60 dBA DNL at a residential, noise-sensitive location) or with an increase of 3 dBA DNL if the resultant level were to exceed the “Normally Acceptable” range in the General Plan.

A significant stationary-source impact would occur if the activities or equipment at the project site produce noise levels at nearby sensitive receptors in excess of local standards.

Project-Related Traffic Noise

The project would generate noise associated with additional vehicles traveling to and from the project site on local roadways. Traffic flow noise would have to double to create a 3 dB increase in the associated roadway noise emissions [(since line sources follow the nominal rate formula of 10 x $\log_{10}(^{\text{new flow rate}}/_{\text{old flow rate}})$; while neglecting changes in speeds, congestion, or vehicle mix)]. Per the traffic impact analysis, the proposed project is estimated to generate 71 daily trips.[90] Project-generated traffic would result in a nominal increase over existing traffic flows on the primary streets that would service the proposed project; namely Grand Boulevard and North First Street. However, community noise environments would not appreciably change as a result of project implementation. To illustrate, the estimated daily flow rate on North First Street (between Nortech Parkway and Grand Boulevard) is approximately 5,300 ADT. Even if all the proposed project-generated daily trips used only North First Street, the proposed project-related increase would be less than 0.1 dB[91], which is well below the threshold of audibility and well below the 3 dB threshold of significance. As such, no roadways in the vicinity of the project site would experience project-generated increases in traffic noise levels that would be significant per General Plan Policy EC-1.2. Therefore, traffic noise increases would be *less than significant* and no mitigation measures are necessary.

Project-Related Stationary Noise

Additions to the park as a result of the proposed project would include a fenced dog park, walking paths, picnic areas, and athletic fields. There would also be improvements to many of the existing features. For the purposes of this proposed project, these are considered to be stationary noise sources. Noise generated by the use of the park facilities would be sporadic, highly variable, and spatially distributed throughout the entire park area. Additionally, given the existing activities at the park, the proposed project would not introduce any new types or concentrations of noise to the area that would be markedly different than the current conditions; in terms of either sound characteristics (e.g., people talking while walking) or individual source emissions levels (e.g., baseball player yelling).

Development associated with implementation of the proposed project could increase numbers of park visitors, as compared to existing conditions. The refurbishment of the currently non-functioning lighting systems would also lead to the use of the park into the evening hours (as comparted to existing usage patterns). This increase in potential number of park visitors may result in increased, but localized, noise generation from people talking and other outdoor activities in the park area; such as at the proposed, new youth baseball and soccer fields. However, the noise from future recreational activities would be intermittent, short-lived, and highly variable, depending on the number and type of participants at each venue; as well as the location of the venue with respect to off-site receptors. In all cases, sound levels from individual park patrons would not be expected to occur simultaneously and consistently such that hourly- or daily-based sound level averages would be substantially changed with respect to current conditions. As such, the addition of new features – and the associated increased park usage – would not significantly contribute to the 24-hour DNL noise metric and would not result in a noise level increase of 3 dB DNL or more. Therefore, the impacts to any existing noise-sensitive uses in the project vicinity from

[90] City of San Jose Public Works, 2017.
[91] That is, 10 x $\log_{10}(^{[5300+71]}/_{5300})$ = 0.06 dB.

outdoor activity sources would be *less than significant* per General Plan Policy EC-1.2 and no mitigation measures would be required.

Summary of Project-Related Noise

As discussed above, the proposed project would result in less than 1 dB of increase in traffic-related noise. Also above, the proposed project would not result in a substantial increase related to on-site activity noise with respect to the pertinent DNL noise level metric (per the General Plan). Thus, the combination of projected-generated traffic flow and stationary sources of noise would be less than a 3 dB increase in the DNL noise metric. Therefore, with project-related increases would be less than General Plan policy thresholds and such impacts would be *less than significant*. Therefore, no mitigation measures are necessary.

b) Would the project expose people to or generate excessive groundborne vibration or ground borne noise levels?

Potential vibration impacts associated with development projects are usually related to the use of heavy construction equipment during demolition and grading phases of construction and/or the operation of large trucks over uneven surfaces during project operations. As stated in General Plan Policy EC-2.3, a significant impact with regards to potential cosmetic damage would occur if the proposed project would result in vibration levels above 0.08 in/sec PPV at sensitive historic structures, or 0.20 in/sec PPV at conventional structures during construction.

On-Going Operations Vibration Impacts

For potential project-generated vibration impacts to nearby receptors, the proposed project would not include equipment that could generate substantial levels of long-term groundborne vibration levels. Therefore, vibration from onsite project sources would be *less than significant*, and no further evaluation of ongoing vibration impacts would be required. No mitigation measures are necessary.

Short-Term Construction Vibration Impacts

Construction activities can generate groundborne vibration that varies depending on the construction procedures, equipment used, and proximity to vibration-sensitive uses. Such vibrations may have two types of potential impacts: architectural damage to nearby buildings and annoyance to vibration-sensitive receptors.

Construction equipment generates vibrations that spread through the ground and diminish in amplitude with distance. Table 4-3 shows the PPVs of some common construction equipment and haul trucks (loaded trucks).

The most intense vibration from construction activities is generated by blasting and pile driving; however, the proposed project is not expected to involve such activities. Rather, project construction is expected to involve the use of standard equipment, such as dozers, graders, pavers, and rollers. Since the proposed project will include athletic fields, walking paths, and picnic areas, construction activities would likely not be intensive.

TABLE 4-3 TYPICAL VIBRATION LEVELS PRODUCED BY COMMON CONSTRUCTION EQUIPMENT

Equipment	Peak Particle Velocity (PPV) in Inches per Second (in/sec) at 25 Feet	Vibration Level (VdB) at 25 Feet
Vibratory Roller	0.210	94
Large Bulldozer	0.089	87
Loaded Trucks	0.076	86
Jackhammer	0.035	79
Small Bulldozer	0.003	58

Source: FTA 2006.

Vibration-Induced Architectural Damage

The threshold at which there is a risk of architectural damage to normal houses with plastered walls and ceilings is 0.200 in/sec, as set by both the FTA and General Plan Policy EC-2.3. Earthmoving and compacting soil construction equipment such as vibratory rollers, bulldozers, and haul trucks generate vibration levels no greater than 0.210 in/sec PPV at 25 feet away. Since damage from vibrational energy is most likely to occur when the source and receptor are at their closest relative placement, the nearest reasonable position of individual construction equipment items to a given receptor building are used for architectural damage evaluations.

The nearest off-site structures to construction activities would be single-family residences to the north and west of the project site. These homes are a minimum of 75 feet from the boundary of the construction area. At a distance of 75 feet, the vibration level generated by a vibratory roller is 0.040 PPV, and the level generated by a large bulldozer is 0.017 PPV. These vibration levels are well below the architectural damage threshold of 0.200 PPV, and smaller equipment or more distant activity would result in still lower construction-generated vibration levels. Therefore, architectural-damage vibration impacts would be *less than significant*, and no mitigation measures are necessary.

Vibration Annoyance

Vibration is typically noticed nearby when objects in a building generate noise from rattling windows or picture frames. It is typically not perceptible outdoors, and therefore impacts are based on the distance to the nearest building.[92] The effect on buildings near a construction site depends on soil type, ground strata, and receptor building construction. Vibration can range from no perceptible effects at the lowest levels, to low rumbling sounds and perceptible vibrations at moderate levels, to slight damage at the highest levels.

Human annoyance occurs when construction vibration rises significantly above the threshold of human perception for extended periods of time. As such, vibration annoyance is typically assessed via a spatial-

[92] Federal Transit Administration, 2006, *Transit Noise and Vibration Impact Assessment*, United States Department of Transportation, FTA-VA-90-1003-06.

averaging methodology (i.e., as heavy construction equipment moves around the project site, average vibration levels at the nearest structures would diminish with increasing distance between structures and the equipment). This methodology is implemented by using the distance from the center of the construction zone to the nearest sensitive receptors. The nearest residences to the site, along Trinity Park Drive, are 400 feet from the center of the overall construction zone. At this distance, the average vibration level generated by a vibratory roller is 70 VdB, and the level generated by a large bulldozer is 63 VdB. These average vibration levels are well below the vibration annoyance threshold of 78 VdB.[93] More distant receptors, including classrooms at George Mayne Elementary School (540 feet), Our Lady of the Star Sea Church (620 feet), and other residences, would experience still lower construction-generated vibration levels. Given that the average vibration levels are below the significance threshold for all nearby receptors, annoyance vibration impacts would be *less than significant*, and no mitigation measures are necessary.

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

Criterion (a) above addresses potential noise impacts to surrounding uses, as related to the long-term/permanent operations of the proposed project. As discussed previously, the potential for noise increases with operation of the proposed project would be *less than significant* and no mitigation would be required.

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

Construction

Policy EC-1.7 of the San José General Plan requires construction activities to use the best available noise suppression techniques for projects located within 500 feet of residential uses or 200 feet of commercial or office uses.

Construction activities would increase noise levels on and near the project site above existing levels. The site preparation and grading portions of construction would typically be the noisiest periods of activity, since, in general, the largest and most powerful equipment is used during these phases of construction. Thereafter, building construction, paving, and application of architectural coatings typically generate markedly less noise than do demolition and grading activities. Noise produced from construction equipment items is commonly held to decrease at a rate of at least 6 decibels (dB) per doubling of distance; conservatively ignoring other attenuation effects from air absorption, ground effects, and/or shielding/scattering effects.[94] For example, a dozer that generates 85 dBA at 50 feet would measure 79 dBA at 100 feet, 73 dBA at 200 feet, 67 dBA at 400 feet, and 61 dBA at 800 feet (at minus 6 dB per distance-doubling).

[93] Federal Transit Administration, 2006, *Transit Noise and Vibration Impact Assessment*, United States Department of Transportation, FTA-VA-90-1003-06.

[94] As sound energy travels outward from the source, spreading loss accounts for a 6 dB decrease in noise level. Soft ground and atmospheric absorption effects can decrease this by an additional 1.5 dB.

