

Initial Study/Negative Declaration

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**Incidental Homeless Shelter  
Municipal Code Amendments  
File No.: PP17-015**

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April 2017

# TABLE OF CONTENTS

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Section 1.0	Introduction and Purpose .....	1
Section 2.0	Project Information .....	2
Section 3.0	Project Description.....	3
Section 4.0	Environmental Checklist and Impact Discussion .....	6
4.1	Aesthetics.....	7
4.2	Agricultural and Forestry Resources .....	8
4.3	Air Quality .....	10
4.4	Biological Resources .....	12
4.5	Cultural Resources.....	14
4.6	Geology and Soils.....	16
4.7	Greenhouse Gas Emissions.....	18
4.8	Hazards and Hazardous Materials .....	19
4.9	Hydrology and Water Quality .....	21
4.10	Land Use and Planning .....	23
4.11	Mineral Resources .....	24
4.12	Noise and Vibration.....	25
4.13	Population and Housing.....	27
4.14	Public Services .....	28
4.15	Recreation .....	29
4.16	Transportation/Traffic.....	30
4.17	Utilities and Service Systems .....	32
4.18	Mandatory Findings of Significance .....	34
Section 5.0	References.....	37
Section 6.0	Lead Agency and Consultants.....	38

## **SECTION 1.0 INTRODUCTION AND PURPOSE**

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### **1.1 PURPOSE OF THE INITIAL STUDY**

The City of San José as the Lead Agency, has prepared this Initial Study for the proposed amendments to the Municipal Code in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 et. seq.) and the regulations and policies of the City of San José, California.

The purpose of this Initial Study is to evaluate the environmental impacts of the proposed amendments to Title 20 of the Municipal Code to create standards that could allow incidental shelter of homeless individuals and families in a safe place, by allowing the incidental shelter as an incidental permitted use, to an existing assembly use, where the shelter is provided inside existing building(s) that are constructed and operating in compliance with the San José Municipal Code. This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project.

### **1.2 CONSIDERATION OF THE INITIAL STUDY/NEGATIVE DECLARATION AND PROJECT**

The City Council will consider the adoption of this Initial Study/Negative Declaration for the project at a regularly scheduled meeting. The City Council shall consider the Initial Study/Negative Declaration together with any comments received at or prior to the public hearing. Upon adoption of the Initial Study/Negative Declaration, the City may proceed with project approval actions.

### **1.3 NOTICE OF DETERMINATION**

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

## **SECTION 2.0 PROJECT INFORMATION**

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### **2.1 PROJECT TITLE**

Incidental Homeless Shelter Municipal Code Amendments

### **2.2 LEAD AGENCY CONTACT**

Kieulan Pham, Environmental Project Manager  
City of San José  
Department of Planning, Building & Code Enforcement  
200 East Santa Clara Street  
San José, CA 95113  
Kieulan.Pham@sanjoseca.gov

### **2.3 PROJECT PROPONENT**

City of San José

### **2.4 PROJECT LOCATION**

Citywide

### **2.5 ASSESSOR'S PARCEL NUMBER**

Citywide

### **2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT**

Citywide

### **2.7 HABITAT PLAN DESIGNATION**

Not Applicable

### **2.8 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS**

City Council adoption of an ordinance amending San José Municipal Code Title 20

## **SECTION 3.0 PROJECT DESCRIPTION**

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### **3.1 BACKGROUND**

On December 8, 2015, the San José City Council adopted an interim ordinance on an urgency basis (Ordinance No. 29663) amending Section 20.80.1620 of Part 17 of Chapter 20.80 of Title 20 of the San José Municipal Code (the Temporary Shelter in Church Ordinance) and suspending Sections 20.80.1600 and 20.80.1610 until June 30, 2016. On June 28, 2016, the City Council extended the suspension of Sections 20.80.1600 and 20.80.1610 until June 30, 2017. The City Council amended Section 20.80.1620 to allow a religious facility use if it is a legal use to provide temporary shelter to homeless persons without obtaining a special use or conditional use permit subject to the existing limitations specified in Section 20.80.1620. An amendment to the urgency ordinance included:

- Religious facilities may be used as temporary shelter per location up to two times in any calendar year.
- The total amount of days for such temporary shelter may not exceed 90 days (increased from a maximum of 35 days) per location in any calendar year.
- Religious facilities may provide temporary overnight shelter to no more than 30 persons (increased from a maximum of 15 persons) per location in one 24 hour period.

