Initial Study

Dove Hill Medical Care Facility Project

Prepared by

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

In Consultation with

DAVID J. POWERS & ASSOCIATES, INC.
ENVIRONMENTAL CONSULTANTS & PLANNERS

April 2018

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Planning, Building and Code Enforcement
ROSALYNN HUGHEY, DIRECTOR

PUBLIC NOTICE
INTENT TO ADOPT
A MITIGATED NEGATIVE DECLARATION
CITY OF SAN JOSÉ, CALIFORNIA

Project Name: Dove Hill Medical Care Project **File No.:** PDC14-051 and PD16-019

Description: The project proposed to rezone three acres ("development footprint") of the 21-acre site from Agriculture to A(PD) Planned Development for the demolition of all existing buildings, structures, trees and landscaping, and associated improvements, and to develop a convalescent hospital facility with two buildings containing a total of 155 patient rooms and up to 248 beds, all within the development footprint of the three acres. The remaining 18 acres would stay zoned Agriculture and would be maintained as undeveloped, permanent private open space.

Location: A three-acre portion of a larger 21-acre site will be rezoned to a Planned Development (PD) zoning. The three acres include all of Assessor's Parcel Numbers (APNs) 679-08-003 and 679-09-001, as well as portions of APNs 679-08-002 and 679-09-002. The site is located at 4200 Dove Hill Road in south San José, adjacent to the east side of United States Highway 101 (US 101).

Assessor's Parcel No.: 679-08-003 and 679-09-001, 679-08-002 and 679-09-002 **Council District:** 8

Applicant Contact Information: Salvatore Caruso, Salvatore Caruso Design Corporation; 980 El Camino Real, Suite 200, Santa Clara, CA 95050; (408) 998-4087

The City has performed environmental review on the project. Environmental review examines the nature and extent of any adverse effects on the environment that could occur if a project is approved and implemented. Based on the review, the City has prepared a draft Mitigated Negative Declaration (MND) for this project. An MND is a statement by the City that the project will not have a significant effect on the environment if protective measures (mitigation measures) are included in the project.

The public is welcome to review and comment on the draft Mitigated Negative Declaration. The public comment period for this draft Mitigated Negative Declaration begins on **April 9, 2018, and ends on April 30, 2018.**

The draft Mitigated Negative Declaration, initial study, and reference documents are available online at: http://www.sanjoseca.gov/index.aspx?nid=2165 . The documents are also available for review from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, located at City Hall, 200 East Santa Clara Street; and at the Dr. Martin Luther King, Jr. Main Library, located at 150 E. San Fernando Street.

For additional information, please contact Thai-Chau Le at (408) 535-5658, or by e-mail at Thai-Chau.Le@sanjoseca.gov.

Rosalynn Hughey, Director
Planning, Building and Code Enforcement

4/4/18
Date

Deputy

Circulation period: **April 9, 2018, to April 30, 2018.**

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.

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PROJECT FILE NUMBER: PDC14-051 and PD16-019

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ASSESSORS PARCEL NO.: 679-08-003 and 679-09-001, 679-08-002 and 679-09-002.

COUNCIL DISTRICT: 8

APPLICANT CONTACT INFORMATION: Salvatore Caruso, Salvatore Caruso Design Corporation 980 El Camino Real, Suite 200, Santa Clara, CA 95050; (408) 998-4087

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

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

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

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

D. **BIOLOGICAL RESOURCES.**

Impact BIO-1: Project construction and landscaping associated with the proposed gardens at the edges of the development footprint could have the potential to introduce invasive or weedy species to the surrounding open space areas, which contain serpentine grassland habitat supporting rare, threatened and/or endangered plant species, including dudleya.

MM BIO-1.1: A qualified biologist, under contract to the project applicant, shall prepare and implement a Monitoring and Management Plan to preserve the serpentine habitat and special-status plant species present in the open space area above the project development footprint. The plan shall be developed in consultation with the Santa Clara Valley Habitat Agency. The Monitoring and Management Plan shall include, but is not limited to, the following components:

- Unauthorized human access to the open space area shall be prohibited and facility management staff shall be required to monitor for unauthorized use of the open space;
- Fencing shall be installed to separate the medical care facility from the open space to prevent unauthorized human access to the open space area during any demolition, grading, and construction phases;
- Periodic monitoring of the site (e.g., every two years or as determined by the biologist) by a biologist to determine whether unauthorized entry and disturbance, overgrowth by non-native plants, or other stressors are degrading the suitability of the open space for serpentine plants;
- Management activities to address unauthorized human use (e.g., fence repair);
- Management activities to prevent infestations of non-native plants (e.g., periodic grazing); and
- Best management practices for preventing the introduction of non-native species during construction or maintenance of landscaping.

The Monitoring and Management shall be reviewed and approved by the San José Department of Planning, Building, and Code Enforcement prior to issuance of any grading or demolition permit for the proposed project.

Impact BIO-2: Construction activities associated with the project could result in the loss of fertile eggs of nesting raptors or other migratory birds, or nest abandonment.

MM BIO-2.1: The project applicant shall schedule demolition and construction activities to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area extends from February 1st through August 31st (inclusive).

If demolition and construction activities cannot be scheduled to avoid the nesting season, pre-construction surveys for nesting raptors and other migratory nesting birds shall be conducted by a qualified ornithologist to identify active nests that may be disturbed during project implementation on-site and within 250 feet of the site. Projects that commence demolition and/or construction activities between February 1st and April 30th (inclusive), shall conduct a pre-construction survey for nesting birds no more than 14 days prior to initiation of construction, demolition activities, or tree removal. Between May 1st and August 31st (inclusive), the pre-construction survey shall be conducted no more than 30 days prior to initiation of construction,

demolition, or tree removal activities.

If an active nest is found in or within 250 feet of the project area, a qualified ornithologist, in consultation with the CDFW, shall determine the extent of a construction-free buffer zone (typically 250 feet for raptors and 100 feet for other birds) around the nest, to ensure that raptor or migratory bird nests would not be disturbed during ground disturbing activities. The construction-free buffer zones shall be maintained until after the nesting season has ended and/or the ornithologist has determined that the nest is no longer active.

The ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Supervising Environmental Planner of the City of San José Department of Planning, Building and Code Enforcement prior to issuance of any tree removal, grading, demolition, and/or building permit or activities (whichever occur the earliest).

Impact BIO-3: Demolition of buildings on the site could result in injury and/or mortality of roosting bats.

MM BIO-3.1: Bat Surveys. Prior to removal of trees, demolition, grading, or building activities (whichever occurs the earliest), a survey of existing buildings shall be completed by a qualified bat biologist to determine whether the site supports a maternity roost of any bat species. The survey shall be conducted during the breeding season (March 1st to August 31st, inclusive). If the survey must be conducted during the non-breeding season (i.e., 1 September 1st to February 28st, inclusive), and if no evidence of bat roosts is found, it can be concluded that no maternity roost is present. However, if the survey is conducted during the non-breeding season and evidence of a bat day roost is observed, then prior to building demolition, a follow-up survey shall be completed during the breeding season (March 1st to August 31st, inclusive) to determine whether a maternity roost is present. If suitable roost sites are found but a visual survey is not adequate to determine presence or absence of bats (which would be particularly likely in the case of potential roost trees), acoustical equipment shall be used to determine occupancy. A preliminary report shall be submitted to the Supervising Environmental Planner of the City of San José Department of Planning, Building and Code Enforcement by the qualified bat biologist summarizing method of detection and recommendation of removal.

MM BIO-3.2: Bat Eviction. If a maternity roost would be impacted, and the roost supports either a special-status species or a regionally important proportion of the population of a non-special-status species (e.g., two percent or more, in the opinion of a qualified bat biologist), an alternative bat roost structure shall be provided. The design and placement of this structure shall be determined by the bat biologist based on the species of bat to be displaced, the location of the original roost, and the habitat conditions in the vicinity. This bat structure shall be established at least one month prior to removal of the original roost structure. This structure shall be checked during the breeding season for up to three years following completion of the project, or until it is found to be occupied by bats. This data shall be included in a finding report prepared by the bat biologist to provide information for future projects regarding the effectiveness of such structures in minimizing impacts to bats. This report shall be submitted to the Supervising Environmental Planner of the City of San José Department of Planning, Building and Code Enforcement at the end of the three year following the completion of the project, or when bats are detected in the structure (whichever occurs first).