In order to aggregate individual equipment items into sets of common processes/activities, composite construction noise by phase has been characterized by Bolt Beranek and Newman.[95] In their study, construction noise for ground clearing, excavation, foundations, erection, and finishing are aggregated by class of activity. For single-family residential projects, the loudest phases are typically the excavation and finishing phases; each of which as an aggregate of 88 dBA L_{eq} (when measured at a distance of 50 feet from the summed construction effort). This summed value takes into account both the number of pieces and the spacing of the heavy equipment used in the construction effort. Noise levels are typically reduced from this value due to usage factors[96], as well as the barrier effects provided by the physical structures themselves (once erected). The 88 dBA L_{eq} value is a reasonable and prudent value for representing most construction activities.

The nearest residences to the site, along Trinity Park Drive, are 400 feet from the center of the construction zone, while residences across Grand Boulevard are 520 feet away. These residences are within 500 feet of the boundary of the construction site, and therefore noise reduction measures are required in accordance with Policy EC-1.7. At these receptors, composite construction noise would be reduced to conservatively estimated levels of 70 and 68 dBA L_{eq}, respectively, due to distance attenuation alone. More distant receptors, including classrooms at George Mayne Elementary School (540 feet from the center of the construction site), Our Lady of the Star Sea Church (620 feet), and other residences, would experience noise levels below 68 dBA L_{eq}. Given their proximity to the construction site, the nearest sensitive receptors would experience noise levels above ambient noise conditions. In accordance with General Plan Policy EC-1.7, the proposed project will incorporate the following BMPs as Project Conditions to reduce construction noise levels.

Project Conditions: The following construction BMPs will be included in the project to reduce construction noise impacts on neighboring properties:

1. Implement the SJMC Section 20.100.450, which prohibits construction within 500 feet of residences, except between 7:00 a.m. and 7:00 p.m. on Monday through Friday.
2. Where feasible, erect a temporary noise barrier/curtain between the construction zone and residential receptors that share a boundary with the project site. The temporary sound barrier shall have a minimum height of 16 feet and be free of gaps and holes and must achieve a Sound Transmission Class (STC) of 35 or greater. The barrier can be (a) a ¾-inch-thick plywood wall OR (b) a hanging blanket/curtain with a surface density or at least 2 pounds per square foot. For either configuration, the construction side of the barrier shall have an exterior lining of sound absorption material with a Noise Reduction Coefficient (NRC) rating of at least 0.7.
3. Notify residents within 500 feet of the boundary of the project site regarding the planned construction activities. The notification shall include a brief description of the proposed project, the activities that would occur, the duration and hours when construction would occur. The notification should include the telephone number of the District's authorized representative to respond in the event of a vibration or noise complaint.

[95] Bolt, Beranek & Newman, 1987, Noise Control for Buildings and Manufacturing Plants.

[96] Usage factor is the percentage of time during the workday that the equipment is operating at full power (on which the reference noise ratings for typical average and typical maximum noise emissions are based).

4. Post a sign at the entrance to the job site, clearly visible to the public, that contains a contact name and telephone number of the City's authorized representative to respond in the event of a vibration or noise complaint. If the authorized representative receives a complaint, he/she shall investigate, take appropriate corrective action, and report the action to the City
5. To the extent feasibly, limit construction-related trips (including worker commuting, material deliveries, and debris/soil hauling) from residential areas around the project site.
6. All heavy construction equipment used on the proposed project shall be maintained in good operating condition, with all internal combustion, engine-driven equipment fitted with intake and exhaust muffles, air intake silencers, and engine shrouds no less effective than as originally equipped by the manufacturer.
7. Where feasible, use electrically powered equipment instead of pneumatic or internal combustion powered equipment.
8. Where feasible, all stationary noise-generating equipment shall be located as far away as possible from neighboring property lines.
9. Limit all internal combustion engine idling both on the site and at nearby queuing areas to no more than five minutes for any given vehicle or machine. Signs shall be posted at the job site and along queueing lanes to reinforce the prohibition of unnecessary engine idling.
10. The use of noise producing signals, including horns, whistles, alarms, and bells will be for safety warning purposes only. Use smart back-up alarms, which automatically adjust the alarm level based on the background noise level, or switch off back-up alarms and replace with human spotters.

Since construction activities would be limited to standard construction equipment (i.e., dozers, graders, pavers, and rollers), activities would take place during the daytime (when people are least sensitive to construction noise), timing would conform to the time-of-day restrictions of the SJMC, and would follow the BMPs required by the General Plan, construction noise impacts would be *less than significant* and no mitigation measures are required.

Operations – Baseball Facility Events

As described in Section 3.3.3 of the Project Description, the proposed renovation of the existing baseball venue – including refurbishing both the field lighting and the sound system – are intended to be consistent with the local park context of the project site, as well as returning the facility to its previous functionality (i.e., location and strength of both lighting and public address characteristics). As such, the proposed park will continue to be a neighborhood park and it is not expected to be a regional draw. Further, it may accommodate practices and games (for local teams), but it is not expected to host tournaments or other regional-based events. The intent is for the playing fields to be added to the City's park facility inventory and, therefore, it will be available for reservation through the park department. Sound system usage would be sporadic, occasional, and of limited duration; primarily during early evening hours or during daylight weekends hours.

While the intent is to return the ballfield venue to its previous functionality, the current situation is that neither the lighting or sound systems are functional. Thus, from a CEQA baseline context, the longtime lack of functionality of the speaker systems effectively means that the existing conditions should be defined in terms of the ballfield presently not having a speaker system. Thus, with the proposed sound reinforcement (speaker) system, there could be potential for field-related sounds to exceed the noise regulations contained in the SJMC Sections 10.16.010 and 10.16.020. As such, this could present a new sound source impact.

As discussed above in the Regulatory Framework sub-section, the City's noise ordinance is designed to protect people from disturbing or loud noise or sound; any conduct which disrupts the peace and quiet of a neighborhood. The City ordinance, however, does not define quantitative noise level limits, but prohibits unreasonably loud vehicle noise, shouting, radios, or use of a loudspeaker or amplifier without a permit. Since this venue would require reservations from the park department, all sound reinforcement at the ballfield venue would need to conform to existing City standards, policies, and ordinances for neighborhood parks.

At this juncture of the program-level development of the proposed project, specific details about the envisioned speaker system are not known. With such an unknown design and sound level output, a quantified impact assessment is not feasible. Therefore, the occasional operation or the proposed sound system at the renovated baseball field would be a potentially significant impact and Project Conditions would be required. With implementation of Project Conditions below, this impact would be *less than significant* and no mitigation measures are required.

> Project Conditions: During detailed design of the proposed project, the sound system shall be designed and installed so as to avoid and minimize, to the extent feasible, the creation of disturbing or unreasonably load noise levels per the City of San José's Municipal Code (SJMC) Sections 10.16.010 and 10.16.020. For the on-going use of the ballfield sound reinforcement system, the City's park department will coordinate with the City's Police Department for the issuance, enforcement, and/or suspension of park reservations and sound system usage permits per SJMC Sections 10.16.030 through 10.16.130.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

The project site is located approximately 4 miles to the east of Moffett Federal Airfield, less than 4 miles to the north of the Norman Y. Mineta San José International Airport. The project site is located outside of the 65 dBA CNEL noise contour. There are no other public-use airports within five miles of the project site. Project development would not expose residents to excessive airport-related noise levels. Therefore, *no impact* would occur and no mitigation measures are required.

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

The nearest heliport, Flea Port Heliport, is located approximately 6 miles south of the project site. Project development would not expose residents to excessive heliport- or airstrip-related noise levels. Therefore, *no impact* would occur and no mitigation measures are required.

XIII.POPULATION AND HOUSING

Would implementation of the proposed Plan:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Induce substantial unexpected population growth or growth for which inadequate planning has occurred, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	❒	❒	❒	■
b) Displace substantial numbers of existing housing units, necessitating the construction of replacement housing elsewhere?	❒	❒	❒	■
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	❒	❒	❒	■

ENVIRONMENTAL SETTING

Existing Conditions

The City of San Jose population was estimated to be approximately 1,016,480 with a total of 327,650 housing units in January 2015.26 The average number of persons per household in San José was estimated at 3.1727 and the City has approximately 1.5 employed residents per household.28 Based on the City's General Plan, the projected population in 2035 would be 1.3 million persons occupying 429,350 households.

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. San José currently has a higher number of employed residents than jobs but this trend is projected to reverse with full buildout under the current General Plan.

DISCUSSION

a) Would the project induce substantial unexpected population growth or growth for which inadequate planning has occurred, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

The proposed project, a neighborhood park, would not involve new housing or employment centers; thus, the proposed project would not induce substantial population growth in the area. Therefore, implementation of the proposed project would result in *no impact* related to population growth and no mitigation measures are required.

b) Would the project displace substantial numbers of existing housing units, necessitating the construction of replacement housing elsewhere?

The proposed project, a neighborhood park, would not involve new housing or employment centers; thus, the proposed project would not induce substantial population growth in the area. Therefore, implementation of the proposed project would result in no impact related to population growth. The project site does not contain any existing housing; thus, no housing or residents would be displaced. Therefore, implementation of the proposed project would result in *no impact* related to displacement of existing housing units and no mitigation measures are required.

c) Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

The proposed project, a neighborhood park, would not involve new housing or employment centers; thus, the proposed project would not induce substantial population growth in the area. Therefore, implementation of the proposed project would result in no impact related to population growth. The project site does not contain any existing housing; thus, no housing or residents would be displaced. Therefore, implementation of the proposed project would result in *no impact* related to displacement of existing housing units and no mitigation measures are required.

