



*Department of Planning, Building, and Code Enforcement*  
HARRY FREITAS, DIRECTOR

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## **DRAFT MITIGATED NEGATIVE DECLARATION**

**Araujo Street Subdivision**

**Planned Development Rezoning, Planned Development Permit,  
and Tentative Map Permit  
(PDC14-058, PD14-047, PT14-047)**

**City File No. PDC14-058**





## **DRAFT 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:** Araujo Street Subdivision

**PROJECT FILE NUMBER:** PDC14-058, PD14-047, and PT14-047

**PROJECT DESCRIPTION:** Planned Development Rezoning, Planned Development Permit, and Tentative Map Permit to rezone a 0.61 acre site from the A Agricultural Zoning District to RM (PD) Zoning District located on Araujo Street to allow for the construction of nine single-family detached residences.

**PROJECT LOCATION & ASSESSORS PARCEL NO.:** 0 Araujo Street; Assessors Parcel Number: 241-02-042

**COUNCIL DISTRICT:** 4

### **APPLICANT CONTACT INFORMATION:**

Mack Mohsen, President  
Degan Homes Inc.  
2959 S. Winchester Blvd, Suite 200A  
Campbell, CA. 95008

### **FINDING**

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft

Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

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

- I. AESTHETICS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- II. AGRICULTURE RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- III. AIR QUALITY** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- IV. BIOLOGICAL RESOURCES** – The project would result in the removal of one mature eucalyptus tree on the site that is suitable for raptor nesting. Mitigation is identified below to reduce this potential impact to a less-than-significant level.

**Mitigation**

**BIO-1.** If possible, initiation of site clearing and construction should be scheduled between October and December (inclusive) to avoid the raptor nesting season. If this is not possible, a pre-construction survey for nesting raptors shall be conducted by a qualified ornithologist to identify active raptor nests that may be disturbed during project implementation. Between January and April (inclusive) a pre-construction survey shall be conducted no more than 14 days prior to the initiation of construction activities or tree relocation or removal. Between May and August (inclusive), a pre-construction survey shall be conducted no more than thirty (30) days prior to the initiation of these activities. The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area for raptor nests. If an active raptor nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist, shall, in consultation with the State of California, Department of Fish and Wildlife, designate a construction-free buffer zone (typically 250 feet) around the nest. The applicant shall submit a report to the City's Environmental Principal Planner indicating the results of the survey and any designated buffer zones to the satisfaction of the City prior to the issuance of any grading or building permit.

- V. CULTURAL RESOURCES** – Due to the proximity of a recorded prehistoric site, archaeological monitoring shall be carried out for during earthmoving activities for the proposed project as identified in the following mitigation measure:

**Mitigation**

- CR-1.** Earth-moving activities associated with the project shall be monitored by a qualified archaeologist. Should evidence of prehistoric cultural resources be discovered during construction, work within 50 feet of the find shall be stopped to allow adequate time for evaluation and mitigation by a qualified professional archaeologist. The material shall be evaluated and if significant, a mitigation program including collection and analysis of the materials at a recognized storage facility shall be developed and implemented under the direction of the City's Environmental Principal Planner.

As required by County ordinance, this project has incorporated the following guidelines. Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

- VI. GEOLOGY AND SOILS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- VII. HAZARDS AND HAZARDOUS MATERIALS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- VIII. HYDROLOGY AND WATER QUALITY** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- IX. LAND USE AND PLANNING** – The project will not have a significant impact on this resource, therefore no mitigation is required.

- X. MINERAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XI. NOISE** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XII. POPULATION AND HOUSING** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XIII. PUBLIC SERVICES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XIV. RECREATION** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XV. TRANSPORTATION / TRAFFIC** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XVI. UTILITIES AND SERVICE SYSTEMS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XVII. 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 additional mitigation is required.

#### **PUBLIC REVIEW PERIOD**

Before 5:00 p.m. on January 13<sup>th</sup> 2016 **Ending Date**, any person may:

1. Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or
2. Submit written comments regarding the information, analysis, and mitigation measures 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.

Harry Freitas, Director  
Planning, Building and Code Enforcement

Circulated on: December 21, 2015

Meenaxi R. P.  
Deputy

Adopted on: \_\_\_\_\_

\_\_\_\_\_  
Deputy

**Circulation Period:** 12.21.15 to 01.13.16

## **INITIAL STUDY**

### **Araujo Street Subdivision**

**Planned Development Rezoning, Planned Development Permit,  
and Tentative Map Permit  
(PDC14-058, PD14-047, PT14-047)**

**City File No. PDC14-058**



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**SECTION I**

**INTRODUCTION AND PURPOSE**

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

The City of San José is the Lead Agency under CEQA and has prepared this initial study to evaluate the environmental impacts that might reasonably be anticipated to result from the proposed project (see project description).

Refer to the contacts listed below in Section II, for any additional comments or questions.



**SECTION II**

**LEAD AGENCY CONTACTS**

City of San José, Planning, Building and Code Enforcement, Planning Division  
200 East Santa Clara Street, Tower 3  
San José, CA 95113

**Environmental Review Team**

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**Development Review Team**

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John Tu, Planner II  
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Email: [john.tu@sanjoseca.gov](mailto:john.tu@sanjoseca.gov)

**OTHER PUBLIC AGENCIES WHOSE APPROVAL IS REQUIRED (“Responsible Agency”):**

None

**PROJECT APPLICANT’S NAME AND ADDRESS:**

Mack Mohsen, President  
Degan Homes Inc.  
2959 S. Winchester Blvd, Suite 200A  
Campbell, CA. 95008

**SECTION III****PROJECT INFORMATION**

**PROJECT TITLE, PERMIT TYPE AND FILE NO.:** Araujo Street Subdivision; Planned Development Rezoning, Planned Development Permit, and Tentative Map Permit (PDC14-058, PD14-047, PT14-047); City File No. PDC14-058

**GENERAL PLAN DESIGNATION:** RN (Residential Neighborhood). This designation is applied broadly throughout the City to encompass most of the established, single-family residential neighborhoods, including both the suburban and traditional residential neighborhood areas which comprise the majority of its developed land. The intent of this designation is to preserve the existing character of these neighborhoods and to strictly limit 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. Existing development within this designation will typically have a density of approximately eight dwelling units per acre (DU/AC), but in some cases this designation may be applied to areas already developed at slightly higher or slightly lower densities. An alternative density may be appropriate if it would result in an infill development that matches existing development along the same street from which the new houses take direct access.

For any new project to exceed 8 eight DU/AC, it is necessary that: (1) other policies in the General Plan are met, (2) applicable design guidelines are met, and (3) development does not exceed 16 DU/AC.

**ZONING:** Existing: A (Agricultural District). The purpose of the Agricultural District is to provide for areas where agricultural uses are desirable. The regulations contained in this district are intended to provide for a wide range of agricultural uses as well as implementing the goals and policies of the General Plan.

Proposed: R-M (PD) Multiple Residence Planned Development Zoning District. The purpose of the multiple residence district is to reserve land for the construction, use, and occupancy of higher density residential development. A planned development permit is a use permit as well as a permit which addresses aesthetic and functional aspects of development.

**PLANNING AREA:** Berryessa Planning Area

**CITY COUNCIL POLICY AREA:** City Council District 4

**HABITAT CONSERVATION PLAN DESIGNATIONS:** Land Cover Type: Golf Course/Urban Park; Development Zone: Urban Development; Fee Zone: Fee Zone B (Agricultural and Valley Floor Lands); Owl Conservation Zone: NA; Other Applicable: NA.

**PROJECT DESCRIPTION:** The proposed project includes Planned Development Rezoning, Planned Development Permit, and Tentative Map Permit to rezone a 0.61-acre site located on Araujo Street from A

Agricultural Zoning District to RM (PD) Multiple Residence Planned Development Zoning District to allow nine single-family detached residences. The RM (PD) Planned Development zoning designation is consistent with the site’s General Plan designation of RN (Residential Neighborhood).

The Applicant has prepared a Vesting Tentative map that identifies nine lots ranging in size from 1,305 to 2,612 square feet. A 9,331 square foot lot on the south central portion of the site is identified as easement and includes public service easement and private storm drain easement. Access to the project site is identified via a single driveway from Araujo Street (Miraflores Common). Proposed buildings include nine single-family detached residences at an overall density of 14.7 DU/AC. Utility sources are identified as San José Water, City of San José sanitary sewer and storm drain, and Pacific Gas and Electric electrical and gas. The project proposes to connect to the City’s existing storm drainage system, water and sanitary sewer along Araujo Street.

Conceptual site plans include three floor plans for the residences. The development would be separated from the golf course to the south, and the adjacent residences would be separated from each other by six-foot high wooden fences. A common area with planters, a wood gazebo and guest parking would be centered along the southern portion of the site.

The project site is vacant of structures, and is mostly barren with the exception of patches of weeds throughout and a large eucalyptus tree in the interior corner. Site preparation would include removal of the eucalyptus tree and minor grading (as the site is relatively flat).

Project construction is anticipated in a single phase. As development plans are still in the preliminary stages, details regarding construction dates/duration and equipment is not available. Beyond the necessary utility hookups and access connection to Araujo Street, no off-site improvements are needed.

**PROJECT LOCATION:** The site is located on 0 Araujo Street in San José California between Townsend Park Circle and Sierra Road; Assessor Parcel Number: 241-02-042; City Council district number: Zone 4.