A pre-demolition survey for roosting bats, following the methods described in MM BIO-3.1, shall be completed within 15 days prior to the commencement of demolition activities in a given area to determine whether bats have occupied a roost in or near the project's impact areas, or whether

they have abandoned a roost identified during the surveys described above. If a maternity roost of any bat species is present, the bat biologist shall determine the extent of a construction-free buffer around the active roost that will be maintained from March 1st until the young are flying, typically after August 31st.

If a day roost is found in a building that is to be removed, individual bats shall be safely evicted under the direction of a qualified bat biologist. Eviction of bats shall occur at night, so that bats will have less potential for predation compared to daytime roost abandonment. Eviction shall occur between September 1st and March 31st (inclusive), outside the maternity season, but will not occur during long periods of inclement or cold weather (as determined by the qualified bat biologist) when prey are not available or bats are in torpor. If a day roost is found within a building, eviction shall occur as directed by the bat biologist, such as by opening the roosting area to allow air flow through the cavity. Demolition shall then follow no sooner than the following day (i.e., there shall be no less than one night between initial disturbance for air flow and the demolition) to minimize predation during daylight. If determined infeasible by the bat biologist due to structural or safety concerns, one-way doors shall be used to evict bats from tree roosts. If use of a one-way door is not feasible, as determined by the bat biologist, or the exact location of the roost entrance in a tree is not known, the trees with roosts that need to be removed shall first be disturbed by removal of some of the trees' limbs not containing the bats. Such disturbance shall occur at dusk to allow bats to escape during the dark hours. These trees shall then be removed the following day. All activities shall be performed under the supervision of a qualified bat biologist.

MM BIO-3.3: Reporting. All survey results, recommendations, and actions taken shall be written into a final report and submitted by the project applicant to the satisfaction of the Supervising Environmental Planner of the City of San José Department of Planning, Building and Code Enforcement prior to issuance of any tree removal, grading, demolition, and/or building permits (whichever occur the earliest).

E. CULTURAL RESOURCES.

Impact CUL-1: Construction activities in the southern area of the project development footprint could disturb subsurface historic resources associated with the on-site historic-aged residential structures.

MM CUL-1.1: The following shall be included in the project to reduce impacts to anticipated subsurface historic resources in the southern area of the project site, in the vicinity of the existing residential structures:

- A qualified archaeologist shall monitor all subsurface construction activities and demolition in the southern area of the site developed with the residential structures.
- In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Supervising Environmental Planner and Historic Preservation Officer of the City of San José Department of Planning, Building and Code Enforcement shall be notified, and a qualified archaeologist will examine the find. Project personnel shall not collect or move any cultural material.
- The archaeologist shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding he disposition of such finds prior to issuance of any occupancy permits. If the

finds do not meet the definition of a historical or archaeological resources, no further study or protection is necessary prior to project implementation. If the find(s) does meet the definition of a historical or archaeological resource, then the find shall be avoided by project activities. Project personnel shall not collect or move any cultural material. Fill soils that may be used for construction purposes shall not contain archaeological materials.

- If project construction activities cannot avoid impacting the find, adverse effects to such resources shall be mitigated in accordance with the recommendations of the archaeologist and as approved by the City. Recommendations shall include, but are not limited to, collection, recordation, and analysis of any significant cultural materials. Data recovery methods may include, but are not limited to, backhoe trenching, shovel test units, hand augering, and hand-excavation. Data recovery shall include excavation and exposure of features, field documentation, and recordation. A treatment plan including, but is not limited to, methodology of data recovery, recommendations of measures and conditions to minimize impacts to the finds shall be submitted and approved by Supervising Environmental Planner and Historic Preservation Officer of the City of San José Department of Planning, Building and Code Enforcement prior to commencement of recovery activities.
- A final report of findings documenting any data recovery shall be submitted to the Supervising Environmental Planner and Historic Preservation Officer of the City of San José Department of Planning, Building and Code Enforcement and the Northwest Information Center prior to issuance of building permits.

F. GEOLOGY AND SOILS.

Impact GEO-1: Grading and excavation activities at the project site could alter existing slope configurations resulting in landslide activation, exposing people and structures to damage and/or safety hazards.

MM GEO-1.1: The project applicant shall install retaining walls to provide support at the toe of slopes, where cuts are made into the slope, as shown on the project grading plan. Retaining walls shall be designed to withstand the applicable earth pressures, dependent on the slope inclination and backfill material, as determined by a qualified Geologist. Retaining wall engineering plans and a report by a qualified geologist shall be submitted to the Supervising Environmental Planner of the City of San José Department of Planning, Building and Code Enforcement prior to the issuance of any grading or building permit.

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

H. HAZARDS AND HAZARDOUS MATERIALS.

Impact HAZ-1: The project site contains elevated levels of naturally occurring asbestos (NOA) in the soil. Airborne NOA during construction activities could be hazardous to construction workers and existing sensitive receptors in the project area. Future residents of the site could also be exposed to elevated levels of NOA.

MM HAZ-1.1: Under regulatory oversight from Bay Area Air Quality Management District (BAAQMD), the project shall prepare a site-specific Asbestos Dust Mitigation Plan (ADMP) for review and approval by the applicable regulatory agency prior to the issuance of any grading

permit. The ADMP shall be implemented during construction activities to reduce the potential for asbestos emissions during ground-disturbing activities. The ADMP and application shall be submitted to Bay Area Air Quality Management District (BAAQMD) for review and approval prior to issuance of any grading permits, consistent with the BAAQMD Naturally Occurring Asbestos Program. The Supervising Environmental Planner of the City of San José Department of Planning, Building and Code Enforcement shall be copied on the ADMP submittal and any correspondence between BAAQMD and the contractor/developer regarding asbestos. The ADMP shall include dust and erosion control measures to eliminate or minimize the generation of dust and erosion associated with excavation activities, truck and vehicle traffic onto and off the site, and the effects of ambient wind traversing exposed soil, as detailed, but is not limited to, below:

- Each area proposed for work that may contain asbestos shall be sufficiently moisture conditioned before beginning work to minimize dust emissions during excavation and grading. If dust is observed, additional water must be applied.
- Water applied for dust control purposes can be treated with a small amount of a biodegradable wetting agent to increase dust suppression.
- All working surfaces (including haul roads and other roads subject to traffic) on material potentially containing asbestos shall be kept sufficiently moist so that visible dust is not emitted during grading or driving.
- Travel speeds of grading equipment and vehicles traveling in the grading area on-site must be limited.
- The exposed surface of loads transported on-site by scraper or truck must be kept sufficiently moist to minimize potential dust/asbestos emissions.
- Equipment operators must avoid excessive disturbance of asbestos-containing material such as overfilling of scrapers or pushing material over the sides of stockpiles.
- If significant downwind asbestos emissions are expected, given the location of the work and the wind directions, at least one of the following options must be implemented: limit the duration of the work as long as wind conditions are adverse, work at another location upwind from the area of concern, or erect a mist curtain downwind of the work area.
- The ADMP shall also include protocols for air monitoring of contaminants of concern documenting worker exposures and off-site migration of dust, if any, during soil disturbing activities.

Impact HAZ-2: Site construction workers and future patients may be exposed to elevated levels of the pesticides chlordane and dieldrin that were detected in soil samples at the site in the vicinity of the project.