XIV. PUBLIC SERVICES

Would implementation of the proposed Plan:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Result in substantial adverse physical impacts associated with the provision of 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?	❒	❒	■	❒

ENVIRONMENTAL ANALYSIS

Would implementation of the proposed Plan:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
Police protection?	❒	❒	■	❒
Schools?	❒	❒	■	❒
Other public facilities?	❒	❒	■	❒

ENVIRONMENTAL SETTING

Regulatory Framework

State

As discussed in Section IX, Hazards and Hazardous Materials, Part 9 of Title 24 contains the CFC, which includes provisions and standards for emergency planning and preparedness, fire service features, fire protection systems, hazardous materials, fire flow requirements, and fire hydrant locations and distribution. Typical fire safety requirements include: installation of sprinklers in all high-rise buildings; the establishment of fire resistance standards for fire doors, building materials, and particular types of construction; and the clearance of debris and vegetation within a prescribed distance from occupied structures in wildlife hazard areas.

Local

Envision San José 2040 General Plan

The Envision San José 2040 General Plan includes goals, policies, and programs relevant to the public services factors potentially affected by the proposed project. The City's General Plan contains the following education and services policy relevant to the public services of the proposed project:

- Policy ES-3.1: Provide rapid and timely Level of Service 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.
  - Enhance service delivery through the adoption and effective use of innovative, emerging techniques, technologies and operating models.
  - Measure service delivery to identify the degree to which services are meeting the needs of San José's community.
  - Ensure that development of police and fire service facilities and delivery of services keeps pace with development and growth in the city.

San José Municipal Code

The SJMC includes Title 17, Buildings and Construction, which is relevant to the provision of public services and relevant public services factors. The SJMC Chapter 17.12 adopts the "California Fire Code" (CFC) above as part of the SJMC to regulate permit processes, emergency access, hazardous material handling, and fire protection systems, including automatic sprinkler systems, fire extinguishers, and fire alarms. Project applications for development in San José are plan-checked by San José Fire Department for compliance with the CFC.

Existing Conditions

Fire Protection Services

Fire protection service for the project site is provided by the San Jose Fire Department (SJFD). The SJFD protects 206 square miles (178 square miles incorporated) and approximately 1.2 million residents (City and county areas). The SJFD has 31 stations within the city and also participates in a mutual aid program with Saratoga, Morgan Hill, Campbell, Milpitas, and Santa Clara. Through this program should the SJFD need assistance above and beyond what is available within the city, one or more of the mutual aid cities would provide assistance. Fire Station No. 25 is located on the northeastern portion of the project site on expansion parcel D, at 1525 Wilson Way. The next closest fire station to the project site is Fire Station No. 23, which is located 7 miles to the southeast of the project site at 1771 Via Cinco De Mayo. The Envision San José 2040 General Plan identifies a goal for fire response time of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents.[97] Fire Station No. 23 experienced a total of 117 incidents (fire and other) in 2015; the average call processing time was two minutes and thirty seconds; the average turnout time (response time) was one minute and 50 seconds; the average travel time was five minutes and 49 seconds.[98] Therefore, the station met its response time goal, but did not meet its travel time goal in 2015.

Police Protection Services

Police protection service for the project site is provided by the San José Police Department (SJPD), headquartered at 201 West Mission Street and approximately 9 miles south of the project site. Officers patrolling the city are dispatched from police headquarters, located at 201 West Mission Street. The City has four patrol divisions, which consist of a total of 16 patrol districts. The patrol districts consist of 83 patrol beats, and the patrol beats consist of 357 patrol beat building blocks. The Envision San José 2040 General Plan identifies a goal for police 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.[99]

[97] City of San José, 2011, Envision San José 2040 General Plan, Goal ES-3, Policy ES-3.1.

[98] City of San José, Fire Department Fire Station No. 25 Response Metrics, August 29, 2016, http://www.sanjoseca.gov/DocumentCenter/View/36886, accessed on February 21, 2017.

[99] City of San Jose, 2011, Envision San José 2040 General Plan, Goal ES-3, Policy ES-3.1.

Schools and Libraries

The City of San José includes 22 public school districts that currently operate 222 public schools serving students in San José. Approximately 23 additional schools within these districts are currently vacant or leased. Based on the school district boundaries and locations of schools within the districts, some students living in San José attend school in adjacent jurisdictions. The project site is located in a portion of San José served by the Santa Clara Unified School District (SCUSD). The SCUSD serves over 15,300 K-12 and 6,000 Preschool through Adult School students among a total of 26 schools. The closest school to the project site is George Mayne Elementary School, located adjacent to the existing Alviso Park at 5030 North First Street.[100]

The San José Public Library System consists of one main library and 18 open branch libraries. The closest libraries to the project site are the Alviso Branch on North First Street located adjacent to the project site at 505 North First Street, and the Joyce Ellington Library located approximately nine miles south of the project site at 491 East Empire Street. The Envision San José 2040 General Plan benchmarks for library services are 10,000 square feet of library space per 36,000 population, and 18.3 weekly service hours per 10,000 population.[101]

DISCUSSION

a) Would the project result in substantial adverse physical impacts associated with the provision of 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, police protection, schools, or other public facilities?

The primary purpose of a public services impact analysis is to examine the impacts associated with physical improvements to public service facilities required to maintain acceptable service ratios, response times or other performance objectives. Public service facilities need improvements (i.e., construction, renovation or expansion) as demand for services increase. Increased demand is typically driven by increases in population. The proposed project would have a significant environmental impact if it would exceed the ability of public service providers to adequately serve residents, thereby requiring construction of new facilities or modification of existing facilities. As discussed above in Section XIV, Population and Housing, the proposed project would not result in a net increase of residents at the project site or elsewhere in the region because it does not propose housing and is not major regional employer. Therefore, the proposed project would not impact schools or library services.

The proposed project consists of a Park Master Plan to guide future development of an existing park, providing additional park capacity for the residents of the service area. Therefore, the project could result in an incremental increase in the demand for fire and police protection services by drawing park users to a particular location. The project proponent would consult with the SJFD and SJPD during final project

[100] Santa Clara Unified School District. "Fast Facts." http://www.santaclarausd.org/overview.cfm?subpage=122626, accessed on October 26, 2016.

[101] City of San Jose, 2005, North San José Development Policies Update, Program Draft Environmental Impact Report, page 324.

design to assure appropriate fire safety, including compliance with the CBC, and security measures are incorporated on the project site. Fire Station No. 25 is located on the project site on the northeastern portion, at 1525 Wilson Way. The SJPD is headquartered at 201 West Mission Street, which is approximately 9 miles south of the project site, and has multiple patrolling officers and areas. Due to that, the emergency response times are anticipated to meet City requirements. Additionally, the proposed project would not significantly impact fire or police protection services, nor would the project require the construction of new or remodeled facilities. Therefore, the proposed project would result in a *less-than-significant* impact, and no mitigation measures are required.

XV. PARKS AND RECREATION

Would implementation of the proposed Plan:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur or be accelerated?	❒	❒	❒	■
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	❒	❒	❒	■

ENVIRONMENTAL SETTING

Regulatory Framework

Local

Envision San José 2040 General Plan

The Envision San José 2040 General Plan includes goals, policies, and programs relevant to the parks and recreation factors potentially affected by the proposed project. The City's General Plan contains the following parks and recreation, and vibrant neighborhoods policies relevant to the parks and recreation setting of the proposed project:

- Policy PR-1.1: Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.
- Policy PR-1.6: Where appropriate and feasible, develop parks and recreational facilities that are flexible and can adapt to the changing needs of their surrounding community.
- Policy PR-1.7: Design vibrant urban public spaces and parklands that function as community gathering and local focal points, providing opportunities for activities such as community events, festivals and/or farmers markets as well as opportunities for passive and, where possible, active recreation.

- Policy PR-1.8: Enhance existing parks and recreation facilities in built-out areas through new amenities and other improvements to ensure that residents' needs are being met.
- Policy PR-2.2: Provide quality recreation and neighborhood services that increase frequency of exercise, foster physical activity, and encourage healthful living.
- Policy PR-3.1: Provide equitable access to parks, trails, open space, community centers, dog parks, skate parks, aquatics facilities, sports fields, community gardens, and other amenities to the greatest extent feasible in order to provide a high quality of life for our residents.
- Policy PR-3.3: Apply resources to meet parks, recreation, and open space needs in underserved areas of the city, prioritizing lower income and higher density areas, which may have a demonstrably greater need for these amenities.
- Policy PR-4.4: Reinforce the cultural character of new and existing neighborhoods by reflecting local materials, design forms, and landscape character in the development of neighborhood serving parks.
- Policy PR-6.2: Develop trails, parks and recreation facilities in an environmentally sensitive and fiscally sustainable manner.
- Policy VN-1.1: Include services and facilities within each neighborhood to meet the daily needs of neighborhood residents with the goal that all San José residents be provided with the opportunity to live within a ½ mile walking distance of schools, parks and retail services.

City of San José Greenprint 2009 Update Plan for Parks, Recreation Facilities and Trails

In December 2009, the City Council adopted the City of San José Greenprint 2009 Update. The Greenprint 2009 Update is the City's 20-year strategic plan for parks, recreational facilities, and programs. The Greenprint 2009 Update is a guide for City staff and policy makers in the day to day decision making process, which provides opportunities to improve resident health and wellness through parks, recreational programs and facilities.

Existing Conditions

As of 2010, the City of San José provides and manages 3,520 acres of regional, neighborhood and community parkland, community gardens and open space lands. Some recreation facilities available to San José residents are also provided by other public agencies, such as playgrounds and fields on public school sites, County parks, and City trails on SCVWD and PG&E Company lands. The City Departments of Parks, Recreation and Neighborhood Services, General Services and Public Works are responsible for the design, construction, operation, and maintenance of all City park and recreational facilities.[102]

The City of San José has 180 neighborhood/community serving parks and nine citywide/regional parks. Amenities can include basketball courts, barbeques, exercise (par) courses, picnic tables, playgrounds,

[102] City of San José, 2011, Envision San José 2040 General Plan, page 48.

restrooms, soccer fields, softball fields, swimming pools, and tennis courts. In addition to parks, recreational facilities include community centers, trails, and open space preserves.[103]

The City's General Plan has established level of service benchmarks for parks and community centers. The City has a service level objective of 3.5 acres of neighborhood and community serving recreational lands per 1,000 residents, of which a minimum is 1.5 acres of City owned neighborhood, community, or locally serving regional/City-wide park lands and up to 2 acres of school playgrounds, and all of which are located within a reasonable walking distance from the surrounding residences; 7.5 acres of regional/City-wide parkland per 1,000 population; and 500 square feet of community center floor area per 1,000 population.