**SURROUNDING LAND USES/GENERAL PLAN/ZONING:**

	Land Use	General Plan Designation	Zoning
North	Residential Neighborhood	RN (Residential Neighborhood)	A(PD)
South	San Jose Municipal Golf Course	OSPH (Open Space, Parklands and Habitat)	A
East	Residential Neighborhood	RN (Residential Neighborhood)	A(PD)
West	Residential Neighborhood	RN (Residential Neighborhood)	A(PD)

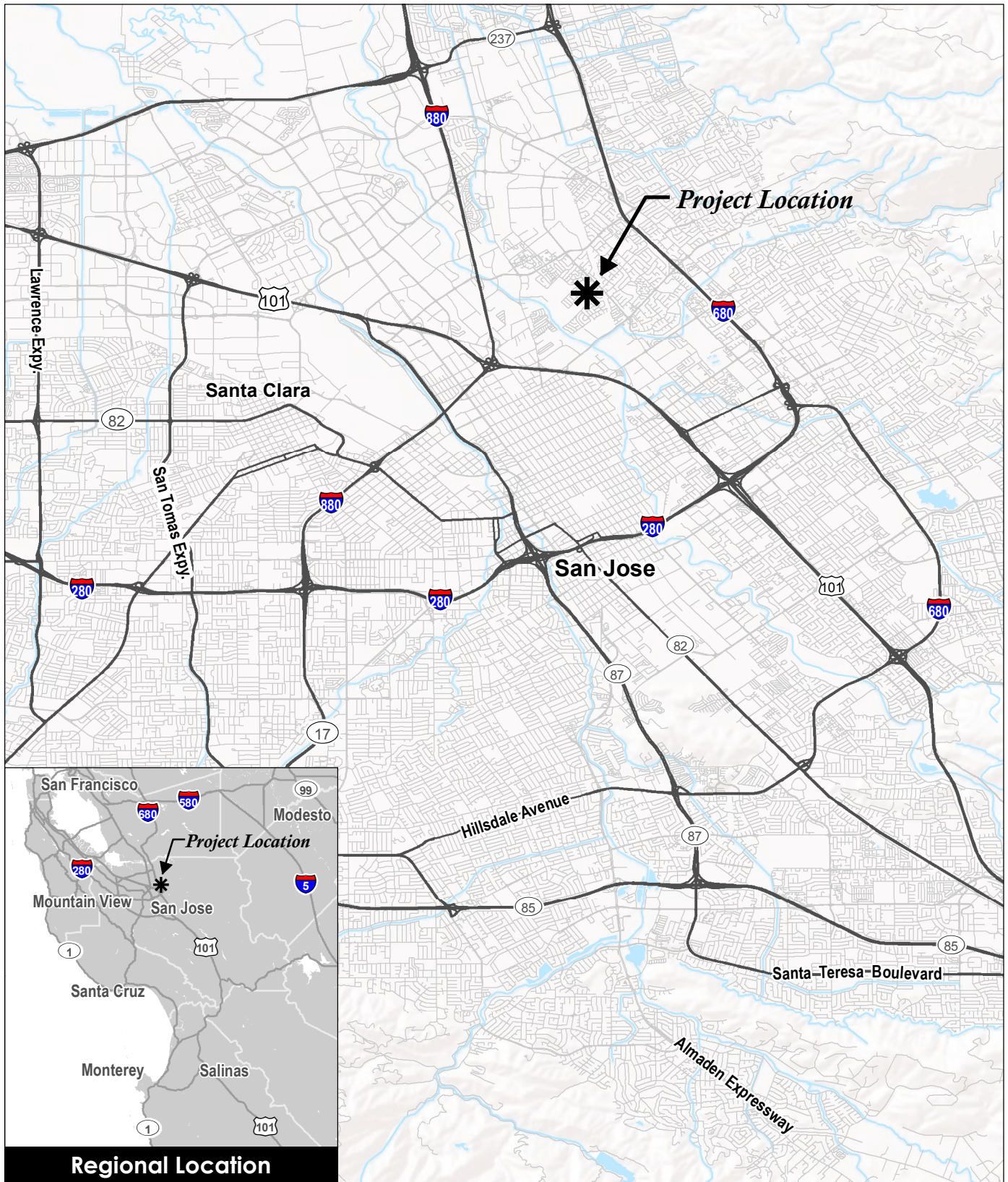


**PROJECT DESCRIPTION EXHIBITS:**

Figure 1      Regional Location

Figure 2      Aerial Photograph

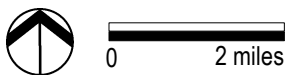
Figure 3      Vesting Tentative Map



Source: Esri 2009

Figure 1  
**Location Map**

Araujo Street Subdivision IS



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0 72 feet

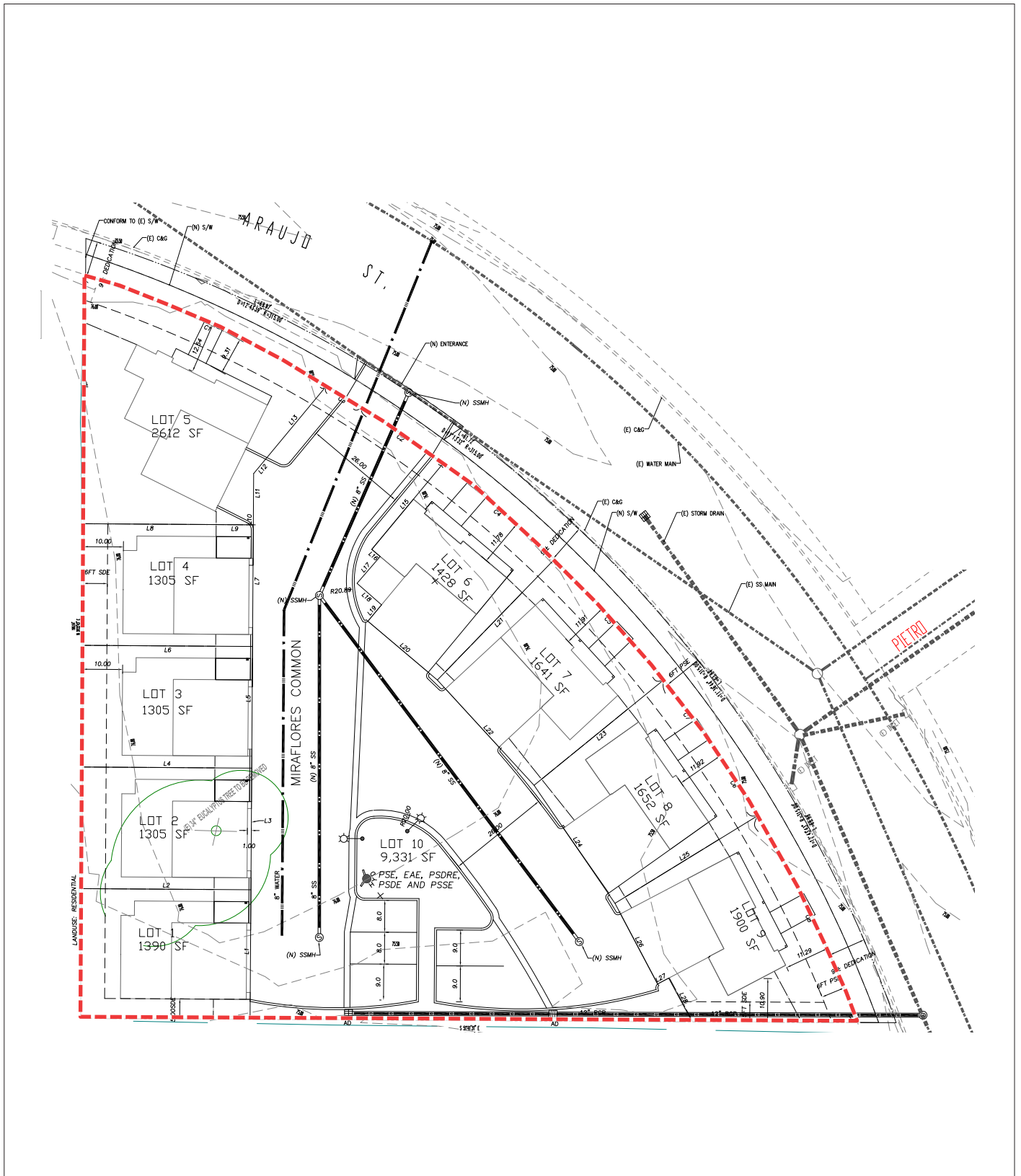
 Project Site

Source: Esri 2014



Figure 2  
**Aerial Photograph**  
 Araujo Street Subdivision IS

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Source: GPM Engineers 2015

Figure 3

# Vesting Tentative Map

Araujo Street Subdivision IS



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**SECTION IV**

**EVALUATION OF ENVIRONMENTAL IMPACTS**

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project. A discussion of these affected environmental factor(s) is/are discussed under the relating chapter title on the following pages. A list of related mitigation measures and standard permit conditions are in Sections VI and VII.

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Aesthetics Agriculture and Forestry     | <input checked="" type="checkbox"/> Mineral Resources                  |
| <input checked="" type="checkbox"/> Air Quality                             | <input checked="" type="checkbox"/> Noise                              |
| <input checked="" type="checkbox"/> Biological Resources Cultural Resources | <input checked="" type="checkbox"/> Population / Housing               |
| <input checked="" type="checkbox"/> Geology /Soils                          | <input checked="" type="checkbox"/> Public Services                    |
| <input checked="" type="checkbox"/> Greenhouse Gas Emissions                | <input checked="" type="checkbox"/> Recreation                         |
| <input checked="" type="checkbox"/> Hazards & Hazardous Materials           | <input checked="" type="checkbox"/> Transportation/Traffic             |
| <input checked="" type="checkbox"/> Hydrology / Water Quality               | <input checked="" type="checkbox"/> Utilities / Service Systems        |
| <input checked="" type="checkbox"/> Land Use / Planning                     | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

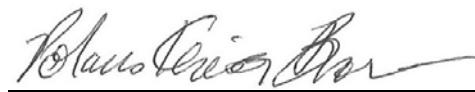
**DETERMINATION:**

On the basis of this initial evaluation (select the appropriate conclusion):

- The proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- The proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- The proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier **EIR** or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier **EIR** or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

December 15, 2015

Date



Signature

Name of Preparer: Polaris Kinison Brown  
Senior Planner, EMC Planning Group



The following section describes the environmental setting, regulatory background, identified thresholds, evaluation and discussion of potential impacts, standard actions to be taken, and proposed mitigation measures to lessen potential impacts anticipated from the implementation of the proposed project.