MM HAZ-2.1: Prior to issuance of any grading permits, the project applicant shall conduct additional soil sampling near the project to existing residences the vertical and lateral extent of soil contamination. The Santa Clara County Department of Environmental Health and/or another regulatory agency shall be consulted to evaluate requirements for regulatory oversight. Remedial measures shall be established with oversight from the regulatory agency to reduce health risks to future users of the site from exposure to the impacted soil. Remedial measures may include: 1) excavation and off-site disposal of the impacted soil at a permitted facility; 2) the use of engineering and administrative controls, such as consolidation and capping of the soil on-site and land use covenants restricting certain activities/uses; and 3) a combination of the above. The project applicant shall submit a copy of the soil sampling report and proposed remedial measures to the Supervising Environmental Planner of the Department of Planning, Building, and Code Enforcement, and the Environmental Services Department prior to the issuance of any grading permits.

MM HAZ-2.2: Under regulatory oversight from the Santa Clara County Department of Environmental Health (SCCDEH) using their Voluntary Cleanup Program (VCP), or equivalent regulatory agency, the project applicant shall prepare a Site Management Plan (SMP) presenting the established remedial measures. The SMP shall be prepared by a qualified hazardous materials consultant to establish management practices for handling contaminated soil or other materials encountered during construction activities. The SMP shall include, but is not limited to, the following:

- A detailed discussion of the site background;
- Proper mitigation as needed for demolition of existing structures;
- Management of stockpiles, including sampling, disposal, and dust and runoff control including implementation of a stormwater pollution prevention program;
- Procedures to follow if evidence of an unknown historic release of hazardous materials (e.g., underground storage tanks, polychlorinated biphenyls, asbestos-containing materials, lead-based paint, etc.) is discovered during excavation or demolition;
- A section about regulatory agencies and protocol if underground storage tanks (USTs) are encountered during construction activities; and
- A section about regulatory agencies and protocol if complete removal of USTs is needed;
- Procedures for impacted soil excavation, soil stockpiling, off-haul, field observation by an environmental professional, confirmation sampling, and reporting requirements;
- Procedure for proper disposal of potentially contaminated soil or other materials, if applicable (as stated in MM HAZ 3.1);
- A Health and Safety Plan (HSP) shall be prepared to provide general health and safety guidance so that field activities can be completed in a manner that minimizes exposure to soils. Contractors shall also determine the requirements for worker training, based on the level of expected contact to soil associated with the contractor's activities and locations. The HSP shall contain provisions for limiting and monitoring chemical exposure to construction workers, chemical and non-chemical hazards, emergency procedures, and standard safety protocols.

The project applicant shall submit the SMP to the Santa Clara County Department of Environmental Health (or equivalent agency) for review and approval and provide a copy of the approved SMP to the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement and Municipal Compliance Officer of the City of San José Environmental Services Department prior to the issuance of any grading permits.

Impact HAZ-3: If excavated soil generated during site development requires off-haul, the soil may be considered hazardous waste, and could contribute to contaminated runoff if disposed of improperly.

MM HAZ-3.1: The project applicant shall ensure that any soil off-haul from the site (including native soils or undocumented fill) is characterized and profiled prior to off-haul, including additional soil sampling and/or laboratory testing, as required, to further evaluate hazardous materials concentrations in the soil. The analytical results shall be forwarded to the receiving facility for comparison to their acceptance criteria. Soils shall be disposed of at a Class I hazardous landfill, if appropriate. Disposal procedures shall be included in the SMP as stated in MM HAZ-2.2. This measure shall be printed on all construction plans, documents, and contracts prior to the issuance of any grading permits.

I. HYDROLOGY AND WATER QUALITY.

Impact HYD-1: If on-site wells are improperly abandoned, they could contribute to pollutants in the ground water.

MM HYD-1.1: The project applicant shall ensure that on-site wells are properly removed in accordance with Santa Clara Valley Water District requirements prior to issuance of grading permits for the site. The project applicant shall obtain written confirmation from the Santa Clara Valley Water District documenting the proper abandonment of the wells and provide the documentation to the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement prior to issuance of any grading permits.

Impact HYD-2: Abandoned on-site septic tanks that were used for discharges of hazardous materials could contribute to pollutants in groundwater during demolition.

MM HYD-2.1: The project applicant shall ensure that on-site septic systems are properly abandoned in accordance with applicable Santa Clara County Department of Environmental Health and other applicable regulations. A letter from the County Department of Environmental Health documenting proper septic tank abandonment shall be provided by the project applicant to the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement prior to issuance of any grading permits.

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

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

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

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

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

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

P. TRANSPORTATION / TRAFFIC.

Impact TRAN-1: The connection from the project access roadway onto Dove Hill Road would not provide a 90-degree connection, which could limit the ability of drivers to see pedestrians, bicyclists and other cars.

MM TRAN-1.1: The project applicant shall ensure that the area from the project access roadway onto Dove Hill Road remain free and clear of obstructions to allow exiting vehicles to see pedestrians on the sidewalk and vehicles traveling on Dove Hill Road. A reduced speed limit of 15 miles per hour shall be implemented along the on-site project private road. Prior to the issuance of a grading permit, all measures shall be printed on contracts and plans and a

implementation plan shall be submitted to the Environmental Project Manager to identify, at a minimum:

- The methodologies are being proposed to meet the 15 miles per hour (e.g. speed bumps, signage, etc.)
- The methodologies are being proposed to clear any obstruction of exiting vehicles onto Dove Hill Road.

Proof of compliance to this implementation plan shall be submitted to the Supervising Environmental Planner prior to the issuance of Occupancy permit to ensure installation of appropriate structures and conformance to this measure has been met.

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

R. MANDATORY FINDINGS OF SIGNIFICANCE

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

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **Monday, April 30, 2018** any person may:

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

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

Thai-Chau Le
Environmental Project Manager

Rosalynn Hughey, Director
Planning, Building and Code Enforcement

4/4/18
Date

Deputy

Circulation period: **April 9, 2018, to April 30, 2018.**

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SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 PURPOSE OF THE INITIAL STUDY

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

The project proposes construction of a 155-room, 248 beds, convalescent hospital and medical service facility in the City of San José. This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project.

1.2 PUBLIC REVIEW PERIOD

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

Thai-Chau Le, Planner
City of San José
Department of Planning, Building, and Code Enforcement
200 East Santa Clara Street, Third Floor
San José, California 95113
(408) 535-5658
Thai-Chau.Le@sanjoseca.gov

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

1.3 CONSIDERATION OF THE INITIAL STUDY AND PROJECT

Following the conclusion of the public review period, the City of San José will consider the adoption of the Initial Study/Mitigated Negative Declaration (MND) for the project at a regularly scheduled meeting. The City shall consider the Initial Study/MND together with any comments received during the public review process. Upon adoption of the MND, the City may proceed with project approval actions.

1.4 NOTICE OF DETERMINATION

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

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

Dove Hill Medical Care Facility

2.2 FILE NUMBERS

PDC14-051, PD16-019

2.3 LEAD AGENCY CONTACT

Thai-Chau Le, Planner
City of San José
Department of Planning, Building, and Code Enforcement
200 East Santa Clara Street, Third Floor
San José, California 95113
(408) 535-5658
Thai-Chau.Le@sanjoseca.gov

2.4 PROJECT APPLICANT

Salvatore Caruso
Salvatore Caruso Design Corporation
980 El Camino Real, Suite 200
Santa Clara, CA 95050
(408) 998-4087

2.5 PROJECT LOCATION

A three-acre portion of a larger 21-acre site will be rezoned to a *Planned Development* (PD) zoning. The three acres include all of Assessor's Parcel Numbers (APNs) 679-08-003 and 679-09-001, as well as portions of APNs 679-08-002 and 679-09-002. The site is located at 4200 Dove Hill Road in south San José, adjacent to the east side of United States Highway 101 (US 101), as shown in Figures 2.5-1, 2.5-2, and 2.5-3.