The proposed project is located in Council District 4. There are currently 10 neighborhood/community serving parks within the council district boundaries equaling 148.7 acres of developed parklands and 184.07 acres of recreational school grounds, for a total of 332.77 acres of recreational lands. This amount exceeds the current goal of 3.5 acres per 1000 population (327.92 acres) for neighborhood/community parklands. [104] The closest park to the project site is the Santa Clara County Park-owned and maintained Alviso Marina County Park, located approximately one mile northwest at 1195 Hope Street. The 20.6-acre park offers trails, picnic tables, and a boat launch ramp providing access for motorized and non-motorized boats.[105] The closest City park to the project site is Moitozo Park, located approximately 2.5 miles south at North First Street and Descanso Drive. The 6.27-acre park offers picnic sites, and parking.[106]

The proposed project would incrementally increase the availability for recreational facilities near the project area. The project would be subject to the building code and other landscaping, safety and lighting requirements for outdoor recreational spaces and/or facilities under the City's General Plan and the SJMC, and therefore it should not result in significant increases in usage or the deterioration of existing or planned park facilities. Since specific sites for future park construction cannot be identified at this time, it cannot be stated conclusively that significant environmental impacts would or would not occur from the construction of new parks and recreation facilities.

DISCUSSION

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur or be accelerated?

The proposed project consists of a Park Master Plan to guide future development of an existing park, providing additional park capacity for the residents of the service area. This amenity would increase the quality of recreational options in the area, and thus would not result in the physical deterioration of or require the expansion of an existing facility, nor would it require the addition of new parks in San José or

[103] City of San José, 2009, Greenprint, 2009 Strategic Plan Update, pages 47- 48. http://www.sanJoséculture.org/DocumentCenter/Home/View/31, accessed on October 26, 2016.

[104] City of San José, 2005, North San José Development Policies Update, Program Draft Environmental Impact Report, page 323.

[105] County of Santa Clara, Department of Parks and Recreation, Alviso Marina County Park, https://www.sccgov.org/sites/parks/parkfinder/Pages/AlvisoMarina.aspx, accessed on October 26, 2016.

[106] City of San José, Park Facilities, Moitozo Park, http://www.sanJoséca.gov/Facilities/Facility/Details/Moitozo-Park-174, accessed on October 26, 2016.

the surrounding area. As the proposed project would not affect population growth, it would not increase the use of existing parks or facilities. Further, the proposed project, by providing a guide for future development of the site, may attract some users from existing parks and facilities, thus somewhat alleviating the physical deterioration of existing parks and facilities. Additionally, the proposed project does not include the construction or expansion of recreational facilities, but does include renovation of existing facilities to increase park usability by potential users. Therefore, the proposed project would result in *no impact*, and no mitigation measures are required.

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

The proposed project consists of a Park Master Plan to guide future development of an existing park, providing additional park capacity for the residents of the service area. This amenity would increase the quality of recreational options in the area, and thus would not result in the physical deterioration of or require the expansion of an existing facility, nor would it require the addition of new parks in San José or the surrounding area. Therefore, the proposed project would result in *no impact*, and no mitigation measures are required.

XVI. TRANSPORTATION AND CIRCULATION

Would implementation of the proposed Plan:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
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?	❒	❒	■	❒
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?	❒	❒	■	❒
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?	❒	❒	❒	■
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	❒	❒	■	❒
e) Result in inadequate emergency access?	❒	❒	❒	■

Would implementation of the proposed Plan:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No 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?	❒	❒	❒	■

ENVIRONMENTAL SETTING

Regulatory Framework

Local

City of San José Policies

As established in City Council Policy 5-3 (Transportation Level of Service Policy), the City of San José uses the same level of service (LOS) method for assessing transportation impacts and City Council Policy 5-3 requires City signalized intersections to function at a LOS D. According to this policy and General Plan 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.

Envision San José 2040 General Plan

The Envision San José 2040 General Plan includes several policies related to transportation and traffic. Per General Plan Policy TR-5.3 the minimum overall roadway performance during peak travel periods should be LOS "D" except for designated areas. Small projects may be defined and exempted from traffic analysis per the City's transportation policies.

- Policy CD-2.1: Promote the Circulation Goals and Policies in this Plan. Create streets that promote pedestrian and bicycle transportation by following applicable goals and policies in the Circulation section of this Plan.
    1. Design the street network for its safe shared use by pedestrians, bicyclists, and vehicles. Include elements that increase driver awareness.
    2. Create a comfortable and safe pedestrian environment by implementing wider sidewalks, shade structures, attractive street furniture, street trees, reduced traffic speeds, pedestrian-oriented lighting, mid-block pedestrian crossings, pedestrian-activated crossing lights, bulb-outs and curb extensions at intersections, and on-street parking that buffers pedestrians from vehicles.
    3. Consider support for reduced parking requirements, alternative parking arrangements, and Transportation Demand Management strategies to reduce area dedicated to parking and increase

area dedicated to employment, housing, parks, public art, or other amenities. Encourage de-coupled parking to ensure that the value and cost of parking are considered in real estate and business transactions.

- Policy PR-7.1: Encourage non-vehicular transportation to and from parks, trails, and open spaces by developing trail and other pleasant walking and bicycle connections to existing and planned urban and suburban parks facilities.
- Policy PR-7.3: Whenever possible, construct parks and recreation facilities, especially those that are youth serving, where they are accessible to public transit.

Existing Conditions

Adjacent Roads and Intersections

There are five roads that border the proposed project site: North First Street, Trinity Park Drive, Grand Boulevard, Tony P. Santos Street, and Wilson Way. With the exception of the residential streets in the Trinity Park (Blackwell) development, all other streets adjacent to park lands have overhead utilities.

North First Street is a major arterial and entry point into the Alviso neighborhood; it connects Alviso with State Highway 237 and with the downtown. Posted speed is 35 miles per hour (mph) with a 25 mph school zone; there are no signals or stop signs on North First Street between Liberty Street and Nortech Parkway, which are north and south of Alviso Park, respectively. North First Street is a four lane, divided road with buffered bike lanes and no parking in each direction east of Tony P. Santos Street. Travelling west, this street transitions into a two-lane road past the intersection with Tony P. Santos Street; some street parking is allowed on the north side of the street.

Grand Boulevard is a neighborhood arterial that connects North First Street with the industrial uses east along Los Esteros and Zanker Roads. There is a signaled intersection on Grand Boulevard at Wilson Way; Fire Station 25 is located on Wilson Way. Grand Boulevard has stop signs at Disk Drive and North First Street; the posted speed limit is 30 mph.

Wilson Way has a 25 mph school zone and transitions into Tony P. Santos Street, a one block long street that provides access to the east side of George Mayne Elementary School and ends at North First Street. Tony P. Santos Street and Wilson Way provide an alternative route between Grand Boulevard and North First Street. Trinity Park Drive is a residential road.

State Highway 237 is the nearest highway and serves as the southern boundary and one of the main gateways for the Alviso neighborhood. It intersects with US Highway 101 to the west and Interstate 880 to the east.

The City evaluates traffic impacts at signalized intersections. The closest signalized intersection is North First Street at Nortech Parkway.

Pedestrian and Bicycle

There are sidewalks along the north side of North First Street; Grand Boulevard has sidewalks but not covering the entire length of the street on both sides, it does not have sidewalks on the park side of the street. Wilson Way does have sidewalks on both sides of the street but fencing, vegetation, and dumping make the sidewalks inaccessible at times. Driveway aprons on the north side of the street create breaks in the sidewalk. Trinity Park Drive has sidewalks on both sides of the street. While there are sidewalks along the perimeter of the park, there are no sidewalks within or through the park.

North First Street has Class II bike lanes in each direction but bikes share the road fully on all other streets adjacent to the park. Tony P. Santos Street has a sidewalk on the school side of the street. Generally, streets are wide with few crosswalks and with limited, if any, street lighting.

Parking

The school has parking lots with access driveways on North First Street and Tony P. Santos Street; the library has a parking lot with access from North First Street. Street parking is allowed on both sides of Trinity Park Drive, Grand Boulevard, and Wilson Way. There is no parking on the east side of Tony P. Santos Street and restricted hourly parking on the west side. A site visit was performed on Sunday, October 23, 2016 at 2:30 PM to observe site conditions, parking locations and a spot occupancy count in the vicinity of the project site. Table 4-4 summarizes the results and shows that at the time of the site survey on a typical Sunday afternoon there was plenty of parking available along public streets within 0.25 mile easy walking distance to the park. The proposed project is not proposing any additional parking spaces.

TABLE 4-4 PARKING SUPPLY AND OCCUPANCY COUNTS

Street Name	Street Direction	Total Number of Spaces*	Number of Spaces in Use**	Percent of Spaces in Use
Grand Boulevard	West	70	22	31%
	East	81	19	23%
Wilson Way	North	43	0	0%
	South	50	0	0%
North First Street	North	12	0	0%
	South	0	0	n/a
Trinity Park Drive	North	35	3	9%
	South	35	9	26%

DISCUSSION

a-b) Would the project 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?

Would the project 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?

The approximately 23.5-acre project site includes multipurpose fields, a lawn area subject to joint-use agreement with George Mayne Elementary School, two picnic areas, two playgrounds, a swimming pool with a restroom, a community garden, and fallow grasslands.

The proposed project would include the renovation of existing facilities, construct new pedestrian paths, landscaped areas and other passive uses and features. Most notably, the project would construct a new multi-use field for softball/baseball and soccer and expand play areas. The proposed Plan would replace the existing, non-functional stadium lighting and sound system located at the baseball/softball field to allow for increased use of the field. In addition, the project proposes new lighting for the proposed multi-use practice field.