The criteria provided in the CEQA environmental checklist was used to identify potentially significant environmental impacts associated with the project. The right-hand column in the checklist lists the sources for the answer to each question. The sources cited are identified in Checklist References section at the end of the initial study. Mitigation measures (measures that will minimize, avoid, or eliminate a significant impact per CEQA Guidelines Section 15370) are identified for all significant project impacts.

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

All answers take into account the whole action involved, including off-site as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

Once it has been determined that a particular physical impact may occur, then the checklist answers indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

"Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less-Than-Significant Impact." The mitigation measures are described, along with a brief explanation of how they reduce the effect to a less-than-significant level (mitigation measures from section XVII, "Earlier Analyses," may be cross-referenced).

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion would identify the following:

- a. “Earlier Analysis Used” identifies and states where such document is available for review.
- b. “Impact Adequately Addressed” identifies which effects from the checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and states whether such effects were addressed by mitigation measures based on the earlier analysis.
- c. “Mitigation Measures” - For effects that are “Less-Than-Significant Impact with Mitigation Measures Incorporated,” mitigation measures are described which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

Checklist references to information sources for potential impacts (e.g., General Plans, zoning ordinances, etc.) are incorporated. Each reference to a previously prepared or outside document, where appropriate, includes a reference to the page or pages where the statement is substantiated. A source list is attached, and other sources used or individuals contacted are cited in the discussion.

The explanation of each issue identifies:

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

**A. AESTHETICS**

**Setting**

The project site is located within an urbanized area of north San José on Araujo Street between Townsend Avenue and Sierra Road. The area is primarily residential with the exception of the San Jose Municipal Golf Course which is located on 1560 Oakland Road, adjacent and west of one side of the project site.

The 0.61-acre site is vacant of structures, and is mostly barren with the exception of patches of weeds throughout and a large eucalyptus tree in the interior corner. Refer to Figure 2, Aerial Photograph. The area is essentially flat and within a developed residential area therefore does not have any elevated or expansive views; however, the undeveloped site affords some views from the site into the San Jose Municipal Golf Course to the west. These views are limited as the adjacent golf course is lined with trees.

The City’s *Envision 2040 General Plan* (“General Plan”) identifies goals to enhance and protect views along scenic routes and gateways. See the City’s General Plan Goal CD-9 and Policies CD-9.1 through CD-10.7 and the City’s scenic corridors diagram.

The project is not located along any State scenic highways or routes (Department of Transportation 2015). The project site is not located adjacent to a designated scenic route, scenic vista, or General Plan scenic corridor, gateway, or urban corridor.

**Impacts and Mitigation**

Thresholds per City’s CEQA Checklist

**Would the project:**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3,4
b) Substantially damage scenic resources, including, but not limited to, trees, rock out-cropping, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3,4,6
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3,4
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3,4
e) Increase the amount of shade in public and private open space on adjacent sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3,4

- a) **No Impact.** The City of San Jose classifies views of the Santa Clara Valley, the hills and mountains that frame the Valley floor, the baylands, and urban skyline as important scenic vistas to be maintained. The project is not located in the area of scenic vistas; therefore, the proposed project would not have a substantial adverse impact on a scenic vista.
- b) **No Impact.** The project site is not located within any City or State-designated scenic routes and, therefore, would not damage scenic resources within a State or other scenic highway.
- c) **Less-Than-Significant Impact.** The proposed project would alter the existing visual character of the project site and its surroundings through development of nine new single-family detached houses on a currently vacant lot. However, the project site is an infill site in a developed residential area and the proposed project would not significantly degrade the existing visual character of the neighborhood. The scale and massing of the proposed homes are consistent with homes in the existing residential neighborhood. The project will be required to undergo architectural and site design review by Planning Staff for compatibility with the Residential Design Guidelines and surrounding neighborhood.
- d) **Less-Than-Significant Impact.** The project does not include any major sources of lighting or glare. Exterior lighting is proposed for the residences and driveway/parking area as needed to provide security and access, consistent with the lighting used in adjacent neighborhoods. The project shall implement the following standard measures:
- Design of the project to be compatible with the City's Residential Design Guidelines.
  - Lighting on the site to be consistent with the City's Outdoor Lighting Policy (4-3).

Implementation of standard City measures to minimize light and glare impacts will ensure that Less-Than-Significant lighting impacts would occur as a result of the project.

- e) **Less-Than-Significant Impact.** The proposed single-family homes would be less than 32 feet in height, and would not increase the amount of shade or result in any shade impacts on adjacent public or private open space areas.

**Conclusion:** The project would have a less-than-significant impact on the aesthetic and visual quality of the project site and area.

**B. AGRICULTURE RESOURCES**

**Setting**

The project site is not located in an area identified as prime farmland, nor is the site being used for agricultural use. The site is in an infill area within a residential area and not adjacent to any designated and/or active farmland. The site is not under Williamson Act Contract (Santa Clara County Planning Office TeamGIS, 2014).

Although the site is currently zoned A (Agricultural District), it is designated as RN (Residential Neighborhood) in the City’s General Plan, and therefore anticipated for future residential development. The proposed project includes a rezone to R-M (PD) Multiple Residence Planned Development Zoning District, consistent with the residential General Plan designation.

**Impacts and Mitigation**

Thresholds per City’s CEQA Checklist

**Would the project:**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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"/>	3,4,7
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4,16
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4

a) **No Impact.** The project site is an infill property and designated as urban land on the Important Farmlands Map for Santa Clara County. The site is not located in an area identified as prime farmland, nor is the site being used for or zoned for agricultural use; therefore, the development of the proposed project site would not result in the conversion of farmland to non-agricultural use.

b) **Less-Than-Significant Impact.** The project site is zoned “Agricultural” although the site is designated as urban land on the Important Farmlands Map for Santa Clara County and is not in agricultural use. The proposed project includes a rezone to R-M (PD) Multiple Residence Planned Development Zoning District, which is consistent with the proposed residential development and the City’s General Plan designation of RN (Residential Neighborhood).

- c) **No Impact.** As per the discussion above, the proposed project will not involve changes in the existing environment which, due to their location or nature, could result in conversion of farmland or agricultural land.

**Conclusion:** The project would not impact agricultural resources, since none are located on or near the project site.

## **C. AIR QUALITY**

### **Setting**

The City of San José is within the Bay Area Air Quality Management District (hereinafter “Air District”). The Air District is responsible for monitoring emissions and developing air quality plans for the San Francisco Bay area, including Santa Clara County.

The Air District’s *CEQA Air Quality Guidelines* (“CEQA guidelines”) were updated in June 2010 to include references to their adopted 1999 thresholds of significance. The Air District’s CEQA guidelines were then updated in May 2011 and again in May 2012. On March 5, 2012, the Alameda County Superior Court issued a judgment finding that the Air District had failed to comply with CEQA when it adopted the thresholds. The court did not determine whether the thresholds were valid on the merits, but found that the adoption of the thresholds was a project under CEQA and the court issued a mandate ordering the Air District to set aside the thresholds and cease dissemination of them until the Air District has complied with CEQA.

The Air District’s 2012 CEQA guidelines provide recommendations for evaluating air pollution emissions, including Air District’s *CEQA Thresholds Options and Justification Report* (2009), and are based on substantial evidence. Lead agencies throughout the Air District, including the City of San José continue to use the thresholds of significance and screening criteria established by the Air District as guidance for assessing air quality impacts of new development. The Air District’s screening levels are based on project size for air pollutant emissions.

The Air District adopted and implements the *2010 Multi-Pollutant Clean Air Plan* (CAP). The 2010 CAP is a multi-pollutant air quality plan that provides a control strategy to reduce ozone, particulate matter, air toxics, and greenhouse gases. Please refer to the Greenhouse Gas Emissions section of this initial study for an analysis of potential project impacts associated with greenhouse gases. The CAP also establishes emission control measures to be adopted during the period from 2010 to 2020.

The Air District defines sensitive receptors as facilities where sensitive population groups are located including residences, schools, childcare centers, convalescent homes, and medical facilities. The project is located in a residential/commercial area and is bordered by residential uses to the north, south, and east.

The nearest sensitive receptors, existing residences, are located directly adjacent to the site to the north.

**Impacts and Mitigation**

Thresholds per City’s CEQA Checklist

**Would the project:**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	8,9,10,11
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"/>	8,9,10,11
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8,9,10,11
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8,9,10,11
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,8,9,10,11

- a) **No Impact.** The proposed project would add nine single-family residences to a vacant infill lot within a developed residential neighborhood. The project would not increase regional population growth or cause changes in vehicle travel that will conflict with implementation of the CAP. The project conforms to the *Envision San José 2040 General Plan*, which was found to be consistent with the 2010 CAP. Due to the project’s insignificant impacts to air quality, the project would not conflict with Air District’s clean air planning efforts; and therefore, there is no impact.
  
- b) **Less-Than-Significant Impact.** The Air District’s CEQA guidelines contain screening criteria for determining whether a project is of a type and size that it’s operational, criteria air emissions impacts (focused on nitrogen oxides) would be less than significant. Table 3-1, “Operational-Related Criteria Air Pollutant and Precursor Screening Level Sizes” on page 3-1 of the 2011 Air District CEQA guidelines contains the screening criteria. For single-family residential projects, the screening threshold project size is 325 dwelling units. With only nine single-family residences, the proposed project is substantially smaller than the project threshold and; therefore, would have a less-than-significant impact operational impact on air quality.