2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

General Plan Land Use Designation:	Public/Quasi-Public and Open Space, Parklands and Habitat
Existing Zoning District:	*Agricultural* (on approximately 21 acres)
Proposed Zoning District:	*Planned Development* (on approximately three acres of the 21-acre site, the rest will remain *Agricultural*)

2.7 HABITAT PLAN DESIGNATION[1]

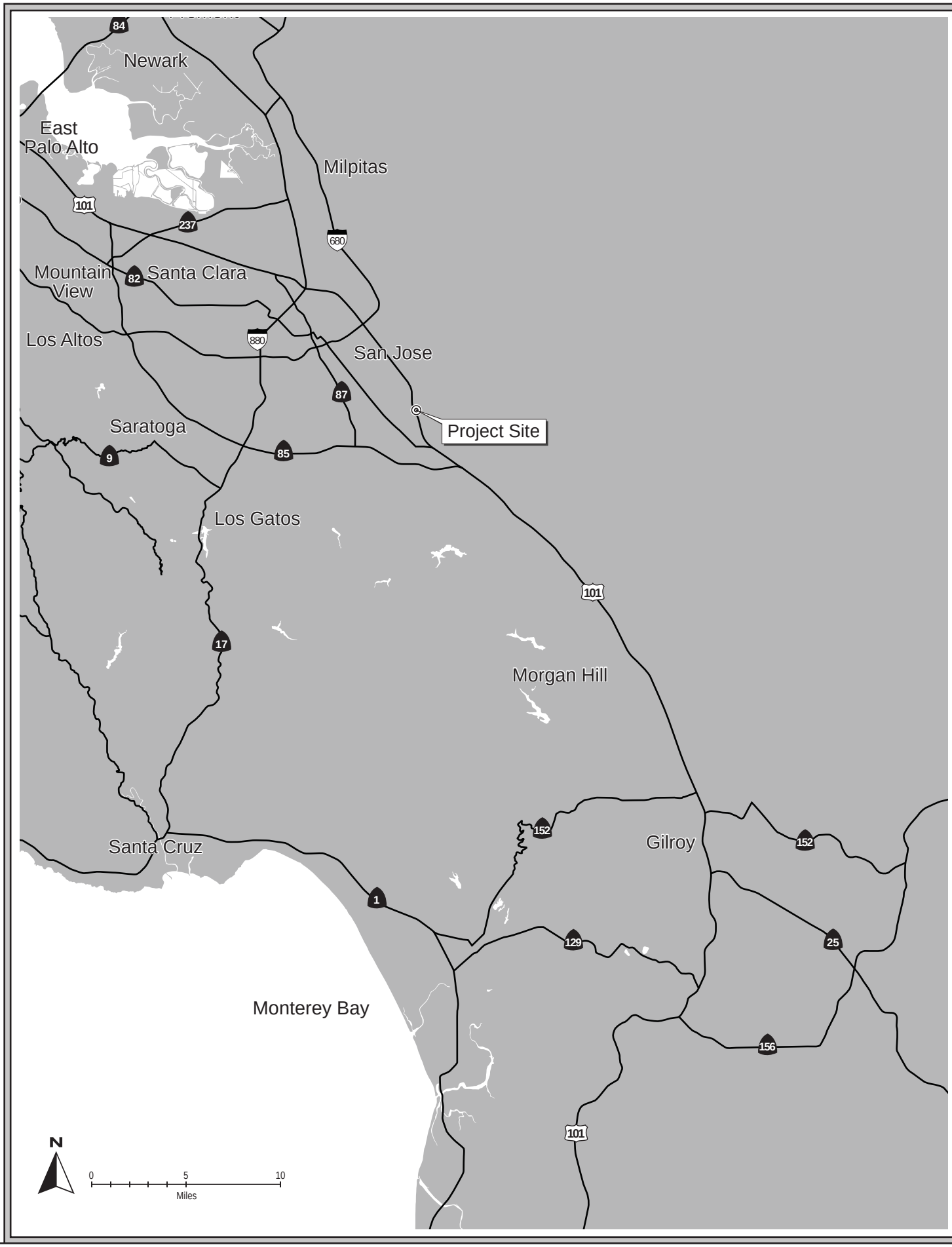
Land Cover Designation:	Urban - Suburban (0.05 acres)
	Serpentine Bunchgrass Grassland (3.0. acres)

[1] These designations apply within the three-acre project footprint where development is proposed.

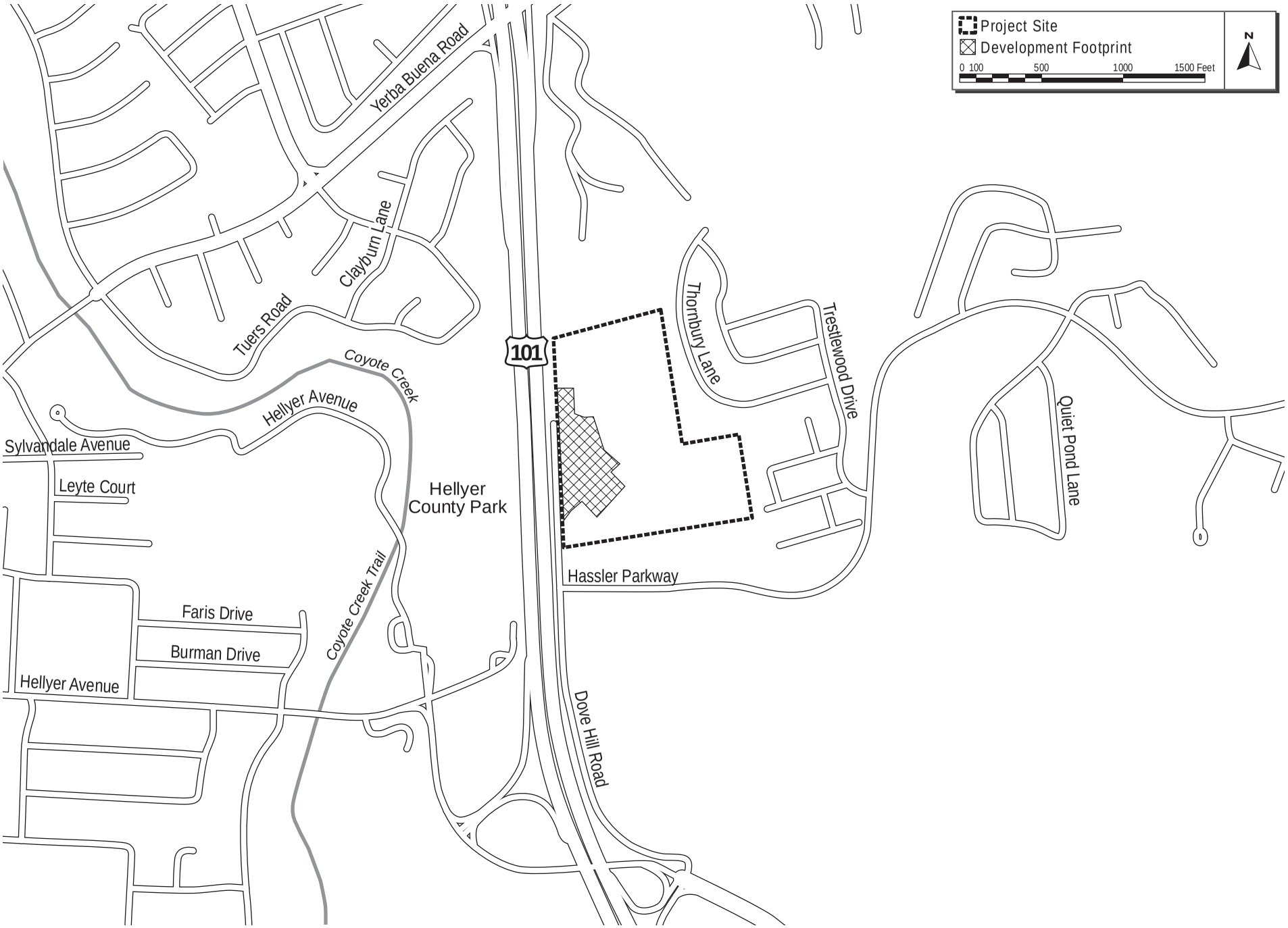
Fee Zone:	Fee Zone A (Ranchlands and Natural Lands) (2.95 acres)
	Urban Areas (No Land Cover Fee) (0.05 acre)
	Serpentine Fee Zone (3.0 acres)
Wildlife Survey Zone:	Bay Checkerspot Butterfly (3.0 acres)
	Plant Survey Zone (3.0 acres)