Alviso Park is a neighborhood park. Residential uses border the project site to the west, and include the Trinity Park neighborhood and the residential neighborhood east of Grand Boulevard. According to outreach conducted during the preparation of the proposed Plan, the current park is utilized by local residents who live within approximately four blocks. As such, the majority of users access the park by foot or bicycle. It is anticipated that most park users would continue to be from the vicinity of the site and would arrive on foot or bicycle. Neighborhood parks do not generate a substantial amount of vehicular trips as they normally serve users in close proximity. Soccer and baseball/softball fields could draw users from areas outside a walking distance that could generate additional vehicular trips. Because the park would add only one field, the number of users arriving by automobile would likely be nominal. Moreover, organized sport activities usually take place on weekday evenings and weekends outside the traffic peak hours.

Under City policy, signalized intersections are required to operate at LOS D or better. The signalized intersection nearest to the project site is North First Street at Nortech Parkway. Using TRAFFIX software, the City of San José Public Works Department calculated traffic impacts under project conditions and found that the intersection would operate at LOS D with project and background traffic. The proposed field would generate a total of 71 daily trips, which include a total of 1 AM peak hour trip and 18 PM peak hour trips (See Appendix E for more details.) Based on this analysis, the project will be in conformance with the City of San Jose Transportation Level of Service Policy (Council Policy 5-3). Therefore, the project would result in a *less-than-significant* traffic impact and no mitigation measures are required.

c) Would the project 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 be developed with tall structures, would not affect air travel, and is not located within an airport land use area. *No impact* would occur.

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

The proposed project would not change the design of a roadway or add any access driveways. Park access would occur via residential streets with little traffic. Sidewalks are located along most roads and the park would have its own internal pedestrian circulation to allow pedestrian circulation within the park site. Marked pedestrian crossings are located at all legs of the intersection of Grand Boulevard at Wilson Way and at the north legs of North First Street at the intersections with Tony P. Santos Street and Trinity Park Drive. Emergency vehicles leaving Fire Station No. 25 would access Wilson Way from an existing driveway. Emergency vehicles would be separated by pedestrians via existing sidewalks and pathways internal to the park. Therefore there would be no substantial increase in hazards; the impact is *less than significant* and no mitigation would be required.

e) Would the project result in inadequate emergency access?

Emergency access would be available from the public streets surrounding the park. Fire Station 25 is located adjacent to the park, therefore the park areas would be accessible to emergency vehicles. *No impac*t would occur and no mitigation would be required.

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

As discussed in the existing setting and response d above, most streets have paved sidewalks on both sides and the project would not add any features that would cause in increase in hazards to pedestrian circulation in the area. The park would develop an internal pedestrian circulation system with pathways and trails that would encourage pedestrian use in the area. Therefore the project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities or decrease safety. *No impact* would occur and no mitigation would be required.

XVII. UTILITIES AND SERVICE SYSTEMS

Would implementation of the proposed Plan:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	❒	❒	■	❒

ENVIRONMENTAL ANALYSIS

Would implementation of the proposed Plan:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No 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?	❒	❒	■	❒
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?	❒	❒	■	❒
d) Have sufficient water supplies available to serve the project from existing and identified entitlements and resources, or are new or expanded entitlements needed?	❒	❒	■	❒
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	❒	❒	■	❒
f) Not be served by a landfill with sufficient permitted capacity to accommodate the buildout of the project's solid waste disposal needs?	❒	❒	■	❒
g) Comply with federal, State, and local statutes and regulations related to solid waste?	❒	❒	■	❒
h) Result in a substantial increase in natural gas and electric service demands requiring new energy supply facilities and distribution infrastructure or capacity enhancing alterations to existing facilities?	❒	❒	■	❒

ENVIRONMENTAL SETTING

Regulatory Framework

State

California Urban Water Management Planning Act

Through the Urban Water Management Planning Act of 1983, the California Water Code requires all urban water suppliers within California to prepare and adopt an Urban Water Management Plan (UWMP) and update it every five years. This requirement applies to all suppliers providing water to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually. The Act is intended to support conservation and efficient use of urban water supplies. The Act requires that total project water use be compared to water supply sources over the next 20 years in five-year increments, that planning occur for

single and multiple dry water years, and that plans include a water recycling analysis that incorporates a description of the wastewater collection and treatment system within the agency's service area along with current and potential recycled water uses. In September 2014 the Act was amended by SB 1420 to require urban water suppliers to provide descriptions of their water demand management measures and similar information.

State Updated Model Landscape Ordinance

The updated Model Landscape Ordinance requires cities and counties to adopt landscape water conservation ordinances by February 1, 2016 or to adopt a different ordinance that is at least as effective in conserving water as the updated Model Ordinance (MO). The City of San José adopted Water Efficient Landscaping Standards for new and Rehabilitated Landscaping, in 2013, and the revised SJMC Chapter 15.11.

Assembly Bill 939

AB 939 established the California Integrated Waste Management Board and required all California counties to prepare integrated waste management plans. AB 939 also required all municipalities to divert 25 percent of their solid waste from landfill disposal by January 1, 1995. Fifty percent of the waste stream was to be diverted by the year 2000. The City of San José currently generates approximately 1.7 million tons of solid waste annually, and diverts approximately 60 percent of its waste streams through a variety of waste diversion programs, including curbside recycling and yard waste collection and composting.

Title 24 California Building Code

Title 24 of the California Administrative Code sets forth energy standards for buildings, rebates/tax credits are provided for installation of renewable energy systems, and the Flex Your Power program promotes conservation in multiple areas.

CALGreen Building Code

In January 2010, the State of California adopted CALGreen that establishes mandatory green building standards for all buildings in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and indoor environmental quality. These standards include a mandatory set of minimum guidelines, as well as more rigorous voluntary measures, for new construction projects to achieve specific green building performance levels.

Mandatory measures include:

- Reducing indoor water use by 20 percent.
- Reducing wastewater by 20 percent.
- Recycling and/or salvaging 50 percent of nonhazardous construction and demolition debris.
- Providing readily accessible areas for recycling by occupant.

Local communities may institute more stringent versions of the code if they choose. The code went into effect as part of a local jurisdiction's building code on January 1, 2010.

Local

2015 Urban Water Management Plan

The City adopted the 2015 UWMP in June 2016 and has submitted the adopted plan to the SWRCB in accordance with the SB X7-7 and the Urban Water Management Planning Act, outlined in Section 10610 of Division 6 of the California Water Code. One of the purposes of the UWMPs is to identify measures to meet SB X7-7 requirements that mandate a 20-percent reduction of per capita water use and agricultural water use throughout the State by 2020. These UWMPs evaluate the water supply capacity and the projected water demands of the service area over a 20- or 25-year planning horizon. A range of water supply scenarios were modeled, including 1) normal, 2) single-dry, and 3) multiple-dry water year conditions. The UWMPs also provide action plans in the event of a catastrophic interruption in water supplies.[107]

Envision San José 2040 General Plan

The Envision San José 2040 General Plan includes goals, policies, and programs relevant to the utilities and public service factors potentially affected by the proposed project. The City's General Plan contains the following parks and recreation, infrastructure, and environmental sustainability policies relevant to the utilities and service systems of the proposed project:

- Policy PR-6.5: Design and maintain park and recreation facilities to minimize water, energy and chemical (e.g., pesticides and fertilizer) use. Incorporate native and/or drought-resistant vegetation and ground cover where appropriate.
- Policy IN-3.1: Achieve minimum level of services:
  - For sanitary sewers, achieve a minimum level of service "D" or better as described in the Sanitary Sewer Level of Service Policy and determined based on the guidelines provided in the Sewer Capacity Impact Analysis (SCIA) Guidelines.
  - For storm drainage, to minimize flooding on public streets and to minimize the potential for property damage from stormwater, implement a 10-year return storm design standard throughout the City, and in compliance with all local, State and Federal regulatory requirements.
- 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.
- Policy IN-5.3: Use solid waste reduction techniques, including source reduction, reuse, recycling, source separation, composting, energy recovery and transformation of solid wastes to extend the life span of existing landfills and to reduce the need for future landfill facilities and to achieve the City's Zero Waste goals.

[107] City of San José, *2015 Urban Water Management Plan*, San José Municipal Water System, prepared for San José Municipal Water System, June 2016, https://www.sanJoséca.gov/DocumentCenter/View/57483, accessed on October 27, 2016.

- **Policy MS-1.2:** Continually increase the number and proportion of buildings within San José that make use of green building practices by incorporating those practices into both new construction and retrofit of existing structures.
- **Policy MS-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 reduce the depletion of the City's potable water supply, as building codes permit. For example, promote the use of captured rainwater, graywater, or recycled water as the preferred source for non-potable water needs such as irrigation and building cooling, consistent with Building Codes or other regulations.
- **Policy MS-3.3:** Promote the use of drought tolerant plants and landscaping materials for non-residential and residential uses.
- **Policy MS-3.4:** Promote the use of greenroofs (i.e., roofs with vegetated cover), landscape-based treatment measures, pervious materials for hardscape, and other stormwater management practices to reduce water pollution.
- **Policy MS-6.3:** Encourage the use of locally extracted, manufactured or recycled and reused materials including construction materials and compost.
- **Policy MS-6.5**: Reduce the amount of waste disposed in landfills through waste prevention, reuse, and recycling of materials at venues, facilities, and special events.
- **Policy MS-6.6:** Promote the development of energy conversion technologies for converting residual wastes into energy.
- **Policy MS-6.8:** Maximize reuse, recycling, and composting citywide.
- **Policy MS-6.12:** Promote use of recycled materials, including reuse of existing building shells/ elements, as part of new construction or renovations.
- **Policy MS-14.4:** Implement the City's Green Building Policies (see Green Building Section) so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.
- **Policy MS-19.4:** Require the use of recycled water wherever feasible and cost-effective to serve existing and new development.

Urban Environmental Accords

On November 1, 2005, San José's City Council signed on to the United Nations Urban Environmental Accords, a declaration of participating city governments to build ecologically sustainable, economically dynamic, and socially equitable futures for their urban citizens. To date, 100 cities worldwide have signed on to the Accords including 23 in North America and 12 in California (which includes the City of San José).