### **3.2 PROPOSED PROJECT**

#### **3.2.1 Amendments to the Municipal Code**

The project proposes amendments to Title 20 of the San José Municipal Code (Zoning Code) to create standards that could allow incidental shelter of homeless individuals and families in a safe place, by allowing the incidental shelter as an incidental permitted use, to an existing assembly use, where the shelter is provided inside existing building(s) that are constructed and operating in compliance with the San José Municipal Code.

An incidental shelter use is a shelter use that is incidental to the primary assembly use on the site. The shelter use would be qualified as incidental if it occupies less than 50 percent of the usable square footage of the building(s) that are primarily used for assembly use on the parcel.

A primary assembly use includes, but is not limited to all religious assemblies, and other places where the public can assemble, such as gymnasiums, libraries, movie theaters, nightclubs, schools and community centers.

The proposed amendments would create a streamlined process that would allow an incidental shelter as a permitted incidental use in the Zoning Code, without the requirement of an approved Development Permit, provided the use could meet specific performance standards and other requirements. As a prerequisite, the proposed amendments would establish a requirement that the assembly use be a currently operating, and legally established assembly use under the Zoning Code (as amended). The proposed amendments would include the following performance standards (or substantially similar standards), and other measures, which would replace the provisions of the urgency ordinance described above in *Section 3.1 Background*:

- The maximum occupancy for the incidental shelter use shall be fifty (50) persons or as set forth by the City's Fire Code, whichever is more restrictive.
- The incidental shelter use shall not be located closer than a minimum distance of five hundred (500) feet from any parcel on which another incidental shelter use exists, where the distance between the parcels is measured from the nearest parcel line to the nearest parcel line.
- The incidental shelter use shall be allowed on a legal parcel with an area of at least three thousand square feet, and on a site that has a street frontage and is publicly accessible.
- The parcel containing the incidental shelter use must comply with the City Council Policy Number 4-3 on Outdoor Lighting for Private Developments.
- The portion of an assembly building containing an incidental shelter use shall not be located at a distance closer than a minimum of one hundred and fifty (150) feet from a building used for residential use, measured from the nearest building wall containing the incidental shelter use to the nearest parcel line of a parcel containing a residential use.
- The parcel containing the incidental shelter use must be located within the City's Urban Service Area.
- Premises must be inspected for occupancy compliance with the Fire Code.
- Any development permit requirement associated with interior or exterior modifications for the building containing the incidental shelter, shall not be waived.
- Incidental shelter uses must be registered with the Housing Department.
- All activities associated with the incidental shelter use shall operate in a manner that is in conformance with all state and local laws.
- Quiet hours will be maintained between 10:00 p.m. and 7:00 a.m., seven days a week, 365 days a year. Quiet hours would not preclude outdoor activities, such as smoking in designated outdoor areas or exiting the premises.
- The premises containing the incidental shelter use, including public access and parking, must be maintained in a clean and safe condition, and in compliance with the service management plan.

A use-type of Development Permit as defined in the Zoning Code, such as a Conditional or Special Use Permit, to allow the use conditionally on a case-by-case basis subject to specific findings in the Zoning Code, would be required if the assembly use or (incidental shelter use) cannot meet the criteria and performance standards that would allow the use by-right as a Permitted use. The use permit requirement is specifically for the primary assembly use (religious and non-religious), and thereby cannot conditionally approve the incidental shelter as a primary use.

### **3.2.2 Registration with Housing Department**

As described above, the project scope includes a proposed registration process with the City's Housing Department. To facilitate the registration process, the Housing Department would develop guidelines for the operation of an incidental shelter use, materials required to complete the registration process, and relevant information for incidental shelter operators such as any operational issues that should be considered. In addition, the registration process may require submittals such as contact information, a service management plan, an emergency disaster plan, an evacuation plan, and a fire watch log.