2.8 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

- Planned Development Zoning
- Planned Development Permit
- Lot-line Adjustment
- Grading Permit
- Building Permit
- Tree Removal Permit
- Encroachment Permit
- Other Public Works Clearances, as applicable



REGIONAL MAP FIGURE 2.5-1



VICINITY MAP

FIGURE 2.5-2

AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 2.5-3

SECTION 3.0 PROJECT DESCRIPTION

3.1 BACKGROUND INFORMATION

The three acre project site includes all of APNs 679-08-003 and 679-09-001, as well as portions of APNs 679-08-002 and 679-09-002, and is located at 4200 Dove Hill Road in the Evergreen Planning Area and Silver Creek Planned Residential Community of the City of San José. The three-acre project site includes the existing developed area of a larger approximately 21-acre site. The project property slopes steeply from east to west, with the eastern property line approximately 230 feet higher in elevation than the western property line. As a result of the steep terrain, the approximately three developed acres of the site are graded into plateaus that support the site's current land uses including two houses and a landscaping business with an associated nursery, sheds, and storage yards. The remaining approximately 18 acres of the site are composed of relatively steep, undeveloped slopes that are currently unoccupied open space areas currently grazed by horses. The existing site layout is shown on Figure 3.1-1.

In March 2010, program-level environmental review was completed for the site as part of the Dovehill Assisted Senior Living Facility General Plan Amendment (GPA) Initial Study (File No. GP08-08-03). The Initial Study evaluated a change to the *Envision San José 2040 General Plan* (General Plan) land use designation from Non-Urban Hillside to the current Public/Quasi-Public designation on the developed three acre portion of the 21-acre site. The rest of the site remained designated Non-Urban Hillside, until the City Council adopted the General Plan in November 2011, when the area was designated OpenSpace, Parklands and Habitats. The project site has a zoning designation of *Agriculture (A).*

The Public/Quasi-Public land use designation is used for public land uses including schools, corporation yards, homeless shelters, libraries, fire stations, convention centers and auditoriums, governmental offices and airports. This designation is also used by private entities including private schools, daycare centers, hospitals, and public utilities that are consistent in character with established public land uses. The intensity of development can vary considerably, depending on potential impacts on surrounding uses and the particular public/quasi-public use on a site. The 2010 Initial Study and applicant's discussions with the community regarding the GPA identified an assisted living facility as a possible future project, which would be allowed under the Public/Quasi-Public designation.

A Negative Declaration was adopted and GPA GP08-08-03 was approved on June 15, 2010 with the following issues to be addressed at the PD Zoning and/or Permit stage:

1. Air quality for the future occupants of the assisted living facility;
2. Traffic capacity and traffic safety on Dove Hill Road and Hassler parking;
3. Emergency vehicle access in and out of the site;
4. Emergency exit and emergency evacuation capacity for current area residents in addition to the future residents on Dove Hill Road; and
5. Noise levels for future occupants of the assisted living facility from US 101.

Instead of an assisted living facility, as contemplated in 2010, the applicant is now proposing a convalescent hospital as part of the Dove Hill Medical Care Facility Project. The purpose of this

Initial Study is to evaluate, at a project-specific level, the environmental impacts that could result from approval of a *Planned Development* Rezoning from *Agricultural* Zoning District to *A(PD) Planned Development* Zoning District and a Planned Development permit to allow for up to 248 beds for a convalescent hospital on approximately three acres of the total 21 acres site.

Where relevant, this Initial Study will tier off the analyses contained within the *Supplemental Environmental Impact Report for Revision of The Evergreen Development Policy,* the *Envision San José 2040 General Plan Final Program Environmental Impact Report,* and the *Envision San Jose 2040 General Plan Supplemental Environmental Impact Report.*

3.2 PROJECT DESCRIPTION

The project proposed to rezone three acres of the 21-acre site from *Agriculture* to *A(PD) Planned Development* in order to develop a convalescent hospital. The remaining 18 acres would stay zoned *Agriculture.* A conceptual site plan of the project is shown on Figure 3.2-1. Elevations of the proposed buildings are shown in Figures 3.2-2 and 3.2-3.

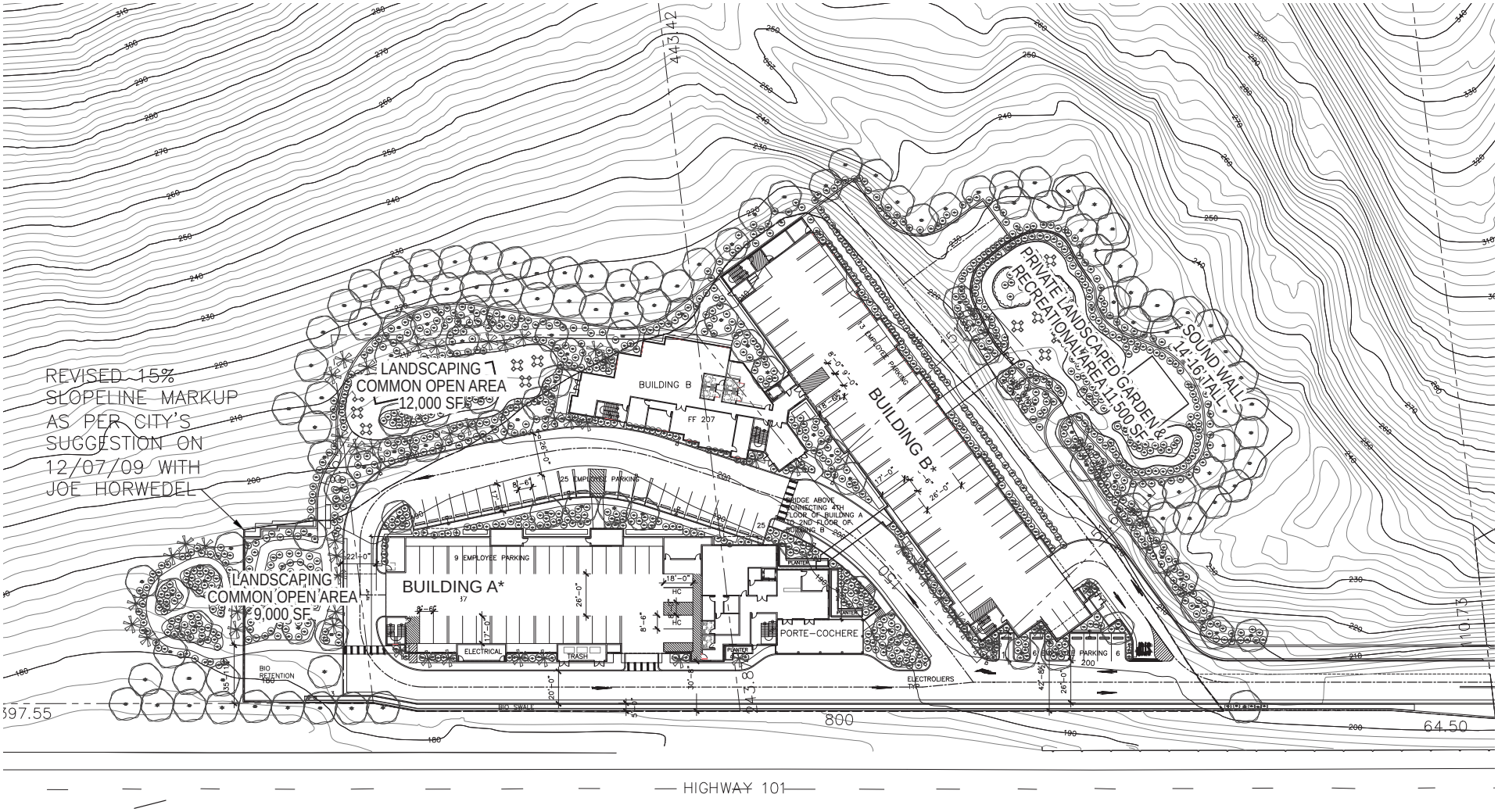
Similar to the existing development on the site, the proposed project would be developed on only the westernmost approximately three acres of the approximately 21-acre site (i.e., the development footprint). All existing buildings, structures, trees and landscaping, and associated improvements within the development footprint would be removed as part of the project, and the approximately three acres would be redeveloped with a convalescent hospital facility with two buildings containing a total of 155 patient rooms and up to 248 beds. The project would also include a dining hall, multi-purpose room and other ancillary uses, surface parking areas, new landscaping, walkways, and landscaped common outdoor open space. The remaining approximately 18 acres of the site would be maintained as undeveloped, permanent private open space. The private open space area would continue to be grazed by horses, which is beneficial to the serpentine-associated plants in that area (described further in Section 4.4 Biological Resources). Development would be located below the 15 percent slope line.