Table 3-1 also contains screening criteria for construction impacts of new development projects. For single-family residential uses, construction emissions impacts are less than significant for projects of 114 dwelling units or less. Therefore, air quality impacts from construction would be less than significant. However, cumulative construction activities are identified by the Air District as having potential to result in cumulative impacts on air quality from contribution of PM<sub>10</sub> (particulate matter) emissions.

The Air District identifies best management practices for all projects to limit air quality impacts during construction. The short-term air quality effects during project construction would be avoided with implementation of the Air District measures listed as standard permit conditions below, and therefore, would be less than significant.

### **Standard Permit Conditions**

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
  - All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
  - 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.
  - All vehicle speeds on unpaved roads shall be limited to 15 mph.
  - All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
  - Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
  - All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
  - Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
- c) **Less-Than-Significant Impact.** The possible effects of a project are individually limited but cumulatively considerable when viewed in connection with the effects of past projects, the effects of current projects, and the effects of probable future projects. The operation of a nine unit residential development represents a slight incremental increase in the emission of cumulative criteria air pollutants. The project would not result in an increase in the net amount of criteria air pollutants that would exceed quantitative thresholds including those for ozone precursors and impacts are not cumulatively considerable.



- d) **Less-Than-Significant Impact.** Operation of the residential project is not expected to cause any localized emissions that could expose sensitive receptors to unhealthy air pollutant levels, because no significant operational sources of pollutants are proposed onsite. Construction activities would result in localized emissions of dust and diesel exhaust that could result in temporary impacts to adjacent land uses that include sensitive receptors (residential uses to the north, east and south). The short-term air quality effects during project construction would be avoided with implementation of the Air District's measures listed as standard permit conditions under checklist item "b)" above. The proposed project would not result in localized, concentrated operational emissions that would expose sensitive receptors to unhealthy air pollutant levels.
- e) **Less-Than-Significant Impact.** The proposed project is development of nine single-family residences. Operation of the project is not anticipated to produce any offensive odors. During construction, the various diesel-powered vehicles and equipment in use onsite would create localized odors. These odors would be temporary and not likely to be noticeable for extended periods of time much beyond the project's site boundaries. Implementation of standard abatement measures for construction period emissions identified in "b)" above per the Air District's requirements would ensure that construction odor impacts are less-than-significant.

**Conclusion:** The project would have a less-than-significant impact on air quality with implementation of standard permit conditions.

## **D. BIOLOGICAL RESOURCES**

### **Setting**

The project site is located within an urbanized area of San José. The existing property is a disturbed site with little vegetation with the exception of areas of dense thistle and a single 34-inch in diameter eucalyptus tree. There are no water features and no riparian habitat on the site.

The City of San José's has established regulations for removal of trees having a trunk measuring 56 inches or more in circumference (i.e., 18 inches in diameter) at the height of 24 inches (two feet) above natural grade (Chapter 13.32 of Title 13 of the San José Municipal Code). The City's regulations apply to native and non-native species.

Construction of the proposed project would result in the removal of the tree from the site, which is an ordinance sized trees. Removal of this tree would not be considered a significant impact. However, the project will be required to conform to the City's tree preservation ordinance, and will provide replacement tree(s) in conformance with City policy, as shown on the applicant's conceptual landscape plan. The replacement tree(s) will be over and above the regular landscaping to be provided on the site.

The mature tree on the project site has the potential to provide nesting habitat for raptors (birds of prey). Raptors and their nests are protected under the Migratory Bird Treaty Act of 1918 and California Department of Fish and Game (CDFG) Code Sections 3503 and 3503.5. Despite the disturbed nature of the site, there remains the potential for raptors to nest in this tree. No other rare, threatened, or endangered animal species are expected to occur due to the extent of site disturbance and the fact that the surrounding area is developed.

Future development of the site would be subject to the biological policies listed in the City's General Plan, including the following:

Policy MS-21.4: Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.

Policy MS-21.5: As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.

Policy 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-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.

The project site is located within the boundaries of the Santa Clara Valley Habitat Plan/Natural Communities Conservation Plan (HCP). The HCP was developed through a partnership between Santa Clara County; the cities of San José, Morgan Hill, and Gilroy; Santa Clara Valley Water District; Santa Clara Valley Transportation Authority; U.S. Fish and Wildlife Service, and California Department of Fish and Wildlife. The HCP is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. The 0.61-acre project site is designated Golf Courses/Urban Parks in the HCP.

**Impacts and Mitigation**

Thresholds per City’s CEQA Checklist

**Would the project:**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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 or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,3
b) Have a substantial adverse effect on any aquatic, wetland, or riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	,2,3,4
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"/>	1,2,3,4
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3,4
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 checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,4,14,12
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"/>	1,12

a) **Less-than –Significant-Impact with Mitigation Incorporated.** The project site may provide habitat for wildlife species associated with urban areas. Trees in urban areas provide food and cover for wildlife adapted to this environment, including birds such as house finch, mourning dove, house sparrow, and Brewer’s blackbird. The mature tree on the project site has the potential to provide nesting habitat for raptors (birds of prey). Raptors and their nests are protected under the Migratory Bird Treaty Act of 1918 and California Department of Fish and Game (CDFG) Code Sections 3503 and 3503.5. The project would result in the removal of one mature eucalyptus tree on the site that is suitable for raptor nesting. Mitigation is identified below to reduce this potential impact to a less-than-significant level.

**Mitigation**

**BIO-1.** If possible, initiation of site clearing and construction should be scheduled between October and December (inclusive) to avoid the raptor nesting season. If this is not possible, a pre-construction survey for nesting raptors shall be conducted by a qualified ornithologist to identify active raptor

nests that may be disturbed during project implementation. Between January and April (inclusive) a pre-construction survey shall be conducted no more than 14 days prior to the initiation of construction activities or tree relocation or removal. Between May and August (inclusive), a pre-construction survey shall be conducted no more than thirty (30) days prior to the initiation of these activities. The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area for raptor nests. If an active raptor nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist, shall, in consultation with the State of California, Department of Fish and Wildlife, designate a construction-free buffer zone (typically 250 feet) around the nest. The applicant shall submit a report to the City's Environmental Principal Planner indicating the results of the survey and any designated buffer zones to the satisfaction of the City prior to the issuance of any grading or building permit.

Implementation of mitigation measure BIO-1 would reduce significant potential impacts to nesting birds to a less-than-significant level by requiring that construction takes place outside the nesting season, or if that is not possible, that pre-construction surveys are conducted during the nesting bird season, and appropriate avoidance measures are incorporated into construction activities. The impact is less than significant with mitigation incorporated.

- b) **No Impact.** The project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.
- c) **No Impact.** The project site is disturbed and does not contain any wetland resources and, therefore, will not adversely affect federally protected wetlands as defined by Section 404 of the Clean Water Act.
- d) **Less-Than-Significant Impact.** The project will not substantially interfere 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. As described in mitigation measure BIO-1 above, requiring that construction takes place outside the raptor nesting season would reduce significant potential impacts to a less-than-significant level.
- e) **Less-Than-Significant Impact.** The project will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. The project proposes to remove one tree; which will be replaced in accordance with the City's requirements and tree ordinance. As a part of the development permit approval, the project will conform to the following conditions.

## Standard Permit Conditions

- The non-native tree that is to be removed will be replaced at a 4:1 ratio with a minimum size of 24-inch boxes. Note: Trees greater than 18 inches in diameter shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.
- In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement, at the development permit stage:
  - The size of a 15-gallon replacement tree may be increased to 24-inch box and count as two replacement trees.
  - An alternative site(s) will be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the Director of the Department of Planning, Building and Code Enforcement.
  - A donation of \$300 per mitigation tree to Our City Forest for in-lieu off-site tree planting in the community. These funds will be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting shall be provided to the Planning Project Manager prior to issuance of a development permit.

Compliance with municipal code standards for tree replacement would ensure that impacts due to conflict with the City's tree preservation policies and are less than significant.

- f) **No Impact.** The project site is located within the boundaries of the Santa Clara Valley HCP and identified as Golf Courses/Urban Parks in the plan. The HCP does not apply to urban projects that disturb less than two acres. Since the proposed project is 0.61 acres in size, the HCP does not apply.

**Conclusion:** The project would have a less-than-significant impact on biological resources with implementation of the identified mitigation measure and standard permit conditions.

## **E. CULTURAL RESOURCES**

### **Setting**

This section is based on a cultural resource evaluation of the site conducted by Archaeological Resource Management in June 2015.

The evaluation included archival research and a surface survey of the project area. Archival research revealed that there are no recorded cultural resources located within the proposed project area. There are two recorded cultural resources located within a quarter-mile radius of the proposed project: CA-SCL-627, and P-43-2654. The recorded boundaries of CA-SCL-627 are located within approximately 500 feet of the proposed project area. This prehistoric site is reported to contain multiple Native American burials.

There are no existing buildings or structures on the project site. As identified in the Cultural Resource Evaluation prepared for the site, no cultural materials, prehistoric or historic, were noted during surface reconnaissance. However, surface visibility was limited by imported soils and areas of dense vegetation.

According to the City's General Plan EIR, the project site is not in an area of high surface paleontological sensitivity; however, it is identified as being within an area of high sensitivity at depth (Figure 3.11-1).

The following policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating archaeological impacts resulting from development within the City including the following:

Policy ER-10.1: For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.

Policy ER-10.2: Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon 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.

## **Impacts and Mitigation**

Thresholds per City's CEQA Checklist

**Would the project:**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4,5,14, 23
c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	4,5,14
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4,5,14,23

- a) **No Impact.** There are no listed, determined, or pending local, State of California, or California Register of Historic Resources historic properties located on or adjacent to the proposed project site; therefore, development of the site would not cause a substantial adverse change in the significance of a historical resource per CEQA.
  