The Urban Environmental Accords includes 21 actions in seven different areas such as energy, waste reduction, and water (including wastewater reduction), that would help improve the quality of life for residents and preserve San José's environment and resources. The actions that relate to utilities and service systems are:

Waste Reduction

- Establish a policy to achieve zero waste to landfills and incinerators by 2040.
- Adopt a citywide law that reduces the use of a disposable, toxic, or non-renewable product category by at least fifty percent in seven years.
- Implement "user-friendly" recycling and composting programs, with the goal of reducing by 20 percent per capita solid waste disposal to landfill and incineration in seven years.

Water

- Develop policies to increase adequate access to safe drinking water, aiming at access for all by 2015. For cities with potable water consumption greater than 100 liters per capita per day, adopt and implement policies to reduce consumption by ten percent by 2015.
- Protect the ecological integrity of the city's primary drinking water sources (i.e., aquifers, rivers, lakes, wetlands and associated ecosystems).
- Adopt municipal wastewater management guidelines and reduce the volume of untreated wastewater discharges by 10 percent in seven years through the expanded use of recycled water and the implementation of a sustainable urban watershed planning process that includes participants of all affected communities and is based on sound economic, social, and environmental principles.

Zero Waste Resolution

In October 2007, the City Council adopted a Zero Waste Resolution (No. 74077), which set a goal of 75 percent waste diversion by 2013 and a goal of zero waste by 2022 for the City. "Zero Waste" is a perception change. It requires rethinking what is traditionally regarded as garbage and treating all materials as valued resources instead of items to discard. Zero waste entails shifting consumption patterns, more carefully managing purchases, and maximizing the reuse of materials at the end of their useful life. Zero waste takes into account the whole materials management system, from product design and the extraction of natural resources, to manufacturing and distribution, to product use and reuse, to recycling or disposal. The Zero Waste Resolution identified the City's zero waste principles as:

- Improving "downstream" reuse and recycling of end-of-life products and materials to ensure their highest and best use;
- Pursuing "upstream" redesign strategies to reduce the volume and toxicity of discarded products and materials while promoting less wasteful lifestyles;
- Supporting the reuse of discarded products and materials to stimulate and drive local economic workforce development; and
- Preserving land for sustainable development and green industry infrastructure.

Zero Waste Strategic Plan

The City of San José Environmental Services Department prepared the Integrated Waste Management Zero Waste Strategic Plan in November 2008. The Zero Waste Strategic Plan supports several Green Vision Goals, but its primary focus is to identify the path to achieve zero waste. The Zero Waste Strategic Plan identifies policies, programs, and facilities to help the City reach its goal. To achieve zero waste, the City has adopted the following phased approach:

- Phase 1 – voluntary actions, education, and creation of incentives;
- Phase 2 – new programs and advocacy; and
- Phase 3 – bans, mandates, and legislation.

San José has been active over the years in phase one and two activities, but to meet zero waste goals, the City may need to focus on bans, mandates, advocacy, and legislation. To achieve the City's short-term goal of diverting 75 percent of waste from landfills, the Zero Waste Strategic Plan identifies that the City needs to:

- Enhance residential recycling;
- Redesign the commercial waste system to provide recycling and composting services;
- Enhance the construction and demolition debris recycling;
- Evaluate anaerobic digestion of food scraps at the WPCP; and
- Pursue opportunities to support Extended Producer Responsibility initiatives and target reduction of single-use carryout bags as well as non-recyclable/non-compostable take-out food packaging.

To achieve the long-term goal of zero waste, the Zero Waste Strategic Plan identifies that the City needs to:

- Modify existing revenue streams to mitigate funding lost from zero waste efforts;
- Support implementing zero waste policies locally, regionally, and statewide;
- Continue implementing mixed waste recycling of single-family residential garbage and recycling processing residue;
- Develop and strengthen markets for recoverable and reusable materials, and lead by example;
- Promote the future development of energy conversion technologies for conversion technologies for converting residual wastes into energy; and
- Educate the public about the benefits of reducing wasteful consumption.

Existing Conditions

The proposed project is located within the City of San José Urban Service Area.[108]

[108] City of San José, Greenprint, Draft Strategic Plan Update, Chapter 5 Urban Planning Area Strategies, https://www.sanjoseca.gov/DocumentCenter/Home/View/32, accessed on October 31, 2016.

Wastewater

Wastewater is water containing wastes from residential, commercial, and industrial processes. Municipal wastewater contains sewage, gray water (e.g., water from sinks and showers), and sometimes industrial wastewater.

Wastewater Treatment

Wastewater treatment service for the area is provided by the City of San José. The San José-Santa Clara Water Pollution Control Plant (WPCP) provides primary, secondary, and tertiary treatment of wastewater, and is located approximately 1.7 miles east of the project site. The existing capacity of the WPCP is 167 million gallons per day (mgd). The WPCP currently treats an average of 116.8 mgd and discharges 100 mgd effluent (dry weather peak) to the San Francisco Bay. Based on the average daily dry weather flows from sources in San José (approximately 69.8 mgd), the City currently has approximately 38.8 mgd of excess treatment capacity. The City's level of service goal for sewage treatment is to remain within the capacity of the WPCP.

Sanitary Sewer System

The City of San José maintains the wastewater collection system within the project site. Wastewater is conveyed to the WPCP through the City's sewer collection system, which consists of lateral lines and main lines in the public right-of-way. The City has developed a sewer capacity improvement program to prioritize and construct capital projects that address the needs identified in the Sewer Master Plan that will be based on a hydraulic model of the trunk sewer system (10-inch and larger pipes),using land use and flow information.

Sewer laterals, ranging in size from six to eight inches in diameter, originate at individual sites and convey flows by gravity to sewer mains. Sewer mains in the vicinity of the project site vary in size from 10 to 30 inches. These sewer mains primarily flow by gravity to a major sewer interceptor system located in Zanker Road. Sewer lift stations and force mains are used at several locations to transport sewer flows that cannot be conveyed by gravity. The sanitary sewer system serving the project site drains towards the sewer lines in North First Street. There are generally parallel sewer mains along North First Street south of Trimble Road. North of Trimble Road, a single 310-inch sewer line transmits flows to the Lamplighter Sanitary Sewer pump station at North First Street/Holger Way. The major interceptor collection system in San José originates at the intersection of Empire and Seventh Streets in central San José. It conveys flows to the north along Fourth, Fifth and Seventh Streets, crossing US 101 and running along Zanker Road to the WPCP, located approximately 1.7 miles east of the project site.

Interceptor lines include a 60-inch diameter brick sewer, a 60-inch diameter reinforced concrete pipe (RCP) and an 84-inch RCP. The three interceptors are interconnected at five locations along Zanker Road. Wastewater flowing within the interceptor system is a composite of flows from all areas within the City's service area. The four Zanker Road Interceptor sewers transmit sewer flows from the entire South Bay drainage basin to the WPCP. The Interceptors cross under US 101 at North Fourth Street and run northward toward the WPCP within the Zanker Road right-of-way. These interceptors act as large siphons as they pass beneath the Hetch-Hetchy water lines just south of Tasman Boulevard. The interceptors are

surcharged as far upstream (south) as Zanker Road/Trimble Road, where the last large diameter trunk sewer connects. The Lamplighter Sewage Pump Station, located approximately 1 mile south of the project site at the southeast corner of North First Street and Lamplighter Way, serves the project site. An approximately 8,500-foot long, 24-inch ductile iron pipe force main carries wastewater from the pumping station to the WPCP.

The WPCP is currently operating under a 120 million gallon per day (dry weather) flow trigger. This requirement is based upon the SWRCB and the San Francisco Bay RWQCB concerns over the effects of additional freshwater discharges from the WPCP on saltwater marsh habitat, and pollutant loading to the Bay from the WPCP. In response to these issues, the City has prepared a Clean Bay Strategy (CBS) and the South Bay Action Plan. The CBS details the City's control strategy to reduce effluent discharges to the South San Francisco Bay as required by the NPDES permit. The Clean Bay Strategy promotes an integrated watershed protection approach and considers all factors influencing water quality in the South Bay, including point and non-point sources of pollution, water supply issues and improving plant performance. The South Bay Action Plan describes in some detail the conservation, reuse and diversion activities designed to reduce effluent flow from the WPCP to below 120 mgd. A contingency plan of additional measures will be implemented if average dry-weather effluent flows (ADWEF) reach a planning trigger of 115 mgd. Development in the project vicinity is required to install 8 to 10 inch recycled water lines to serve water to this area.[109]

The Envision San José 2040 General Plan calls for a level of service (LOS) D for sanitary sewer lines. At LOS D, the sewer main is occasionally running full. New development is required by existing policies to avoid or minimize impacts upon any existing or anticipated LOS E sewer lines by constructing or contributing to the construction of new lines or by waiting for completion of planned sewer line improvements. Sewer lines are inspected and maintained by the Department of Transportation, and are rehabilitated or replaced by the Department of Public Works. The City's existing sanitary sewer system operates with approximately 95 percent of the trunk sewer pipelines at LOS D or better, under dry weather conditions.