3.3 PROJECT OPERATIONS

The proposed convalescent hospital would operate 24 hours per day, seven days per week. The facility would be staffed at all times with medical, administrative, maintenance, and kitchen personnel, as shown in Table 3.3-1. A maximum of 55 staff would be on site during the daytime and up to 25 staff at night. It is anticipated that on weekends, approximately 10 percent of the convalescent hospital facility's 248 occupants (maximum) would have visitors, which equates to approximately 25 visitors over the two-day weekend period. During the week, visitor numbers would be substantially lower and are not considered significant contributors to site traffic or activity.

EXISTING SITE PLAN

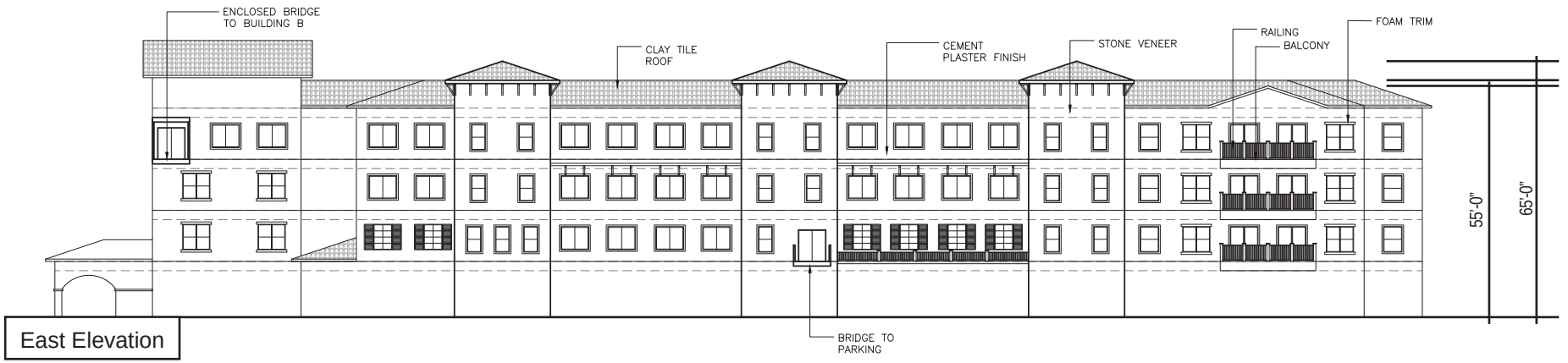
FIGURE 3.1-1



* Building would be located atop the ground-level parking shown here.

CONCEPTUAL SITE PLAN

FIGURE 3.2-1



East Elevation

West Elevation

BUILDING A ELEVATIONS

FIGURE 3.2-2

North Elevation

South Elevation

BUILDING B ELEVATIONS

FIGURE 3.2-3

Table 3.3-1: Staffing and Shift Distribution		
Operation	**Number of Staff**	**Shift**
Office Staff	11	Seven office staff from 9:00 am to 5:00 p.m. Two front desk receptionists from 3:00 p.m. to 11:00 p.m. Two office staff from 11:00 p.m. to 7:00 a.m.
Doctors	3	Two doctors from 7:00 a.m. to 3:00 p.m. weekdays One doctor from 7:00 a.m. to 3:00 p.m. weekends
Nursing Staff	24	11 nurses from 7:00 a.m. to 3:00 p.m. 11 nurses from 3:00 p.m. to 11:00 p.m. Two nurses from 11:00 p.m. to 7:00 a.m.
Medical Aides	18	Eight medical aides from 7:00 a.m. to 3:00 p.m. Six medical aides from 3:00 p.m. to 11:00 p.m. Four medical aides from 11:00 p.m. to 7:00 a.m.
Kitchen Staff	45	20 kitchen staff from 7:00 a.m. to 3:00 p.m. 15 kitchen staff from 3:00 p.m. to 11:00 p.m. 10 kitchen staff from 11:00 p.m. to 7:00 a.m.
Facility Maintenance	19	Seven maintenance workers from 7:00 a.m. to 3:00 p.m. Seven maintenance workers from 3:00 p.m. to 11:00 p.m. Five maintenance workers from 11:00 p.m. to 7:00 a.m.

3.4 PROJECT COMPONENTS

3.4.1 Patient Buildings

The proposed project would construct two buildings, Building A and Building B, totaling approximately 174,160 square feet (this includes the parking area and driveway) with 155 patient rooms and up to 248 beds. Both buildings would include medical rooms for use by doctors and nurses.

Building A would be a four-story (up to 65 feet tall), approximately 74,200 square foot rectangular building with its longer axis parallel to the western boundary of the development footprint and US 101. Building A would have 62 patient rooms with a total of up to 93 beds in the upper three floors, built on a podium structure. This building is proposed for memory care. The first floor of Building A, under the podium, would include parking, a lobby, reception area, administrative space, and auxiliary spaces such as utility rooms, boiler rooms, trash enclosures, and bathrooms. Building A would also contain indoor amenity space for occupants, which could include a dining area, as well as treatment/exam rooms and a common recreation area.

Building B would be located south of Building A and would consist of a four-story rectangular structure with a four-story wing (up to 65 feet tall). Building B would total approximately 99,955 square feet. The longer axis of the rectangular portion of Building B would be oriented in a northeast-southwest direction near the southern boundary of the development footprint. Building B would have 93 patient rooms with a total of up to 155 beds in the upper floors. The first floor of the

rectangular portion of Building B would include parking. The first floor of the wing would include a dining area, kitchen, employee lockers, and lobby. Indoor amenity space, including community rooms, would be provided in Building B.

3.4.2 Outdoor Areas and Landscaping

The project includes a total of approximately 32,500 square feet of common outdoor open space. The landscaped open space would be located in three areas at the perimeter of the development footprint including approximately 9,000 square feet to the north, 12,000 square feet to the east, and 11,500 square feet to the south of Building B. The northern open space area would also serve as a stormwater detention basin that would collect stormwater runoff. The southern open space area would include a garden and recreational amenities (such as a meandering pedestrian pathway) that would be surrounded by a 12- to 14-foot-tall soundwall, shrubs, and trees. Landscaping, including approximately 153 trees, and walkways would be located throughout the approximately 3.0-acre development footprint.

3.4.3 Site Access and Parking

Vehicle access to the site would be from the northern extension of Dove Hill Road. An access roadway would loop around Building A providing access to parking areas, and common outdoor space for landscaping and maintenance vehicles. An access roadway would also be located behind Building B providing access to the Building B parking garage and the 21,600 square foot southern open space area. A covered drop-off area would be located at the southwestern corner of Building A, near the site entrance from Dove Hill Road. The convalescent hospital facility would include on-site walkways to serve occupants, visitors, and staff. Guests could access lobby areas in Buildings A and B from the parking garages or from walkways along the building exteriors.