The Housing Department would develop a checklist, or template, to assist incidental shelter operators to assess the facility's conformance to applicable Municipal Code regulations, and the Housing Department's registration process. Upon receipt of a registration packet, the Housing Department will arrange for an inspection of the assembly use to determine the maximum occupancy capacity (i.e., maximum number of persons) of the proposed incidental shelter.

### **3.3 DIRECT AND REASONABLY FORESEEABLE INDIRECT ENVIRONMENTAL CHANGES**

The proposed project involves a set of changes to existing regulations. The physical environmental changes that would result from the proposed project will be indirect, in that existing assembly uses will be allowed to operate differently than currently by sheltering a maximum of 50 persons or as set forth by the City's Fire Code, whichever is more restrictive. These indirect effects will be realized as changes to the operations of existing assembly uses, as discussed below. Given there are no direct physical changes to evaluate concerning specific sites and facility operations, and that the environmental impacts resulting from the proposed ordinance will be indirect in nature, the analysis in this Initial Study necessarily must rely on reasonable assumptions or predictions about the manner in which the assembly uses will adjust their operations in response to the proposed altered regulations.

As described previously, the proposed ordinance would allow additional activity at existing facilities, likely during times when the primary assembly use at the facility does not currently occur. For example, an assembly use that currently operates during daytime hours but is closed at night could instead remain open at night to be used as an incidental shelter for no more than 50 persons or as set forth by the City's Fire Code, whichever is more restrictive. As a result, the potential environmental impacts of the project would be primarily operational in nature, resulting from additional use of existing facilities and additional transport of persons to and from existing facilities via vehicle trips, public transportation, and the use of pedestrian and bicycle facilities. Most existing assembly uses have permitted occupancies well in excess of 50 persons, and so the incidental shelter would reflect a less intense use of the site than current primary assembly use of the property. They may be assembly uses currently in operation with maximum occupancies less than 50 persons, and in those cases, it is anticipated the facility would not likely be capable under the City's Fire Code of *sheltering* more persons than the Fire Code would allow for the primary *assembly* use, but in the rare case that the Fire Code would allow a larger shelter population than the current assembly use occupancy, in no case would the shelter population exceed 50. So, it is expected that in almost all cases, the incidental shelter population will reflect a less intense use of the site, and in the rare instance the shelter does result in a larger occupancy than the assembly use, the increase would be relatively small since capped at 50 or the City's Fire Code, whichever more restrictive.

## SECTION 4.0 ENVIRONMENTAL CHECKLIST AND IMPACT DISCUSSION

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

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

The discussion for each environmental subject includes the following subsections:

- **Environmental Checklist** – The environmental checklist, as recommended by CEQA, identifies environmental impacts that could occur if the proposed project is implemented. The right-hand column of the checklist lists the source(s) for the answer to each question. The sources are identified at the end of this section.
- **Impact Discussion** – This subsection discusses the project’s impact as it relates to the environmental checklist questions. For significant impacts, feasible mitigation measures are identified. “Mitigation measures” are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370). Each impact is numbered using an alphanumeric system that identifies the environmental issue. For example, **Impact HAZ-1** denotes the first potentially significant impact discussed in the Hazards and Hazardous Materials section. Mitigation measures are also numbered to correspond to the impact they address. For example, **MM NOI-2.3** refers to the third mitigation measure for the second impact in the Noise section.