Water Service and Supply

Water service within the project site is provided by SJMWS, which is owned and operated by the City of San José. The project site, located within the Alviso service area, relies on a blend of Hetch Hetchy water and treated water from the San Francisco Public Utilities Commission (SFPUC). Prior to distribution, water from the watershed is treated at the Sunol Valley Water Treatment Plant (SVWTP). Fluoridation, chloramination and corrosion control treatment are provided for the combined Hetch Hetchy and SVWTP water at the Sunol Chloramination and Fluoridation Facilities.[110]

The Alviso neighborhood is provided water from the SFPUC Hetch Hetchy aqueduct. In 2009, the City accepted both a master Water Supply Agreement and a Water Sales Contract. The City's current Water Sales Contract is for delivery of up to 5,039 acre-feet per year (AFY) from the SFPUC, this contract is both temporary and interruptible. The Water Supply Agreement with SFPUC is temporary in that it provides an

[109] City of San José, 2005, North San José Development Policies Update, Program Draft Environmental Impact Report.
[110] City of José, 2011, Envision San José 2040 General Plan Environmental Impact Report, Section 3, Environmental Setting Impacts and Mitigation, Part 2, page 626.

assurance of supply only until December 2018. By December 2018, SFPUC will make further decisions on future water supply beyond 2018, after completing necessary cost analyses and CEQA review. The supply is interruptible before December 2018 if the SFPUC determines that aggregate use by all Bay Area Water Supply and Conservation Agency (BAWSCA) agencies will exceed 184 MGD in 2018. The supply cannot be reduced or terminated until five years after San José has received notice of SFPUC's intention to reduce or terminate deliveries, or until two years after completion of the relevant CEQA process, whichever is longer. The BAWSCA is developing a long-term water supply strategy to help ensure future supply to the member agencies. For the purposes of this Initial Study, it is assumed that the supply available to SJMWS will remain the same through 2035 based on current and historical water deliveries. Deliveries from the SFPUC have been fulfilled for more than three decades.

As part of the new Water Supply Agreement, SJMWS may purchase excess water, providing the combined purchases of SJMWS and the City of Santa Clara do not exceed nine MGD. The SJMWS may also purchase excess water supplies from other BAWSCA agencies. The SJMWS is committed to purchasing the maximum amount of water available and reducing its reliance on other sources due to the uncertainties regarding the availability and sustainability of the groundwater basin. The City of San José has historically been able to obtain more water than its contracted amount under normal water supply conditions.

The SCVWD is required to prepare an UWMP every five years to provide long-term water resource planning and to ensure adequate water supplies are available to meet existing and future water demands, in accordance with the UWMP Act. The Final Draft 2015 UWMP was completed in May 2016. In order to maintain maximum efficiency and flexibility a mix of four primary sources are used to supply water to San José. SJMWS relies on different sources of water depending on the location of the service area. Within the Alviso neighborhood, there are two service connections to SFPUC Bay Division Pipelines 3 and 4. The turnouts feed the demand of the distribution system and storage requirements of the two reservoirs. There are pump station facilities at each of the reservoirs. There is only one pressure zone in this service area. The pumping facilities are used to boost the pressure of water stored in the reservoirs from elevation head to system pressure. There are four groundwater wells with a pumping capacity of approximately 1,500 gallons per minute (gpm) each; two of the wells are currently permitted to be used under normal conditions to supply water, and two are available for emergency use purposes. [111]

Stormwater

The City of San José storm drainage system is comprised of a network of storm drain inlets, manholes, pipes, outfalls, channels, and pump stations designed to protect infrastructure and the traveling public from flood waters during storm events. The various components of the storm drainage system function collectively to collect, convey, and discharge stormwater runoff to receiving water bodies. The underground collection system consists of approximately 1,250 miles of reinforced concrete pipes varying in size from 12- to 144-inches in diameter that function by gravity to carry untreated stormwater to local creeks and rivers. Collected stormwater runoff is discharged to the creeks and rivers via storm outfall structures. The creeks and rivers, in turn, flow to the San Francisco Bay. In low lying areas of the city,

[111] Santa Clara Valley Water District, 2016, 2015 Urban Water Management Plan, http://www.valleywater.org/Services/UWMP.aspx, accessed on October 27, 2016.

including the project site, stormwater pump stations are employed to facilitate drainage when gravity drainage is not possible or feasible.[112]

The project site is served by the Oakmead Stormwater Pump Station. Two storm sewers convey runoff to the Oakmead Stormwater Pump Station. A 108-inch storm sewer collects storm runoff from areas north of Tasman Drive and east of North First Street, in addition to runoff from areas north of SR 237. An 84-inch storm sewer collects runoff along Tasman Drive, including the area near the Agnews East facility. The pump station lifts storm water to an outfall on the Guadalupe River.[113]

Solid Waste

The City of San José currently generates approximately 1.7 million tons of solid waste annually. The City is primarily served by five landfills, nine recycling and transfer stations, five composting facilities, and eight processing facilities for construction and demolition debris.[114] The landfills include Guadalupe Mines, Kirby Canyon, Newby Island, Zanker Road Materials Processing Facility, and Zanker Road. The five landfills have a total permitted capacity of 5.3 million tons per year.[115] Based on available capacity of the landfills, the projected closure dates are 2021 for Guadalupe Mines and 2025 for Kirby Canyon and Newby Island.[116] The Zanker Road landfills have no closure date due to the minimal amount of material landfilled each year. Considering these projected closure dates and current generation rates, there will be adequate landfill capacity to accommodate waste generated in Santa Clara County for at least 15 years.[117] After this time, regional landfills could reach capacity in the absence of additional waste reduction efforts. According to the Integrated Waste Management Plan (IWMP), the County has adequate disposal capacity beyond 2022.

In October 2007, the San José City Council adopted a Zero Waste Resolution which set a goal of 75 percent waste diversion by 2013 and zero waste by 2022. In 2014, City diverted approximately 73 percent of the waste generated through a variety of programs, including residential curbside recycling and yard trimmings collection programs, civic recycling, and the Construction & Demolition Diversion Deposit (CDDD) program.[118,119]

[112] City of San José, 2011, Envision San José 2040 Draft Environmental Impact Report.

[113] City of San José, 2005, North San José Development Policies, Program Draft Environmental Impact Report.

[114] This does not include the numerous facilities that primarily handle a single type of material such as scrap metal. (Source: City of San José, 2008, *Assessment of Infrastructure for the Integrated Waste Management Zero Waste Strategic Plan Development*.)

[115] City of San José, 2008, Assessment of Infrastructure for the Integrated Waste Management Zero Waste Strategic Plan Development.

[116] City of San José, 2011, Envision San José 2040 Environmental Impact Report. In August 2012, the City approved the expansion of the Newby Island landfill to allow operation through 2025.

[117] County of Santa Clara, 2007, Five-Year CIWMP/RAIWMP Review Report.

[118] The CDDD is an incentive program to encourage the recovery of debris from construction and demolition projects. The City collects a deposit that is fully refundable with proper documentation that the debris was diverted from burial in a landfill. Additional information is available at: http://www.sjrecycles.org/construction-demolition/cddd.asp.

[119] City of San José, Using Diversion and Innovation to Become a Zero Waste City, https://www.sanjoseca.gov/DocumentCenter/View/2150, accessed on October 31, 2016.

The existing park parcel on the project site generates approximately 0.39 tons of waste per year.[120] The San José Conservation Corps (SJCC) provides onsite collection of recyclables at City park facilities. As presented in the City's Zero Waste Strategic Plan, next steps to reduce waste at City Parks include: implementing recycling programs at new parks; restarting or expanding programs at existing parks; and partnering with the Parks Division to promote recycling efforts.[121]

DISCUSSION

a) Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

As described above, the WPCP provides wastewater treatment services to the City of San José and Santa Clara. The proposed project would include improvements to the existing swimming pool, associated restroom, and irrigation system. Wastewater produced on site would be directed to the WPCP facilities for treatment. The proposed project does not involve industrial uses likely to substantially increase pollutant loading levels in the sanitary sewer system. Therefore, the proposed project is not expected to exceed treatment standards established by the San Francisco Bay RWQCB. In addition, the proposed project would comply with existing wastewater treatment requirements of the San Francisco Bay RWQCB, and water conservation policies adopted by the City, such as those included in the Envision San José 2040 General Plan, the San José Green Vision, and the SJMC Chapter 15.11, which would serve to minimize the amount of wastewater generated. Compliance with these regulations would ensure that the proposed project would not exceed the WPCP's wastewater treatment requirements. Accordingly, the proposed project would result in a *less-than-significant* impact, and no mitigation measures are required.

b) Would the project 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?

The WPCP is permitted to discharge 120 MGD dry weather effluent flow. Currently, the WPCP treats an average of 116.8 MGD and discharges 100 MGD effluent (dry weather peak) to the San Francisco Bay. Based on the average daily dry weather flows from sources in San José (approximately 69.8 MGD), the City currently has approximately 38.8 MGD of excess treatment capacity. On-site activities associated with the proposed improvements to the existing swimming pool, associated restroom, and irrigation system would generate an average of 23 gallons per day of effluent that would be directed to the WPCP for treatment.[122] As described above, the WPCP has approximately 38.8 MGD of excess treatment capacity; therefore, the WPCP has adequate capacity to accept wastewater produced by the proposed project. In addition, the proposed project would comply with existing wastewater treatment requirements of the San Francisco Bay RWQCB, and water conservation policies adopted by the City, such as those included in the Envision San José 2040 General Plan, the San José Green Vision, and the SJMC Chapter 15.11, which would serve to minimize the amount of wastewater generated. Compliance with these regulations would

[120] CalEEMod assumes 4.5-acre Urban City Park.

[121] City of San José, 2008, Assessment of Infrastructure for the Integrated Waste Management Zero Waste Strategic Plan Development.

[122] Chemistry of Wastewater, Table 14 Wastewater flow rates, http://www.eolss.net/eolsssamplechapters/c06/e6-13-04-05/E6-13-04-05-T14.htm, accessed on October 31, 2016. (day camp 49L) +(swimming pool 38L) = 87L per day

ensure that the proposed project would not exceed the design or permitted capacity of the WPCP that serves the project site. Accordingly, the proposed project would result in a *less-than-significant* impact, and no mitigation measures are required.

c) Would the project 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?

As discussed under criterion (e) in Section X, Hydrology and Water Quality, above, the proposed project would not require the expansion of existing storm drain facilities. The proposed project would add approximately 137,000 square feet of impervious surface, which would result in an increase in the amount of stormwater runoff as compared to existing conditions. However, much of the increase consists of paved paths and trails surrounded by open space, so runoff from these areas would infiltrate into adjacent soil and landscaping and therefore would not impact the capacity of the storm drain system. Assuming that bioretention is planned for the proposed project and would be sized to be 4 percent of the impervious surface area on the project site, a preliminary estimate is that approximately 5,500 square feet of surface area would be needed.