The Building A parking garage would include 36 spaces, and the Building B parking garage would include 57 spaces. An additional 31 surface parking spaces would be provided along the east side of Building A and at the west end of Building B. Thus, a total of 124 parking spaces would be located on the project site. Six bicycle parking spaces would also be provided.

The design of the project and parking areas is required to comply with the City's standards for emergency vehicle access, which include requirements to provide adequate points of access, vertical clearance, and turning radius.

3.4.4 Utility Improvements

The project includes construction of new water main in Dove Road and installation of new on-site water lines and sanitary sewer lines. Existing water lines to serve the project are located within Hassler Parkway. A sewer line would be constructed within an existing utility easement and includes a 3,000 feet connection with an elevation change at approximately 220 feet, connecting to an existing sewer connection in Yerba Buena Avenue. A sewer pump station connecting to the sewer line would be installed at the southwestern corner of Building A.

The project would not connect to the City's stormwater drainage system. The project proposes storm drainage infrastructure including flow-through planters, bio-swales, storm drain lines, and a bio-retention basin on the site. Runoff from the building roofs would be directed to flow through planters and a bio-retention area located near the northwest corner of the site. Other site runoff

would be directed to a bio-swale along the west side of Dove Hill Road/project driveway and the bio-retention area. The storm lines would convey a 10-year storm without surcharge and the site would be designed to prevent flooding during a 100-year storm event. A storm drain system in Dove Hill Road/project driveway at the western edge of the site would collect treated water and overflow beyond the design storm. This excess flow would discharge to a stormwater detention basin located north of Building A, where it would be released at the same rate as under existing conditions.

Two emergency back-up diesel generators would be located on the site, one in each building, to provide electrical power in the event of an emergency power outage.

3.4.5 Green Building Measures

Consistent with the City's Private Sector Green Building Policy, the proposed project would be designed to achieve, at minimum, LEED Certified status by incorporating a variety of design features to reduce energy and water use. The features could include community design and planning, site design, landscape design, building envelope performance, and material selections.

3.4.6 Grading

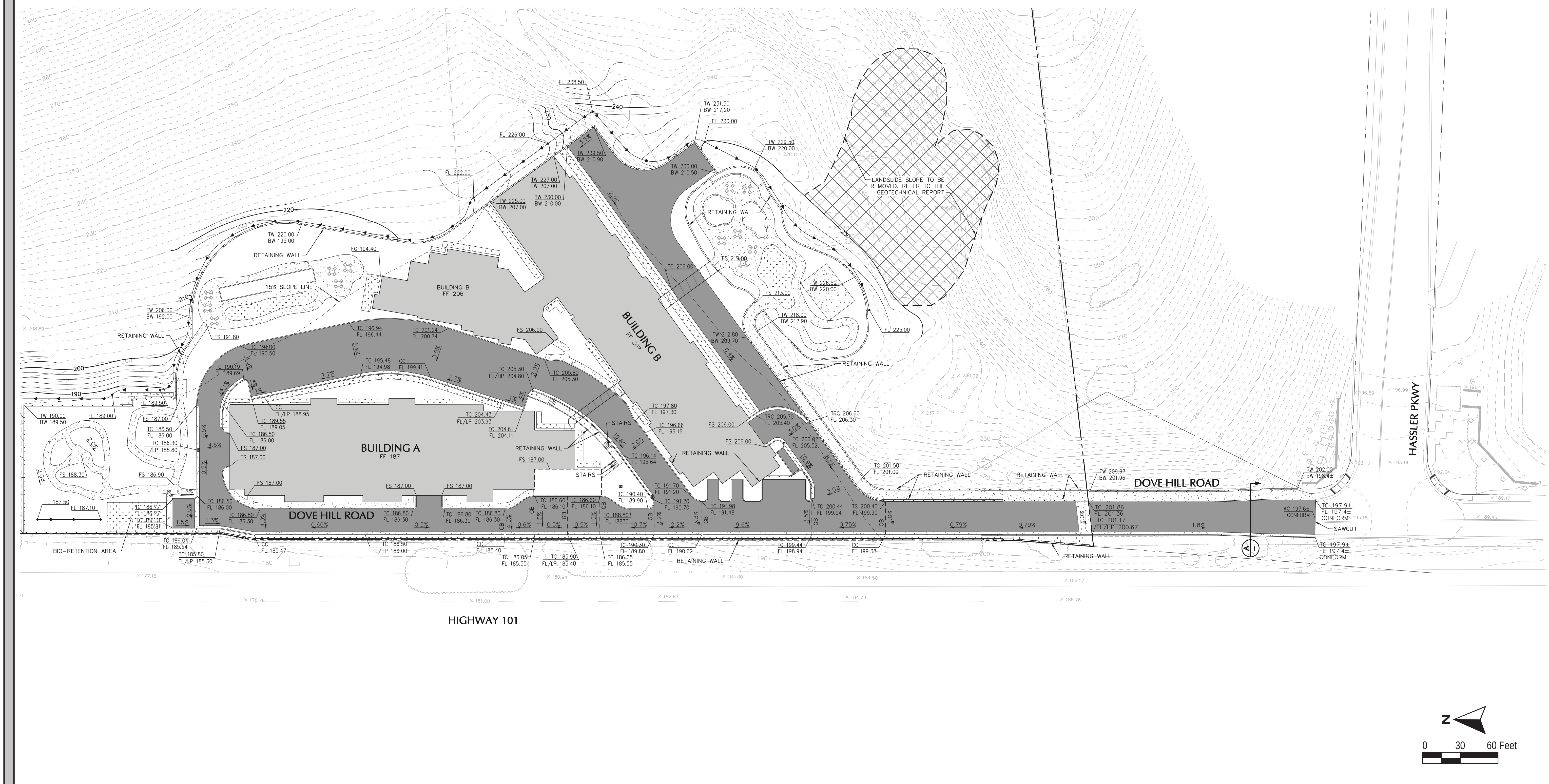
The existing site is comprised of three grade levels. Building A is proposed on the lower plane, with a finished floor elevation of 187 feet above mean sea level (msl). Building B would be on the middle plane, with a finished floor elevation of 207 feet above msl. The southern outdoor use area would be on the upper plane, with an approximate elevation of 221 feet above msl. All proposed buildings are located below the 15 percent slope line. Retaining walls would be constructed throughout the site, including surrounding the outdoor use areas, along the driveway and against the eastern side of Building A and the western side of the Building B parking podium.

The project requires substantial grading to provide flat building pads, generally level outdoor use areas and positive drainage. The grading plan is shown on Figure 3.4-1. ADA-compliant access (maximum five percent slope) would be provided from handicap parking areas to buildings and outdoor areas, and an accessible means of egress would be provided from each building to the intersection of Dove Hill Road and Hassler Parkway. The maximum depth of cut would be approximately 12 feet, and the maximum depth of fill would be approximately 15 feet.

The intent of the project is to balance the earthwork; however, this is a site where re-use of the existing soils removed as cut may be restricted, due to existing highly expansive clay and weak rock. In this case, the majority of the fill required is not due to an increase in volume of soil over the limits of work, but as a replacement of the soil that is being disturbed. Based upon preliminary grading plans, the total cut/fill on the site would be approximately 7,100 to 7,600 cubic yards.

3.4.7 Construction

It is assumed that demolition of the existing on-site improvements would occur over approximately one month. The project would be constructed over an approximately 13-month period, beginning in 2018. Construction of the project may require import and export of soils (as described previously in Section 3.4.6) to address the potential for highly expansive clay soils beneath the site. Staging areas for construction equipment during construction activities would be located in the southeast and northeast areas of the development footprint of the project site.