## 4.1 AESTHETICS

### 4.1.1 Environmental Checklist

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

### 4.1.2 Impact Discussion

**a)-d) Have a substantial adverse effect on a scenic vista? Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? Substantially degrade the existing visual character or quality of the site and its surroundings? Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?**

As discussed in *Section 3.0 Project Description*, the proposed Municipal Code amendments do not involve any direct physical changes to the environment. Rather, the project would allow existing assembly use facilities to be utilized as incidental shelters. No new buildings would be constructed as a result of the project, and any physical modifications proposed by individual assembly use facilities to accommodate the use of the facility as an incidental shelter would be subject to relevant development permit requirements and project-level, site-specific environmental review pursuant to CEQA, if applicable. During the environmental review process, the potential for the proposed physical modifications to result in significant aesthetics impacts would be evaluated and mitigation measures would be identified, as necessary. The project, therefore, would not have a substantial adverse effect on a scenic vista, substantially damage scenic resources, or substantially degrade the existing visual character or quality of the site and its surroundings.

Although the project may result in additional activity at existing facilities during nighttime hours, parcels containing incidental shelter uses would be required to comply with City Council Policy Number 4-3 on Outdoor Lighting for Private Developments. The project, therefore, would not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area. **(No Impact)**

## 4.2 AGRICULTURAL AND FORESTRY RESOURCES

### 4.2.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3
d) Result in a loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3

### 4.2.2 Impact Discussion

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

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

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

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

**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 discussed in *Section 3.0 Project Description*, the proposed Municipal Code amendments do not involve any direct physical changes to the environment. Rather, the project would allow existing assembly use facilities to be utilized as incidental shelters. The use of existing facilities for incidental shelters would not result in significant impacts to agricultural and forestry resources. **(No Impact)**

### 4.3 AIR QUALITY

#### 4.3.1 Environmental Checklist

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

#### 4.3.2 Impact Discussion

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

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

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

**Expose sensitive receptors to substantial pollutant concentrations?**

**Create objectionable odors affecting a substantial number of people?**

The project would allow existing assembly use facilities to be utilized as incidental shelters. No new construction or substantial alteration of existing facilities is expected, therefore the proposed ordinance is not expected to result in substantial construction emissions. The existing facilities generate emissions of pollutants through current operations, primarily through vehicle trips to and from the facilities for assembly events. Given the nature and limited scale of incidental use of shelters by homeless persons, a substantial increase in vehicle trips to and from these existing facilities is not anticipated to result from the project. Persons utilizing the shelters are likely to be

traveling from the immediate surrounding area, and vehicle trips are unlikely to be the primary mode of transport. As a result, the project would not result in a substantial increase in the emissions of pollutants. The project, therefore, would not conflict with or obstruct implementation of the applicable air quality plan, violate any air quality standard or contribute substantially to an existing or projected air quality violation, result in a cumulatively considerable net increase of any criteria pollutant, or expose sensitive receptors to substantial pollutant concentrations.

The project would allow additional indoor assembly of persons at existing assembly use, and outdoor smoking in designated setback areas screened from neighboring residential parcels to minimize odor impacts, and which would not generate objectionable odors affecting a substantial number of people.  
**(Less Than Significant Impact)**

#### 4.4 BIOLOGICAL RESOURCES

##### 4.4.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3

##### 4.4.2 Impact Discussion

**a)-d) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS?**

**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?**

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

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

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

**Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?**

As discussed in *Section 3.0 Project Description*, the proposed Municipal Code amendments do not involve any direct physical changes to the environment. Rather, the project would allow existing assembly use facilities to be utilized as incidental shelters. The use of existing facilities for incidental shelters would not result in significant impacts to biological resources. Many homeless now living near creeks could be sheltered as a result of the ordinance, thereby reducing the amount of human habitation occurring near area creeks, which can disrupt use of those areas by wildlife. **(No Impact)**

## 4.5 CULTURAL RESOURCES

### 4.5.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3
b) Cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3
c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3
e) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:					
<i>Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3
<i>A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying this criteria, the significance of the resource to a California Native American tribe shall be considered.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3

### 4.5.2 Impact Discussion

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

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



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

**Disturb any human remains, including those interred outside of formal cemeteries?**

**Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying this criteria, the significance of the resource to a California Native American tribe shall be considered.**