- b) **Less-Than-Significant Impact with Mitigation.** As identified in the Cultural Resource Evaluation prepared for the site, there are two recorded cultural resources located within a quarter-mile radius of the proposed project: CA-SCL-627, and P-43-2654. The recorded boundaries of CA-SCL-627 are located within approximately 500 feet north of the proposed project area. This prehistoric site is recorded to contain multiple Native American burials. Although the site has been highly disturbed and no cultural materials, prehistoric or historic, were noted during surface reconnaissance conducted on site, it is possible that archaeological resources may be encountered during construction activities. As a part of the development permit approval, the project will conform to the following standards to avoid impacts associated with disturbance to buried archaeological resources during construction:

**Standard Permit Conditions**

- Should evidence of prehistoric cultural resources be discovered during construction, work within 50 feet of the find shall be stopped to allow adequate time for evaluation and mitigation by a qualified professional archaeologist. The material shall be evaluated and if significant, a mitigation program including collection and analysis of the materials at a recognized storage facility shall be developed and implemented under the direction of the City’s Environmental Principal Planner.
  
- As required by County ordinance, this project has incorporated the following guidelines. Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the

Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-enter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

In addition, due to the proximity of a recorded prehistoric site, archaeological monitoring shall be carried out during earthmoving activities for the proposed project as identified in the following mitigation measure:

### **Mitigation**

**CR-1.** Earth-moving activities associated with the project shall be monitored by a qualified archaeologist. Should evidence of prehistoric cultural resources be discovered during grading or construction, consistent with the City's standard permit conditions, the following action shall be taken immediately upon discovery: There shall be no further excavation or disturbance of the project site or any nearby area reasonably suspected to overlie adjacent structures until the find can be evaluated by a qualified archaeologist and, if determined significant, until appropriate mitigation measures are formulated, approved and implemented under the direction of the City's Environmental Principal Planner.

Implementation of the standard conditions and mitigation measure CR-1 identified above will ensure that impacts to archaeological resources are less than significant.

- c) **Less-Than-Significant Impact.** According to the City's General Plan EIR, the project site is not in an area of high surface paleontological sensitivity; however, it is identified as being within an area of high sensitivity at depth (Figure 3.11-1). The project site is disturbed and is not known to contain any paleontological resources and the project is not expected to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; however, it is possible that paleontological resources may be encountered during construction activities. In accordance with General Plan policy ER-10.3, the following standard permit conditions will be implemented by the project to reduce and avoid potential impacts to as yet unidentified buried paleontological resources:

### **Standard Permit Conditions**

- If vertebrate fossils are discovered during construction, all work on the site will stop immediately until a qualified professional paleontologist can assess the nature and importance of the find and recommend appropriate treatment. Treatment may include preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds. The project proponent will be responsible for implementing the recommendations of the paleontological monitor.



Implementation of the standard condition identified above will ensure that project impacts to paleontological resources are less than significant.

- d) **Less-Than-Significant Impact with Mitigation.** Though unlikely, human remains may be encountered during construction activities. Standard measures and mitigation is identified in “b)” to avoid impacts associated with disturbance to human remains.

**Conclusion:** The project would have a less-than-significant impact on cultural resources with implementation of standard permit conditions and mitigation measure CR-1.

## **F. GEOLOGY AND SOILS**

### **Setting**

This section is based on a geotechnical investigation of the site conducted by Wayne Ting & Associates, Inc. in February 2015. The report is included as Appendix A of this initial study.

In addition, information regarding geologic hazard zones and seismic hazards was obtained from the City’s online permit tool (San José OnLine Permits). Geologic hazard zones are areas of San José where potential geologic hazards such as fault rupture or slope instability may impact a proposed development. Geotechnical studies and geologic hazard mitigation measures may be required for these areas to ensure that proposed construction will not be endangered by geologic hazards and that a proposed project will not create an unsafe condition.

The State Seismic Hazards Mapping Act was passed by the State legislature following the 1989 Loma Prieta earthquake. The City’s seismic hazard maps identify areas susceptible to landslides and/or liquefaction. The purpose of the maps is to protect the health and safety of the public from the effects of strong ground motion caused by earthquakes. Construction proposed in Landslide Seismic Hazard Zones requires a Geologic Hazard Clearance from the City Geologist prior to approval of planning or building permits. Construction proposed in Liquefaction Seismic Hazard Zones requires review by the Building Division prior to approval of building permits.

The San Francisco Bay Area is one of the most seismically active regions in the United States. Earthquakes in the region are generally associated with movements along the fault zones of the San Andreas Fault system. The site is relatively flat and absent any significant topographical features. There are no identified earthquake faults mapped on the site and the site is not mapped within a designated Alquist-Priolo Earthquake Fault Zone. The site is not within a Geologic Hazard Zone; however, the site is within a Liquefaction Seismic Hazard Zone.

The following discussion is based the above noted information and on a preliminary geotechnical investigation for the project conducted by Wayne Ting & Associates, Inc. dated February 22, 2015; this report

is contained in Appendix A. This investigation included a site reconnaissance; drilling and sampling of the subsurface soils; laboratory testing of selected soil samples; analysis of the data; and formulation of findings, conclusions, and recommendations.

**Impacts and Mitigation**

Thresholds per City’s CEQA Checklist

**Would the project:**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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 checked="" type="checkbox"/>	<input type="checkbox"/>	1,4,5,14, 24
2) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,4,5,14, 24
3) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,4,5,14, 24
4) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,24
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,4,5,14, 24
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	24
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

a) **Less-Than-Significant Impact.** The project site is in a seismically active region of California and strong ground shaking would be expected during the life of the proposed project. The site is not within a designated Alquist-Priolo Earthquake Fault Zone or a Geologic Hazard Zone; however, the site is within a Liquefaction Seismic Hazard Zone. The site is not subject to landslides because it is generally flat.

The preliminary geotechnical investigation conducted for the project determined that the probability of liquefaction of sand and silt at this site is high. Because the potential for liquefaction on the site is considered high, liquefaction and differential settlement could occur on the site during an earthquake. The proposed structures on the site would be designed and constructed in conformance with the

Uniform Building Code Guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking on the site. In addition, prior to issuance of a grading permit, a design-level geotechnical analysis prepared for the site shall be submitted to the Department of Public Works for review and approval of all new structures.

Conformance with standard Uniform Building Code Guidelines for Seismic Zone 4 would minimize potential impacts from seismic shaking on the site. In addition, the City's standard permit issuance procedures requires that the proposed development be designed and constructed in accordance with design-level geotechnical investigation that has been approved by the Department of Public Works. With compliance to the required permit conditions, the impact would be reduced to less-than-significant.

- b) **Less-Than-Significant Impact.** Development of the project will require minor grading that could result in a temporary increase in erosion potential during construction. The project will implement the standard measures identified in Section I. Hydrology and Water Quality of this initial study to minimize potential erosion impacts, reducing the impact to less than significant.
- c) **Less-than-Significant Impact.** The proposed project would not be subject to landslide hazard. However, the site has the potential for liquefaction and could expose the project to potential hazards associated with liquefaction. This issue is addressed above in responses "a)" and would be reduced to a less-than-significant level.
- d) **Less-than-Significant Impact.** The project site soils could be expansive, which could damage the proposed structures. Impacts associated with expansive soils or other soil hazards would be minimized by applying engineering and construction techniques for expansive soils. This issue is addressed above in response "(a)" and would be reduced to a less-than-significant level.
- e) **No Impact.** The project does not include any septic systems. The project would tie into the City's existing sanitary sewer system.

**Conclusion:** Potential impacts from geologic and soil related hazards would be less than significant with implementation of standard permit conditions.

## **G. GREENHOUSE GAS EMISSIONS**

### **Setting**

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

radiation. As a result, this radiation that otherwise would have escaped back into space is retained, resulting in a warming of the atmosphere. This phenomenon is known as the greenhouse effect. Among the prominent GHGs contributing to the greenhouse effect, or climate change, are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), ozone (O<sub>3</sub>), water vapor, nitrous oxide (N<sub>2</sub>O), and chlorofluorocarbons (CFCs). Human-caused emissions of these GHGs in excess of natural ambient concentrations are responsible for enhancing the greenhouse effect. In California, the transportation sector is the largest emitter of GHGs, followed by electricity generation.

**Impacts and Mitigation**

Thresholds per City’s CEQA Checklist

**Would the project:**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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"/>	1,2,11
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"/>	1,2,11
(Note: Greenhouse gas(es) include, but are not limited to, carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulphur hexafluoride)					

a) **Less-Than-Significant Impact.** The Air District identifies screening levels for evaluation of operational GHG emissions based on project size as described in the Air Quality section of this initial study. The applicable land use category of the Air District’s screening criteria tables for the project is “single-family.” For operational impacts from GHG emissions, the screening size is 56 units. The project, which consists of nine single-family units, is well below the Air District’s screening thresholds for such uses and; therefore, the project would have a less-than-significant impact related to operational GHG emissions.

During site preparation and construction of the project, GHGs would be emitted through the operation of construction equipment and from worker/builder supply vehicles, which typically use fossil-based fuels to operate. Project excavation, grading, and construction would be temporary, occurring only over the construction period, and would not result in a permanent increase in GHG emissions. In addition, compliance with the Standard Permit Conditions (described above in *Section C. Air Quality*) to limit air quality impacts during construction as required by Air District (e.g. watering exposed areas, covering haul trucks carrying loose material, limiting speed in construction areas, minimizing idling times, etc.) would further reduce construction GHG emissions. The impact from construction emissions associated with the project, therefore, would be less-than-significant.

- b) **Less-Than-Significant Impact.** The project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases, since the proposed project will not substantially increase GHG emissions based on Air District screening criteria as described in “a)” above.