Once detailed engineering drawings have been drafted and submitted, under the City's standard review procedures the City of San José will review the project's planned connection to the City's storm drain system and will determine whether the storm drain can accept the additional runoff without exceeding the capacity of the storm drain system. In addition, the proposed project would comply with existing stormwater management policies adopted by the City such as Policy 6-29, the SJMC Chapter 15.10, and General Plan Policy IN-3.10, which requires compliance with the City's NPDES permit. Compliance with these regulations would ensure that the proposed project would not require the expansion of existing stormwater facilities or the construction of new facilities, the construction of which could otherwise have significant impacts. Accordingly, the proposed project would result in a *less-than-significant* impact, and no mitigation measures are required.

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

The proposed project would include improvements to the existing swimming pool, associated restroom, and irrigation system. In addition, the proposed project would be landscaped with water-conserving and recycled-water-tolerant trees, shrubs, grasses, and other groundcover in compliance with the State and City's Water Efficient Landscape Ordinances. The proposed project would require an estimated 16.63 acre-feet of water on an annual basis or 5.4 million gallons per year.[123,124,125] As described in the Envision San José 2040 General Plan EIR, the City of San José has adequate water supplies to satisfy demand through to the 2040 horizon year. In addition, the proposed project would be required to comply with

[123] The City of San José 2040 General Plan Water Supply Assessment assumes a water demand factor of 3.5 acre-feet per acre of irrigated park. [Irrigated park (3.5 acre-feet * 4.5 acres)] +[25x18yd swimming pool (.438 acre-feet)] +[Picnic toilet facilities (.438 acre-feet per year)] = 16.63 acre-feet per year.

[124] City of San José, 2010, Water Supply Assessment for Envision San José 2040 General Plan, page 5.

[125] United States Army Corps of Engineers, 1999, Design of Small Water Systems, Engineering Manual 1110-2-503, https://books.google.com/books?id=LiuSfNrXJJIC&printsec=frontcover&source=gbs_ge_summary_r&cad=0#v=onepage&q&f=false, accessed on October 31, 2016.

Envision San José 2040 General Plan Policies such as PR-6.5 to reduce water use, MS-3.2 to promote use of green building techniques that can help reduce the depletion of the City's potable water supply, as building codes permit, MS-18.4 to retrofit existing development to improve water efficiency where the proposed project plans to renovate existing buildings, and MS-19.4 to require the use of recycled water. Compliance with these regulations would ensure that the proposed project's water demand would not exceed the available water supply or require new or expanded entitlements. Accordingly, the proposed project result in a *less-than-significant* impact and no mitigation measures are required.

e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

As described above in criterion (a) the WPCP has the available capacity to treat the 23 gallons per day of effluent produced by the proposed project. In addition, the proposed project would comply with existing wastewater treatment requirements of the San Francisco RWQCB, and water conservation policies adopted by the City, such as those included in the Envision San José 2040 General Plan, the San José Green Vision, and Chapter 15.11 of the SJMC, which would serve to minimize the amount of wastewater generated. Compliance with these regulations would ensure that the proposed project would not exceed the design or permitted capacity of the WPCP and would not require new or expanded water treatment facilities. Accordingly, the proposed project would result in a *less-than-significant* impact, and no mitigation measures are required.

f) Would the project be served by a landfill with sufficient permitted capacity to accommodate the buildout of the project's solid waste disposal needs?

As described above, the City of San José currently generates 1.7 million tons of solid waste per year. All solid waste produced in the City of San José is processed by five landfills, nine recycling and transfer stations, five composting facilities, and eight processing facilities for construction and demolition debris. The five landfills have a total permitted capacity of 5.3 million tons per year. The proposed project would generate approximately 2 tons of waste per year and include on-site trash receptacles that would be emptied regularly by the City of San José maintenance crews. [126] The proposed project would be required to comply with the City's Zero Waste Resolution and Strategic Plan and the SJMC Chapter 9.10, which sets forth requirements for solid waste management. In addition, the proposed project would be require to comply with Envision San José 2040 General Plan Policies IN-5.3 related to integrating solid waste technology into new development, Policy MS-6.3 to reduce construction waste, and Policies MS-6.5, MS-6.8, and MS-6.12 which encourage and promote recycling, compost and reuse in the city. Compliance with these regulations would ensure that the proposed project not cause landfills or transfer stations to exceed permitted capacity. Accordingly, the proposed project would result in a *less-than-significant* impact, and no mitigation measures are required.

g) Comply with federal, State, and local statutes and regulations related to solid waste?

The San José City Council adopted a Zero Waste Resolution which set a goal of 75 percent waste diversion by 2013 and zero waste by 2022. In 2014, City diverted approximately 73 percent of the waste generated

[126] CalEEMod estimate, assumes 23.5-acre Urban City Park, http://www.caleemod.com/, accessed on October 31, 2016.

through a variety of programs, including residential curbside recycling and yard trimmings collection programs, civic recycling, and the CDDD program.[127,128] In addition, the City's Environmental Services Department prepared an Integrated Waste Management Zero Waste Strategic Plan in November 2008. The Zero Waste Strategic Plan supports several Green Vision Goals, but its primary focus is to identify the path to achieve zero waste. These programs would ensure that the proposed project would not compromise the ability to achieve or exceed the State mandated waste target. In addition, the project would be subject to the SJMC Chapter 9.10, which sets forth requirements for solid waste management. Compliance with applicable statutes and regulations would ensure that the impact would be *less than significant*, and no mitigation measures are required.

h) Result in a substantial increase in natural gas and electric service demands requiring new energy supply facilities and distribution infrastructure or capacity enhancing alterations to existing facilities?

The proposed project would include improvements to the existing swimming pool, associated restroom, and irrigation system. The proposed project would be served by existing PG&E distribution systems that would provide natural gas and electricity. The proposed project would require minimal electrical services and would not result in a substantial increase in natural gas and electricity requiring new energy supply facilities. In addition, the proposed project would comply with energy efficiency standards set forth by Title 24 of the California Administrative Code, CALGreen, action MS-2.11 of the Envision San José 2040 General Plan which requires reduced energy use through construction techniques and design, and City Council Policy 8-13 which made green building the standard practice in San José. Accordingly, impacts would be *less than significant*, and no mitigation measures are required.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Would implementation of the proposed Plan 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?	❒	■	❒	❒

[127] The CDDD is an incentive program to encourage the recovery of debris from construction and demolition projects. The City collects a deposit that is fully refundable with proper documentation that the debris was diverted from burial in a landfill. Additional information is available at: http://www.sjrecycles.org/construction-demolition/cddd.asp.

[128] City of San José, Using Diversion and Innovation to Become a Zero Waste City, https://www.sanjoseca.gov/DocumentCenter/View/2150, accessed on October 31, 2016.

ENVIRONMENTAL ANALYSIS

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
b) Would implementation of the proposed Plan 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)?	❒	❒	■	❒
c) Would implementation of the proposed Plan have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	❒	❒	■	❒

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 described in this Initial Study, no new construction or physical changes resulting from future projects under implementation of the proposed plan would significantly degrade the quality of the environment. The goals and guidelines included in the proposed Plan are such that they would minimize environmental impacts. In addition, compliance with VHP policies and other existing federal and State regulations for the protection of wildlife and habitat and the compliance with the mitigation measures as outlined in Section IV Biological Resources, will serve to reduce potential impacts resulting from implementation of the proposed plan. Overall, implementation of the proposed Plan's goals and guidelines and compliance with VHP policies and mitigation measures would ensure that impacts will be reduced to a *less-than-significant with mitigation incorporated*.

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)?

Future cumulative impacts would result in increased recreational opportunities throughout the proposed Master Plan area through completion of the proposed Plan and the Bay Trail. Overall, given that the proposed Plan would involve formalization of a small network of multi-use trails that promotes non-motorized passive recreation, the formalization of pedestrian walkways and trails throughout the plan area would cause only minor impacts when taken into consideration cumulatively.

During construction, slight increases in noise and impacts to air quality may occur, but would be minor and temporary in nature. Due to their minor, temporary nature, cumulative impacts would be considered *less than significant.*

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

The proposed Pan would not create environmental effects that would cause physical changes to property that would result in adverse effects on humans, either directly or indirectly. The increased recreational opportunities proposed by the proposed Plan would be considered a beneficial impact. Therefore, implementation of the proposed Plan would have a *less-than-significant* impact on human beings.

This page intentionally left blank.

5. Organizations and Persons Consulted

This Initial Study was prepared by the following consultants and individuals:

LEAD AGENCY

CITY OF SAN JOSÉ

Krinjal Mathur, Environmental Project Manager
Joseph Lovewell, Associate Environmental Services Specialist
Geoff Blair, Associate Engineer
Karen Mack, Traffic Program Manager

REPORT PREPARERS

LEAD CONSULTANT

PlaceWorks

- Steve Noack, Principal, Principal-in-Charge
- Alexis Mena, Associate, Project Manager
- Nicole Vermillion, Associate Principal, Air Quality & Greenhouse Gas Emissions Manager
- Cathy Fitzgerald, Senior Engineer
- Bob Mantey, Noise, Vibration & Acoustics Manger
- Fernando Sotelo, Senior Associate, Transportation Engineer
- Stuart Michener, Senior Geologist
- Steve Bush, Associate, Engineer
- Rob Mazur, Assistant GIS Manager
- Yiu Kam, Associate Visualizations Manager
- Alexis Whitaker, Scientist
- John Vang, Associate Planner
- Ashley James, Project Planner
- Grant Reddy, Graphics Design Specialist

ORGANIZATIONS AND PERSONS CONSULTED

SUBCONSULTANTS

H.T. Harvey & Associates

- Steve Rottenborn, Ph.D., Principal
- Kelly Hardwicke, Ph.D., Senior Plant/Wetland Ecologist
- Ginger Bolen, Ph.D., Project Manager
- Stephen Peterson, M.S., Wildlife Ecologist
- Maya Goklany, M.S., Plant Ecologist