As discussed in *Section 3.0 Project Description*, the proposed Municipal Code amendments do not involve any direct physical changes to the environment. Rather, the project would allow existing assembly use facilities to be utilized as incidental shelters. While it is not known whether any historical buildings would be used as incidental shelters, any physical modifications proposed by individual assembly use facilities to accommodate the use of the facility as an incidental shelter would be subject to relevant development permit requirements and project-level, site-specific environmental review pursuant to CEQA, if applicable. During the environmental review process, the potential for the proposed development to result in significant cultural resources impacts would be evaluated and mitigation measures would be identified, as necessary. The project, therefore, would not cause a substantial adverse change in the significance of an historical resource. Additionally, because no ground-disturbing activities would occur as a result of the proposed amendments, the project would not cause a substantial adverse change in the significance of an archaeological or tribal resource, directly or indirectly destroy a unique paleontological resource or unique geologic feature, or disturb any human remains. **(No Impact)**

## 4.6 GEOLOGY AND SOILS

### 4.6.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
1. Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3
2. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3
3. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3
4. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3
c) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3
d) Be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3

### 4.6.2 Impact Discussion

**a)-e) 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, ii) strong seismic ground shaking, iii) seismic-related ground failure, or iv) landslides?**

**Result in substantial soil erosion or the loss of topsoil?**

**Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?**

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

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

As discussed in *Section 3.0 Project Description*, the proposed Municipal Code amendments do not involve any direct physical changes to the environment. Rather, the project would allow existing assembly use facilities to be utilized as incidental shelters. No new buildings would be constructed as a result of the project, nor substantial modification of existing sites and structures. The project, therefore, would not result in significant geology and soils impacts. **(No Impact)**

## 4.7 GREENHOUSE GAS EMISSIONS

### 4.7.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3

### 4.7.2 Impact Discussion

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

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

The project would allow existing assembly use facilities to be utilized as incidental shelters. The existing facilities generate greenhouse gas (GHG) emissions through current operations such as the burning of natural gas for heating and the burning of gasoline in vehicles traveling to and from assembly events. Additional indirect emissions occur as a result of the generation of electricity used at the facilities. Given the nature of incidental use of shelters by homeless persons, a substantial increase in vehicle trips to and from these existing facilities is not anticipated to result from the project. Persons utilizing the shelters are likely to be traveling from the immediate surrounding area, and vehicle trips are unlikely to be the primary mode of transport. Additionally, although the use of existing facilities for incidental shelters may result in increased use of natural gas and electricity when the facilities operate during hours when they are currently not being used, the increased GHG emissions resulting from this periodic additional activity would not be substantial. The project, therefore, would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment.

The City's Municipal Code includes regulations, such as the Green Building Ordinance, that would reduce GHG emissions from future development. The City of San José has also adopted localized policies to regulate GHG emissions. The Envision 2040 General Plan includes strategies, policies, and action items that are incorporated in the City's GHG Reduction Strategy to help reduce GHG emissions to meet goals established by the State of California. The GHG Reduction Strategy identifies GHG reduction measures to be implemented by development projects in three categories: built environment and energy, land use and transportation, and recycling and waste reduction. The proposed project would not result in new development nor a substantial intensification of existing developed sites and, therefore, would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. **(Less Than Significant Impact)**

## 4.8 HAZARDS AND HAZARDOUS MATERIALS

### 4.8.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3
f) For a project within the vicinity of a private airstrip, will the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3

#### 4.8.2 Impact Discussion

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

**Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

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

As discussed in *Section 3.0 Project Description*, the proposed Municipal Code amendments do not involve any direct physical changes to the environment. Rather, the project would allow existing assembly use facilities to be utilized as incidental shelters. Numerous laws and regulations are in place at the Federal, State, and local levels to ensure the safe handling, transport, use, storage, and disposal of hazardous materials. All existing assembly use facilities are, and would continue to be, required to comply with all applicable Federal, State, and local hazardous material laws and regulations. The incidental operation of these existing facilities as a shelter would not involve the routine transport, use, or disposal of hazardous materials. **(No Impact)**

d)-h) **Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?**

**For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project result in a safety hazard for people residing or working in the project area?**