**Conclusion:** The project would have a less-than-significant impact from GHG emissions.

## **H. HAZARDS AND HAZARDOUS MATERIALS**

### **Setting**

The following discussion is based on a Phase I Environmental Site Assessment prepared for the project site by Phase 1 Assessments dated March 2, 2015. The report was prepared pursuant to American Society of Testing Materials (ASTM) 1527-13 Standards for Environmental Assessment Reports. Recognized environmental conditions are defined by the ASTM standards as the presence or likely presence of any hazardous substances or petroleum products in, on or at a property. The purpose of the report was to evaluate whether there is evidence of an environmental impact to environmental receptors such as humans and/or wildlife; or environmental impact to environmental pathways such as surface, water, air, groundwater, and subsurface gas generation. The investigation included site history research (a review of available aerial photographs, maps and previous site investigations, and interviews with knowledgeable persons); a site reconnaissance; and regulatory agency database review for soil and groundwater contamination cases within the project vicinity. Any potential environmental impacts resulting from past or present, and to some extent, future activities at the site and/or surrounding area were considered in the report. The assessment revealed no existing environmental conditions in connection with the property. The Phase I Environmental Site Assessment is contained in Appendix B.

While the Phase I Environmental Site Assessment did not reveal any recognized environmental conditions with the property, it did document a long agricultural history of the property from the 1930s to 1980s. As a result there is a potential for residual pesticides to remain in the shallow soil that might pose a threat to future occupants and construction workers. Therefore, a Phase II Environmental Site Assessment was prepared for the project site by Phase 1 Assessments dated October 5, 2015. The purpose of the report was to collect soil samples at different depths at different areas on the site to determine any impacts from past usage of the land for agricultural uses and/or use associated with the adjacent golf course. According to the report, chlorinated pesticide compounds were determined to be lower than regulatory screening levels (United States Regional Screening Levels, and the California Department of Toxic Substances' California Human Health Screening Levels) for residential use. Analytical results for Arsenic determined that Arsenic is a naturally occurring substance in Santa Clara County and concluded that although Arsenic levels are above the screening levels, they are below the naturally occurring results for Santa Clara County; therefore, no concern was noted. The Phase I Environmental Site Assessment is contained in Appendix C.

**Impacts and Mitigation**

Thresholds per City’s CEQA Checklist

**Would the project:**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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"/>	1,2,17
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"/>	1,2,17,25
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"/>	1,2,3,17
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,17
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would 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"/>	1,2,3,4,15,17
f) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3,17
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"/>	1,2,17
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

- a) **No Impact.** The proposed project is residential and would not involve the use or transport of significant quantities of hazardous materials.
  
- b) **No Impact.** A Phase I Environmental Site Assessment was prepared for the project site by Phase 1 Assessments dated March 2, 2015. The assessment revealed no existing environmental conditions in connection with the property; however, due to the long agricultural history of the property from the 1930s to 1980s there is a potential for residual pesticides to remain in the shallow soil that might pose a threat to future occupants and construction workers. A Phase II Environmental Assessment was prepared in March which included soil tests for organochlorine pesticides and pesticide based metals lead and arsenic prior. The Phase II Assessment concluded that there were no hazardous conditions on the site associated with prior agricultural and/or golf course land use. Therefore, the release of hazardous materials into the environment is not a significant hazard.

- c) **No Impact.** The nearest school is Vinci Park Elementary School approximately one-half mile to the east of the site. The project is not located within one-quarter mile of a school. Because there are no schools within a quarter mile of the project site, the proposed project would not result in the emission or handling of hazardous materials within the vicinity of a school. In addition, any hazardous materials handling and disposal by the project during construction will be conducted in accordance with all legal requirements, thereby avoiding release of such materials into the environment. Also refer to “a” above.
- d) **No Impact.** The project site is not located on a site that is included on a list of hazardous materials sites compiled pursuant Government Code Section 65962.5 (Cortese List).
- e) **No Impact.** The project site is not located within an airport land use plan and will not affect aircraft safety.
- f) **No Impact.** The project is not located within the vicinity of a private airstrip and will not affect aircraft safety.
- g) **No Impact.** The project will not interfere with any emergency response or evacuation plans as it will be required to conform to all police and fire code requirements.
- h) **No Impact.** The project will not expose people or structures to risk from wildland fires as it is located in an urban area that is not prone to such events.

**Conclusion:** The project would not result in impacts due to hazards or hazardous materials.

## **I. HYDROLOGY AND WATER QUALITY**

### **Setting**

Any construction or demolition activity that results in land disturbance equal to or greater than one acre must comply with the Construction General Permit, administered by the State Water Resources Control Board (SWRCB). The Construction General Permit requires the installation and maintenance of Best Management Practices to protect water quality until the site is stabilized. The project site is less than one acre in size and therefore, would not require Construction General Permit coverage based on area of land disturbed.

The project must comply with the City of San José’s Grading Ordinance, which requires the use of erosion and sediment controls to protect water quality while the site is under construction. Prior to the issuance of a permit for grading activity occurring during the rainy season (October 15 to April 15), the applicant must submit to the Director of Public Works an Erosion Control Plan detailing Best Management Practices that will prevent the discharge of stormwater pollutants.

The City of San José is required to operate under a Municipal Stormwater NPDES Permit to discharge stormwater from the City's storm drain system to surface waters. On October 14, 2009, the San Francisco Bay Regional Water Quality Control Board adopted the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit (Municipal Regional Permit) for 76 Bay Area municipalities, including the City of San José.

The Municipal Regional Permit (NPDES Permit No. CAS612008) mandates the City of San José use its planning and development review authority to require that stormwater management measures such as Site Design, Pollutant Source Control and Treatment measures are included in new and redevelopment projects to minimize and properly treat stormwater runoff.

Provision C.3 of the Municipal Regional Permit regulates the following types of development projects;

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

The Municipal Regional Permit requires regulated projects to include Low Impact Development practices, such as pollutant source control measures and stormwater treatment features aimed to maintain or restore the site's natural hydrologic functions. The Municipal Regional Permit also requires that stormwater treatment measures are properly installed, operated and maintained.

The project site consists of approximately 26,000 square feet of vacant, pervious land. As identified in the Conceptual Storm Water Control Plan prepared for the proposed project, the project will create 8,920 square feet of impervious area. Based its size and land use, the project will not be required to comply with the Low Impact Development stormwater management requirements of Provision C.3 of the Municipal Regional Permit.

The Municipal Regional Permit also requires regulated projects to include measures to control hydromodification impacts where the project would otherwise cause increased erosion, silt pollutant generation, or other adverse impacts to local rivers and creeks. Development projects that create and/or replace one acre or more of impervious surface and are located in a subwatershed or catchment that is less than 65 percent impervious, must manage increases in runoff flow and volume so that post-project runoff shall not exceed estimated pre-project rates and durations. Based on its size and land use, the project will not be required to comply with the hydromodification requirements of Provision C.3 of the Municipal Regional Permit.

Based on the FEMA flood insurance maps for the City of San José, the project site is not located within a 100-year floodplain and therefore would have no impact on 100-year flood flows. The project would not expose people to flood hazards associated with the 100-year flood. The site is not subject to seiche or tsunami. The nearest watercourse is Coyote Creek, located about 0.6 miles southwest of the site.



**Impacts and Mitigation**

Thresholds per City’s CEQA Checklist

**Would the project:**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,4,14
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 which would 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"/>	1,2,4,14
c) Substantially alter the existing drainage pattern of the site or area, including 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,4,14
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 that would result in flooding on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,4
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
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"/>	1,2,18
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,18
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"/>	1,2,4,18
j) Be subject to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,4,18

a) **Less-Than-Significant Impact.** The proposed project will not violate any water quality standards or waste discharge requirements as described in c) and e) below.

b) **No Impact.** The project will result in minor increase in demand for water to be obtained from the City and will not substantially deplete or otherwise affect groundwater supplies. In addition, the project will not deplete/otherwise affect groundwater recharge, since the project is not located within a groundwater recharge area and includes minimal increase in impervious surface area.

- c) **Less-Than-Significant Impact.** Construction of the project will require grading activities that could result in a potential temporary increase in erosion that could affect the quality of storm water runoff. This increase in erosion is expected to be minimal, due to the small size (less than one acre) and flatness of the site. Implementation of the following standard conditions, City policy requirements, will reduce potential construction to surface water quality to a less-than-significant level:

### Standard Permit Conditions

- The project applicant shall comply with the City of San José Grading Ordinance, including erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction. The following specific BMPs will be implemented to prevent storm water pollution and minimize potential sedimentation during construction:
  1. Restriction of grading to the dry season (April 15 through October 15) or meet City requirements for grading during the rainy season.
  2. Utilize on-site sediment control BMPs to retain sediment on the project site.
  3. Utilize stabilized construction entrances and/or wash racks.
  4. Implement damp street sweeping.
  5. Provide temporary cover of disturbed surfaces to help control erosion during construction.
  6. Provide permanent cover to stabilize the disturbed surfaces after construction has been completed.

d) **Less-Than-Significant Impact.** Site development would not substantially alter the existing drainage pattern of the site or area. The project would increase the impervious area by less than 10,000 square feet and would not substantially increase the rate or amount of surface runoff in a manner that would result in flooding on-or off-site.

e) **Less-Than-Significant Impact.** The project proposes to connect to the City's existing storm drainage system. The small scale of the residential project is not expected to contribute runoff that will exceed the capacity of existing or planned storm water drainage systems or result in substantial additional sources of polluted runoff. See also c) above.

f) **No Impact.** The proposed project would not otherwise substantially degrade water quality

g) **No Impact.** The project is not located within a floodplain or flood hazard zone.