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

**Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?**

**Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?**

Some existing assembly use facilities may be located on sites included on a list of hazardous materials sites, within an airport land use plan, within two miles of a public airport, within the vicinity of a private airstrip, or in areas where there is a risk of wildfires. Since these facilities currently function as assembly uses where groups of people gather, additional assembly activity in the form of incidental shelters would not create new significant hazards. Additionally, the use of existing facilities for incidental shelters would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. As noted in *Section 3.0 Project Description*, the registration process may require submittals such as contact information, a service management plan, an emergency disaster plan, an evacuation plan, and a fire watch log. **(Less Than Significant Impact)**

## 4.9 HYDROLOGY AND WATER QUALITY

### 4.9.1 Environmental Checklist

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

#### 4.9.2 Impact Discussion

a) **Violate any water quality standards or waste discharge requirements?**

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

**Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which will result in substantial erosion or siltation on-or off-site?**

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

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

**Otherwise substantially degrade water quality?**

**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?**

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

**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?**

**Result in inundation by seiche, tsunami, or mudflow?**

As discussed in *Section 3.0 Project Description*, the proposed Municipal Code amendments do not involve any direct physical changes to the environment. Rather, the project would allow existing assembly use facilities to be utilized as incidental shelters. No permanent housing would be constructed in a 100-year flood hazard area. The registration process may require submittals such as contact information, a service management plan, an emergency disaster plan, an evacuation plan in the event a site providing an incidental shelter under the ordinance experiences flooding. No new buildings would be constructed as a result of the project, nor would any ground-disturbing activities occur. The project, therefore, would not result in significant hydrology and water quality impacts.

**(No Impact)**



**4.10 LAND USE AND PLANNING**

**4.10.1 Environmental Checklist**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
<b>Would the project:</b>					
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3

**4.10.2 Impact Discussion**

**a)-c) Physically divide an established community?**

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

**Conflict with any applicable habitat conservation plan or natural community conservation plan?**

As discussed in *Section 3.0 Project Description*, the proposed Municipal Code amendments do not involve any direct physical changes to the environment. Rather, the project would allow existing assembly use facilities to be utilized as incidental shelters. Since these facilities currently function as assembly uses where groups of people gather, additional assembly activity in the form of incidental shelters would introduce an additional nighttime population of not more than 50 or as set by Fire Code, and not physically divide an established community, conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect, or conflict with any applicable habitat conservation plan or natural community conservation plan. **(No Impact)**

**4.11 MINERAL RESOURCES**

**4.11.1 Environmental Checklist**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3

**4.11.2 Impact Discussion**

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

**Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?**

As discussed in *Section 3.0 Project Description*, the proposed Municipal Code amendments do not involve any direct physical changes to the environment. Rather, the project would allow existing assembly use facilities to be utilized as incidental shelters. The project, therefore, would not result in impacts to mineral resources. **(No Impact)**

**4.12 NOISE AND VIBRATION**

**4.12.1 Environmental Checklist**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project result in:					
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
f) For a project within the vicinity of a private airstrip, will the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3

**4.12.2 Impact Discussion**

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

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

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

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

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

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

As discussed in *Section 3.0 Project Description*, the proposed Municipal Code amendments do not involve any direct physical changes to the environment. Rather, the project would allow existing assembly use facilities, some of which may be located within an airport land use plan or in the vicinity of public and private airports/airstrips, to be utilized as incidental shelters. Noise generated by the project would occur in the form of increased activity at these existing facilities, including during nighttime hours when there may currently be little to no activity at these locations. Because the shelters would be located indoors, noise-generating activities would mainly be limited to vehicles traveling to and from the facilities, persons entering and exiting the premises, and people smoking outdoors in designated setback areas screened from neighboring residential parcels. Facilities would be required to maintain quiet hours between 10:00 p.m. and 7:00 a.m. to reduce potential noise impacts to surrounding uses. Also, given the nature and limited scope of incidental use of shelters by homeless persons (i.e. not more than 50 or as set by Fire Code, whichever less), a substantial increase in vehicle trips to and from these existing facilities, and associated noise generation, is not anticipated to result from the project. The project, therefore, would not expose persons to excessive noise or vibration levels, nor would it result in substantial increases in ambient noise levels in the project vicinity. **(Less Than Significant Impact)**