- h) **No Impact.** The project site is not located within any flood hazard zones, thus it will not impede or redirect flood flows.
- i) **No Impact.** The project is not located within a dam inundation zone.
- j) **No Impact.** The project site is not located in an area subject to significant seiche, tsunami, or mudflow risk.

**Conclusion:** The project would have a less-than-significant impact related to hydrology and water quality with incorporation of standard permit conditions.

**J. LAND USE AND PLANNING**

**Setting**

The project site is located within an urbanized area of north San José on Araujo Street between Townsend Avenue and Sierra Road. The area is primarily residential with the exception of the San Jose Municipal Golf Course which is located on 1560 Oakland Road, adjacent and west of the project site.

The site is designated as RN (Residential Neighborhood) in the *Envision San José 2040 General Plan*. The project site is currently zoned A- Agricultural District, as shown on the City’s Zoning Map. The project is an application to rezone the site to R-M (PD) Planned Development District.

**Impacts and Mitigation**

Thresholds per City’s CEQA Checklist

**Would the project:**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
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"/>	1,2,4,12,14
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"/>	1,2

- a) **No Impact.** Projects that have the potential to physically divide an established community include new freeways and highways, major arterials streets, and railroad lines. The proposed nine lot project would provide infill housing within an existing residential neighborhood, and would; therefore, not physically divide an established community but rather provide a completion of that community.
- b) **No Impact.** The site is designated as RN (Residential Neighborhood) in the *Envision San José 2040 General Plan*. The intent of the Residential Neighborhood designation is to preserve the existing character of the neighborhood and strictly limit new development to infill projects that closely conform to the existing neighborhood character as defined by density, lot size and shape, massing and neighborhood form and pattern. New infill development should improve and/or enhance existing neighborhood conditions by completing the existing neighborhood pattern and bringing infill properties into general conformance with the quality and character of the surrounding neighborhood. New infill development should be integrated into the existing neighborhood pattern, continuing and, where applicable, extending or completing the existing street network.

The average lot size, orientation, and form of the proposed residential project on this infill site generally match the typical lot size and building form of adjacent development and is in conformance with the intent of the residential land use designation. The proposed project identifies and overall density of 14.7 DU/AC. The adjacent neighborhood northwest of the site is developed at a density of 14.6 DU/AC. The neighborhood east of the site, adjacent to Araujo Street, is developed at a density of 15.2 DU/AC.

The project site is currently zoned A- Agricultural District, as shown on the City's Zoning Map. The project is an application to rezone the site to R-M (PD) Planned Development District which is consistent with the General Plan designation.

The project will not 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) **No Impact.** The project site is located within the boundaries of the Santa Clara Valley HCP and identified as golf courses/urban parks in the plan. The HCP does not apply to urban projects that disturb less than two acres. Since the proposed project is 0.61 acres in size, the HCP does not apply. Please refer to Section D. Biological Resources for full discussion.

**Conclusion:** The project would have a less-than-significant impact related to land use and planning.

**K. MINERAL RESOURCES**

**Setting**

Extractive resources known to exist in and near the Santa Clara Valley include cement, sand, gravel, crushed rock, clay, and limestone. Santa Clara County has also supplied a significant portion of the nation's mercury over the past century. 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), 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, other than the Communications Hill area cited above, San José does not have mineral deposits subject to SMARA.

**Impacts and Mitigation**

Thresholds per City’s CEQA Checklist

**Would the project:**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,4,19
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"/>	1,2,4,19

a/b) **No Impact.** The project site is outside of the Communications Hill area, and will; therefore, not result in a significant impact from the loss of availability of a known mineral resource.

**Conclusion:** The project would have no impact on mineral resources since none are located on or near the project site.

## **L. NOISE**

### **Setting**

The project site is located within a residential neighborhood adjacent to a golf course. The project site is outside downtown San José and is more than one mile outside the Norman Y. Mineta San Jose International Airport's 65 DNL noise contour line. The primary source of noise on the site would be minor traffic volumes on Araujo Street.

The proposed residential use is considered a noise-sensitive receptor. The residential uses near the project site to the north, east, and south are also considered sensitive receptors. The nearest residences to the project site are located approximately 25 feet north of the project's northern property line.

The City's *Envision San José 2040 General Plan* includes goals and policies pertaining to Community Noise Levels and Land Use Compatibility. The General Plan utilizes the Day-Night Level (DNL), a 24-hour noise descriptor, and identifies interior and exterior noise standards for residential uses under Policy EC-1. The interior noise exposure limit for residential uses is 45 dB DNL. The City's acceptable exterior noise level is 55 DNL long term, and 60 DNL short term. The plan recognizes that the noise levels may not be achieved in the Downtown, and in the vicinity of major roadways and the Mineta San Jose International Airport. Policies EC 1.7 and EC 2.3 set forth the following requirements to control short-term noise and vibration impacts due to construction:

- Policy EC-1.7 requires construction operations 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.
- Policy EC-2.3 requires 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.

Per the San José Municipal Code Title 20 (Zoning Ordinance) Noise Performance Standards, the sound pressure level generated by any use or combination of uses on a property shall not exceed 55 decibels at the property line for uses adjacent to a property used or zoned for residential purposes.

**Impacts and Mitigation**

Thresholds per City’s CEQA Checklist

**Would the project:**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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"/>	1,2,13,18
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
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
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
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

- a) **Less-Than-Significant Impact.** The primary source of noise at the project site is traffic traveling on Araujo Street. As described in Section O. Transportation/Traffic section of this initial study, the proposed project would generate approximately 89 net new average daily trips. This is a minor increase in traffic for a developed residential area within San Jose. As traffic volumes on a street would normally have to double to raise noise levels to a detectable level that creates a significant impact, it is not expected that traffic generated by this project would substantially increase noise levels in the project area.
- b) **Less-Than-Significant Impact.** Construction noise could have significant impacts on the residential uses nearest to the project site. Implementation of the Standard Permit Conditions described in Section d) below will reduce impacts to a less-than-significant level.
- c) **Less-Than-Significant Impact.** The development of residential uses on an infill site is not expected to result in permanent noise increases from operational sources. Refer to “a)” above.
- d) **Less-Than-Significant Impact.** Construction of the project will temporarily elevate noise levels in the immediate project area from the use of construction equipment.

Construction noise could have significant impact on the nearest sensitive (residential) uses. Implementation of standard noise abatement measures listed below will reduce potential construction impacts to a less-than-significant level.

### **Standard Permit Conditions**

- Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific construction noise mitigation plan and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
  - The contractor shall use “new technology” power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poor maintained engines or other components.
  - Locate stationary noise generating equipment as far as possible from sensitive receptors. Staging areas shall be located a minimum of 200 feet from noise sensitive receptors, such as residential uses.
- e) **No Impact.** The project is not located within an airport land use plan.
- f) **No Impact.** The project is not located near any private airstrips.

**Conclusion:** The project would have a less-than-significant impact on noise with incorporation of identified mitigation measures and permit conditions.

### **M. POPULATION AND HOUSING**

The current population of San José is 1,016,479 persons (California Department of Finance 2015). Based on the California Department of Finance estimate of average household size for the City of 3.17 persons per dwelling unit, the proposed development of nine single-family homes would increase the City’s population by approximately 29 persons.

### **Impacts and Mitigation**

Thresholds per City’s CEQA Checklist



**Would the project:**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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"/>	1,2,4,20
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"/>	1,2
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"/>	1,2

- a) **Less-Than-Significant Impact.** As the project is on a small infill parcel, the proposed project would not extend infrastructure or foster growth beyond that planned in the General Plan. The project would add nine single-family homes that would add approximately 29 people to the City of San José. This is a very minor increase in the City’s current population of 1,016,479 persons.
- b) **No Impact.** The project is proposed on a vacant infill site and so would not displace existing housing,
- c) **No Impact.** See Section “b)” above. The project would not displace people.

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

**N. PUBLIC SERVICES**

**Setting**

The project site is located in an urbanized area of San José, and served by existing fire, police, school, park and other public facilities. The closest station is Fire Department Station #5 located at 1380 North 10th Street 1.34 miles west of the site. The project would result in a potential increase in population served of approximately 29 people.

All residential development in the City is subject to State law, City ordinances, and the following General Plan policies that serve offset the demand created by residential development upon public services:

Policy FS-5.6: When reviewing major land use or policy changes, consider the availability of police and fire protection, parks and recreation and library services to the affected area as well as the potential impacts of the project on existing service levels.

Policy FS-5.7: Encourage school districts and residential developers to engage in early discussions regarding the nature and scope of proposed projects and possible fiscal impacts and mitigation measures early in the project planning stage, preferably immediately preceding or following land acquisition.

Policy PR-1.1: Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.

Policy PR-1.2: Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.

Policy PR-1.3: Provide 500 square feet per 1,000 population of community center space.

Policy ES-3.8: Use the Land Use / Transportation Diagram to promote a mix of land uses that increase visibility, activity and access throughout the day and to separate land uses that foster unsafe conditions.

Policy ES-3.11: Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects.

**Impacts and Mitigation**

Thresholds per City’s CEQA Checklist

**Would the project:**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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 type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3,4
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3,4
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3,4
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3,4
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

a) **No Impact.** The project site is located in an urbanized area of San José, and is well served by existing fire, police, school, park, and other public facilities.

The project could result in an incremental increase in the demand for fire and police protection services. The site is served by fire stations within four minutes response time. No additional fire or police personnel or equipment are necessary to serve the proposed project; no impacts from construction of new related facilities would occur. Therefore, there is no impact.

The project could result in an incremental increase in the demand for school services. As required by California Government Code Section 53080, the project will be required to pay a school impact fee for residential development to offset the increased demands on school facilities caused by the project. The incremental increase in school service demand would not result in the need to construct new school facilities; therefore, no impacts from construction of new related facilities would occur.

The project will be subject to developer fees to accommodate the incremental demand for park facilities, including the City-required park dedication in-lieu fee.