## 4.13 POPULATION AND HOUSING

### 4.13.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3

### 4.13.2 Impact Discussion

- a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?**

As discussed in *Section 3.0 Project Description*, the proposed Municipal Code amendments do not involve any direct physical changes to the environment. Rather, the project would allow existing assembly use facilities to be utilized as incidental shelters. Because the shelters would be incidental (i.e., not for permanent residence) to an existing assembly use, the project would not induce substantial population growth. **(Less Than Significant Impact)**

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

**Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?**

The use of existing facilities as incidental shelters would not displace substantial numbers of existing housing or people. The project, therefore, would not result in significant impacts to population and housing. **(No Impact)**

#### 4.14 PUBLIC SERVICES

##### 4.14.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project					
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
- Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
- Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
- Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
- Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
- Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3

##### 4.14.2 Impact Discussion

- a) **Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for public services?**

As discussed in *Section 3.0 Project Description*, the proposed Municipal Code amendments do not involve any direct physical changes to the environment. Rather, the project would allow existing assembly use facilities to be utilized as incidental shelters. The amendments would require that all premises be inspected for occupancy compliance with the Fire Code, and all activities associated with the incidental shelter use operate in a manner that is in conformance with all state and local laws. Since these facilities currently function as assembly uses where groups of people gather, additional assembly activity in the form of incidental shelters would not create substantial new demand for fire and police protection such that new or physically altered government facilities would be necessary. Because the shelters would be incidental (i.e., not for permanent residence), no student generation resulting in impacts to nearby schools would occur as a result of the project. While parks located in the vicinity of incidental shelters may experience an increase in visitation from persons utilizing the shelters, occupancy in any single shelter is limited to a maximum of 50 persons, limiting impacts to nearby parks to a level where no new facilities would be required to accommodate the potential increase in use. For these reasons, the project would not result in significant impacts to public services. **(Less Than Significant Impact)**

**4.15 RECREATION**

**4.15.1 Environmental Checklist**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3

**4.15.2 Impact Discussion**

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

While recreational facilities located in the vicinity of incidental shelters may experience an increase in visitation from persons utilizing the shelters, occupancy in any single shelter is limited to a maximum of 50 persons, limiting impacts to nearby recreational facilities to a level where substantial physical deterioration would not occur or be accelerated. **(Less Than Significant Impact)**

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

The project would not include recreational facilities or require the construction or expansion of recreational facilities. **(No Impact)**

**4.16 TRANSPORTATION/TRAFFIC**

**4.16.1 Environmental Checklist**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3

**4.16.2 Impact Discussion**

**a), b), f) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?**

**Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?**



**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 *Section 3.0 Project Description*, the proposed Municipal Code amendments do not involve any direct physical changes to the environment. Rather, the project would allow existing assembly use facilities to be utilized as incidental shelters. By increasing activity at these existing facilities, the project would result in additional transport of persons to and from the existing facilities via vehicle trips, public transportation, and the use of pedestrian and bicycle facilities. Given the nature of incidental use of shelters by homeless persons, a substantial increase in vehicle trips to and from these existing facilities is not anticipated to result from the project. Persons utilizing the shelters are unlikely to use vehicles as their primary mode of transport, and of the vehicle trips that do occur, most would not occur during peak traffic hours (i.e. commute periods) due to the nature of incidental shelter use. Impacts to roadways and intersections would, therefore, be limited and not considered significant. While the use of public transport and pedestrian and bicycle facilities may increase as a result of the project, occupancy in any single shelter is limited to a maximum of 50 persons or as set by Fire Code, whichever is less, limiting impacts to nearby facilities to less than significant levels. **(Less Than Significant Impact)**

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

The project would not result in a change in air traffic patterns. **(No Impact)**

**d)-e) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)? Result in inadequate emergency access?**

The project would allow the use of existing assembly use facilities as incidental shelters. No new development would occur that may increase hazards due to a design feature. Additionally, the facilities are, and would continue to be, required to comply with all requirements pertaining to emergency access. **(No Impact)**

## 4.17 UTILITIES AND SERVICE SYSTEMS

### 4.17.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3

### 4.17.2 Impact Discussion

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

**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?**

**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?**

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

**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?**

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

As discussed in *Section 3.0 Project Description*, the proposed Municipal Code amendments do not involve any direct physical changes to the environment. Rather, the project would allow existing assembly use facilities to be utilized as incidental shelters, resulting in additional activity at existing facilities, likely during times when the primary assembly use at the facility does not currently occur. It is anticipated that less than significant increases in demands on infrastructure and City services would result from incidental shelter uses. This additional activity would lead to an incremental increase in the use of utilities (electricity, natural gas, water, sanitary sewer, solid waste collection, etc.) in these existing facilities. As described previously, shelter uses would be incidental (i.e., not for permanent residence), and occupancy in any single shelter is limited to a maximum of 50 persons. The incremental increase in the use of utilities at existing facilities due to periodic increases in activity would not exceed the capacity of the existing utility infrastructure serving the City. The project, therefore, would not result in significant utilities and service systems impacts. **(Less Than Significant Impact)**

**4.18 MANDATORY FINDINGS OF SIGNIFICANCE**

**4.18.1 Environmental Checklist**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3

**4.18.2 Impact Discussion**

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

As discussed in *Section 3.0 Project Description*, the proposed Municipal Code amendments do not involve any direct physical changes to the environment. Rather, the project would allow existing assembly use facilities to be utilized as incidental shelters, resulting in additional activity at existing facilities. As discussed in the individual sections of the Initial Study, the project would not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. **(Less Than Significant Impact)**

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

Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects “that are individually limited, but cumulatively considerable.” As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means “that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.”

The project would not impact agricultural, forestry, biological, cultural, or mineral resources, nor would it impact aesthetics, geology and soils, hazards and hazardous materials, hydrology and water quality, or land use. Therefore, the project would not contribute to cumulative impacts in those areas.

The project would result in less than significant impacts in the areas of air quality, noise, population and housing, public services, recreation, transportation, and utilities and service systems. As described previously, the project would allow additional activity at existing facilities that are located throughout the City, with the restriction that an incidental shelter use shall not be located closer than a minimum distance of 500 feet from any parcel on which another incidental shelter use exists. As a result, impacts would be dispersed over a large geographic area and would not be concentrated in any one location. The incremental increase in activity at existing operating facilities spread over a large geographic area would not result in, or make a considerable contribution to, significant cumulative impacts. **(Less Than Significant Impact)**

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

Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include air pollutants, geological hazards, hazardous materials, and noise and vibration. As described in Sections 4.1 through 4.17 of this Initial Study, the project would not have environmental effects which would result in significant direct or indirect adverse effects on human beings. **(Less Than Significant Impact)**

## Checklist Sources

1. Professional judgment and expertise of the environmental specialist preparing this assessment.
2. City of San José. *Envision San Jose 2040 General Plan*. November 2011.
3. City of San José. *Municipal Code Title 20, Zoning Ordinance*.

## **SECTION 5.0      REFERENCES**

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City of San José. *Envision San Jose 2040 General Plan*. November 2011.

City of San José. *Municipal Code Title 20, Zoning Ordinance*.

## **SECTION 6.0 LEAD AGENCY AND CONSULTANTS**

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### **6.1 LEAD AGENCY**

#### **City of San José**

Department of Planning, Building, and Code Enforcement  
Harry Freitas, Director

#### *Environmental Review*

David Keyon, Supervising Environmental Planner  
Kieulan Pham, Environmental Project Manager

#### *Citywide Planning - Ordinance*

Jenny Nusbaum, Supervising Planner  
Aparna Ankola, Planning Project Manager

### **6.2 CONSULTANTS**

#### **David J. Powers & Associates, Inc.**

Environmental Consultants and Planners  
Akoni Danielsen, Principal Project Manager  
Michael Lisenbee, Project Manager