The project will not impact other public services, including library services.

**Conclusion:** The proposed development of nine residential units would not result in 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. Therefore, there is no impact.

## **O. RECREATION**

### **Setting**

The proposed project does not include parkland. However, Townsend Park, an eight-acre neighborhood park with an exercise course, children's water play feature, horseshoe pit, and two unlighted tennis courts is approximately 550 feet north of the project.

The City of San José has adopted Parkland Dedication Ordinance (Municipal Code Chapter 19.38) and Park Impact Ordinance. These ordinances require residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. Each new residential project in the City is required to conform to both the Parkland Dedication Ordinance and Park Impact Ordinance.

### **Impacts and Mitigation**

Thresholds per City's CEQA Checklist

**Would the project:**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3,14, 20
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3,14, 20

a/b) **No Impact.** The development of nine single-family residences on the project site could increase in the number of residents in the project area by up to 29 people. This would incrementally increase demand on recreational facilities.

The City of San José has adopted the Parkland Dedication Ordinance and Park Impact Ordinance, which require residential developers to dedicate public park land or pay in-lieu fees (or both) to compensate for the increase in demand for neighborhood parks. The project would be required to comply with the City’s park ordinances and standard permit condition for parks, as follows:

**Standard Permit Condition**

- The project shall conform to the City’s Parkland Dedication Ordinance and Park Impact Ordinance (Municipal Code Chapter 19.38).

**Conclusion:** The proposed project would not 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, and would not require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment; therefore, there is no impact.

**P. TRANSPORTATION / TRAFFIC**

**Setting**

The following discussion is based in part on a Traffic Study prepared for the project by Hexagon Transportation Consultants (June 2015), included as Appendix D. The purpose of the study was to determine the number of trips that would be added to the U.S. Highway 101/Oakland Road interchange for purposes of assessing the project’s impact fee.

The project site is located on the west side of Araujo Street north of Sierra Road. Access to the project site is proposed via a single driveway from Araujo Street. Three major freeways are in the immediate area and provide regional project access: Interstate 880, Interstate 680/Interstate 280, and U.S. Highway 101. Brokaw Road/Hostetter Road, Oakland Road, Lundy Avenue, and Berryessa Road are four major arterial roads within the immediate vicinity of the project site.

Public transit in the project area is provided by the Santa Clara Valley Transportation Authority (VTA). The nearest bus routes are located along Lundy Avenue and Berryessa Road.

The proposed project would result in the development of nine single-family detached homes. Based on trip rates published in the *San Jose Traffic Impact Analysis Handbook* (November 2009), the proposed project is expected to generate a total of 89 daily trips with nine trips (three in and six out) during the a.m. peak hour and nine trips (six in and three out) during the p.m. peak hour. The project site is currently vacant. Therefore, there is no existing trip credit to be applied to the project trip generation.

Based on the surrounding land uses and the existing roadway network, it is expected that three project trips would use the U.S. Highway 101/Oakland Road interchange during the p.m. peak hour, and the proposed project would need to pay a total of \$104,739 impact fee (based on the current rate of \$34,913 per trip) in accordance with the City’s 101/Oakland/Mabury Transportation Development Policy (TDP).

The City of San José’s Council Policy 5-3 “Transportation Level of Service” acts as a guide to analyze and make determinations regarding the overall conformance of a proposed development with the City’s various General Plan multi-modal transportation policies. It also establishes a threshold to determine environmental impacts and requires new developments to mitigate significant impacts. The City’s transportation Level of Service Policy finds that projects of 15 or fewer residential units will not have project or cumulative level traffic impacts.

**Impacts and Mitigation**

Thresholds per City’s CEQA Checklist

**Would the project:**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio of roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,13,14
b) Exceed, either individually or cumulatively, a level of service standard 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"/>	1,2,13,14
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"/>	1,2,13
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"/>	1,2
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

- a) **Less-Than-Significant Impact.** The project is exempt from the City’s Level of Service Policy as it proposes the construction of less than 15 single family detached units. The Traffic Study prepared for the project by Hexagon Transportation Consultants (2015) finds that the proposed project is expected to generate an additional 89 daily trips. See Section “b)” below. The project will not conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system.
  
- b) **Less-Than-Significant Impact.** This proposed project is exempt from the City’s Level of Service Policy, and no further LOS analysis is required because the project proposes less than 15 single family detached units. For informational purposes, the proposed project is expected to generate a total of 89 daily trips with nine trips (three in and six out) during the a.m. peak hour and nine trips (six in and three out) during the p.m. peak hour.
  
- c) **No Impact.** The project will not result in any changes to air traffic patterns.
  
- d) **No Impact.** The proposed project will not substantially increase hazards due to a design feature or incompatible uses.
  
- e) **No Impact.** The proposed project will not result in inadequate emergency access.
  
- f) **No Impact.** The proposed project will be required to conform with the City’s *Residential Design Guidelines* of 2.6 spaces per unit.
  
- g) **No Impact.** The project will not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

**Conclusion:** The project would have a less-than-significant impact on traffic and transportation.

**Q. UTILITIES AND SERVICE SYSTEMS**

**Setting**

The project site is an infill development located within the City of San José Urban Service Area where adequate utilities and service systems for urban development exist. The proposed project would result in a population increase of approximately 29 persons in the City. The site is designated for residential development in the City’s General Plan, and the proposal is consistent with the land use designation.

Various policies in the General Plan have been adopted for the purpose of avoiding or mitigating utility-related impacts resulting from planned development within the City. All development is subject to the utilities and services policies of the City’s General Plan, including the following:

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.

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

In addition to the above-listed policies of the San José General Plan, all new development in San José is required to comply with programs that mandate the use of water-conserving features and appliances and the City’s Integrated Waste Management Program, which minimizes solid waste.

**Impacts and Mitigation**

Thresholds per City’s CEQA Checklist

**Would the project:**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,4

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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 type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,4,21
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"/>	1,2,4,21
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"/>	1,2,4,21
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"/>	1,2,4,21
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"/>	1,2,4,21
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,4,21

- a) **No Impact.** The General Plan EIR determined that development allowed under the General Plan would not exceed wastewater treatment requirements of the San Francisco Bay Regional Water Quality Control Board nor would it exceed the City's allocated capacity of the San José/Santa Clara Water Pollution Control Plant (page 656). The proposed project is consistent with the general plan designation of City's General Plan designation of RN (Residential Neighborhood); therefore, residential development of the site has been anticipated in the City's General Plan and evaluated in the General Plan EIR. Since the City's General Plan EIR determined that residential development of the site was would not impact wastewater treatment requirements of the applicable Regional Water Quality Control Board, there is no impact in this area of concern.
- b) **No Impact.** The proposed project would result in a population increase of approximately 29 persons in the City. The San Jose Water Company would provide water to the site and sanitary sewer service for the project site would be provided by the City of San José. The project would not substantially increase water demands and wastewater generation, nor would it require or result in the construction of new water or wastewater treatment facilities or any expansion of existing facilities.
- c) **Less-Than-Significant Impact.** The project proposes to connect to the City's existing storm drainage system and is not expected to contribute runoff that will exceed the capacity of existing or planned storm water drainage systems. A conceptual storm water control plan has been developed and would be implemented as part of the proposed project. Refer also to section F. Hydrology and Water Quality.



- d) **Less-Than-Significant Impact.** See b) above. Sufficient water supplies are available to serve the project from existing entitlements and resources and the proposed project would not require construction of new water facilities.
- e) **Less-Than-Significant Impact.** See items a) and b) above. The project will not impact wastewater treatment services, since adequate capacity is available to serve the project demand.
- f) **Less-Than-Significant Impact.** The project will not generate substantial solid waste that impacts landfills.
- g) **No Impact.** The project will comply with all federal, state, and local statutes and regulations related to solid waste.

**Conclusion:** The project would not trigger mandatory findings of significance as it would have a less-than-significant impact on utilities.

**R. MANDATORY FINDINGS OF SIGNIFICANCE**

**Impacts and Mitigation**

Thresholds per City’s CEQA Checklist

**Would the project:**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Does the project have the potential to (1) degrade the quality of the environment, (2) substantially reduce the habitat of a fish or wildlife species, (3) cause a fish or wildlife population to drop below self-sustaining levels, (4) threaten to eliminate a plant or animal community, (5) reduce the number or restrict the range of a rare or endangered plant or animal, or (6) eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All
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"/>	All
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"/>	All

- a) **Less-Than-Significant Impact with Mitigation.** The proposed project has the potential to result in impacts associated with sensitive biological and cultural resources, as discussed in Section IV.

Biological Resources, and Section V. Cultural Resources of this initial study. However, with implementation of mitigation measures presented in those sections (requiring construction outside the raptor nesting period or, if not possible, pre-construction nesting raptor surveys; and archaeological monitoring during construction) the proposed project would not have the potential to degrade the quality of the environment; substantially reduce the number or restrict the range of an endangered, rare, or threatened species; or eliminate important examples of the major periods of California history or prehistory.

The proposed project does not have the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, or threaten to eliminate a plant or animal community.

- b) **Less-Than-Significant Impact.** Based on the analysis provided in this initial study, the proposed project will not have cumulatively significant impacts.
- c) **Less-Than-Significant Impact.** Based on the analysis provided in this initial study, the proposed project will not result in environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.

**Conclusion:** The project would have a less-than-significant impact on the environment with incorporation of identified mitigation measures and standard permit conditions as described within this initial study.

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**SECTION V**

**APPENDICES**

The following appendices are included on a CD attached to the inside back cover:

- A. Cultural Resource Evaluation of the Project at Araujo Street in the City of San Jose
- B. Geotechnical Investigation
- C. Phase I Environmental Site Assessment Report
- D. Phase II Environmental Site Assessment Report
- E. Araujo Street Subdivision Residential Traffic Study

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