GRADING PLAN

FIGURE 3.4-1

SECTION 4.0 ENVIRONMENTAL CHECKLIST AND IMPACT DISCUSSION

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

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

The discussion for each environmental subject includes the following subsections:

- **Environmental Setting** – This subsection 1) provides a brief overview of relevant plans, policies, and regulations that compose the regulatory framework for the project and 2) describes the existing, physical environmental conditions at the project site and in the surrounding area, as relevant.
- **Checklist and Discussion of Impacts** – This subsection includes a checklist for determining potential impacts and discusses the project's environmental impact as it relates to the checklist questions. For significant impacts, feasible mitigation measures are identified. "Mitigation measures" are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370). Each impact is numbered using an alphanumeric system that identifies the environmental issue. For example, **Impact HAZ-1** denotes the first potentially significant impact discussed in the Hazards and Hazardous Materials section. Mitigation measures are also numbered to correspond to the impact they address. For example, **MM NOI-2.3** refers to the third mitigation measure for the second impact in the Noise section.
- **Conclusion** – This subsection provides a summary of the project's impacts on the resource.

Important Note to the Reader

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

The City of San José has policies that address existing conditions (e.g., air quality, noise, and hazards) affecting a proposed project, which are also addressed in this section. This is consistent

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

4.1 AESTHETICS

4.1.1 Environmental Setting

4.1.1.1 *Regulatory Framework*

State

State Scenic Highway Program

The California Scenic Highway Program is managed by the California Department of Transportation (Caltrans). The program is intended to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. State laws governing the Scenic Highway Program are found in the Streets and Highway Code, Sections 260 through 263. There are no official state-designated scenic highways in San José. Interstate 280 from the San Mateo County line to State Route 17, which includes segments in San José, is an eligible, but not officially designated, State Scenic Highway. There are no designated state scenic highways located in the vicinity of the project site.

Local

Envision San José 2040 General Plan

The following General Plan policies are specific to aesthetics and are applicable to the proposed project.

Policy	Description
CD-1.19	Encourage the location of new and relocation of existing utility structures into underground vaults or within structures to minimize their visibility and reduce their potential to detract from pedestrian activity. When above-ground or outside placement is necessary, screen utilities with art or landscaping.
CD-1.23	Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.
CD-10.2	Require that new public and private development adjacent to Gateways, freeways (including US 101), and Grand Boulevards consist of high-quality architecture, use high-quality materials, and contribute to a positive image of San José.
CD-10.3	Require that development visible from freeways (including US 101) be designed to preserve and enhance attractive natural and man-made vistas.
LU-17.2	Apply strong architectural, site, and grading design controls through a discretionary development review process to all types of hillside and rural residential development that require significant grading activities in order to protect the hillsides and to minimize potential adverse visual and environmental impacts.
LU-17.3	Minimize grading on hillsides and design any necessary grading or recontouring to preserve the natural character of the hills and to minimize the removal of significant vegetation, especially native trees such as Valley Oaks.
LU-17.4	Apply the following guidelines for development in hillside and rural residential areas in order to preserve and enhance the scenic and aesthetic qualities of the natural terrain: 1. Design development in a sensitive manner to highlight and complement the natural environment. 2. Use large lot sizes and varying setbacks in order to respect and preserve natural features of the land.

Policy	Description
	3. Adapt construction techniques and housing types to variable terrains. Use split pads and stepped foundations where appropriate, especially to minimize required grading, and discourage conventional, single flat-pad housing designs. 4. Consider privacy, livability, solar orientation and wind conditions when siting residential dwellings. Dwelling unit sites should take advantage of scenic views but should be located below hilltops to protect the aesthetics and ridgeline silhouette viewed from below, from public places, and from the valley floor. 5. Encourage preservation of existing trees, rock outcroppings and other significant features. 6. When grading or recontouring of the terrain is proposed, preserve the natural character of the hills and blend the alterations into the natural terrain. 7. Design streets to provide access and connectivity for area residents, and consider potential viewshed opportunities in siting development. Provide adequate access to safely accommodate potential traffic without significantly impacting local transportation routes. Consistent with accessibility requirements for emergency vehicles, consider and encourage reduced width and modified street sections to design streets for utility and to minimize grading. 8. Limit new structures or use of non-native vegetation in all new development projects to prevent adverse biological impacts and adverse visual impacts as viewed from the Valley floor or from adjacent public recreational areas. Design new structures to blend harmoniously with the natural setting. Agricultural crop production may be visible.
LU-17.5	Apply the following guidelines to the design and construction of public and private right-of-way improvements in order to preserve and enhance the scenic and aesthetic qualities of hillside and rural areas: 1. Design streets in consideration of the natural topography and the landscape. Consider use of divided streets and grade separations. 2. Encourage use of crushed gravel walks and vegetation lined swales, and only construct concrete sidewalks, curbs, and gutters when required by the topography or other regulations. 3. Limit street lighting to intersections, and use low-intensity lighting appropriate for these areas. 4. Use finishes or colors that blend man-made materials within the public right-of-way with the natural surroundings.
LU-17.6	Avoid any new development along ridges and other major hillside areas (typically all properties that exceed 30 percent slope) that surround the valley floor to minimize visibility of development on these aesthetic resources.
LU-17.9	Maintain design guidelines and policies adopted by the City to guide hillside development, promote aesthetics, and enhance the rural character of hillside areas.

4.1.1.2 *Existing Conditions*

Project Site

The 21-acre project site is located at 4200 Dove Hill Road in the Evergreen Planning Area and Silver Creek Planned Residential Community of the City of San José. The project site slopes steeply from east to west, with the eastern property line approximately 230 feet higher in elevation than the western property line. The approximately three-acre developed area of the site is graded into plateaus set into the hillside, with two single-family houses and a commercial landscaping business with an associated plant nursery, sheds, and storage yards (See Photo 1). The remaining 18 acres of the 21-acre site are relatively steep, undeveloped open slopes (see Photo 2) that are used for grazing horses.

Vehicle access to the site is from the northern extension of Dove Hill Road. The on-site access road is surfaced with patches of concrete and semi-impervious compacted gravel and dirt. The access driveways loops around the on-site storage yard, providing access to the plant nursery and residences (see Photos 3 and 4). The single family houses, storage yard, and plant nursery on-site are separated by fences and wooden panels.

Residential uses are located in the southeastern portion of the development footprint. The primary residence is a two-story wooden building constructed between 1939 and 1948 (see Photo 5). The house features a front gabled roof with narrow enclosed eaves. The exterior walls are surfaced with horizontal wood siding, except the southern addition, which is surfaced with plywood sheets. The secondary residence on the project site was built between 1953 and 1961. This structure may have originally been a simple storage shed, and modified into a small living unit.

A barbed-wire topped, chain-link fence with wood slats surrounds a large storage yard that contains a workshop and worn storage sheds, and several pickup trucks and cars. The landscaping business and associated nursery are located in the northwestern portion of the project development footprint (see Photo 6).

Surrounding Visual Character

Housing, roadway infrastructure, and facilities characteristic of a suburban setting are present in the surrounding project area; however, the immediate project site is visually defined by undeveloped hillsides and open space. The overall character and quality of the project area can be described as rural-suburban.

East of the project site, at the top of the hillside, is a suburban single-family residential neighborhood that was constructed in 2004 (see Photo 1). North of the project site is mostly large lot rural residential/open space, with one single-family house visible on a slope. The site is located at the northern terminus of Dove Hill Road, which is paved and provides vehicular access to the site. Dove Hill Road has no sidewalks or bike lanes. Adjacent to the west of the site is the eight-lane US 101 (see Photo 3).

Hellyer County Park is located across US 101, approximately 200 feet west of the project site. Hellyer County Park is visible from the project site through trees and structures due to its higher elevation; though, the view is partially blocked by the existing soundwall adjacent to US 101. Eastern Hellyer Park in the vicinity of the project site is developed with suburban amenities including a dog park, walkways (paved and unpaved), a parking lot, bathrooms, and picnic facilities.[2]

[2] County of Santa Clara. *Santa Clara County Existing and Proposed Regional Trail Connections.* November 9, 2015. Accessed October 6, 2017. http://www.sccgov.org/sites/parks/PlansProjects/Documents/TrailsMasterPlan/Ch3_Countywide_Trails_Master_Plan_Map.pdf.

Photo 1: The project site, looking north from the southern project development footprint

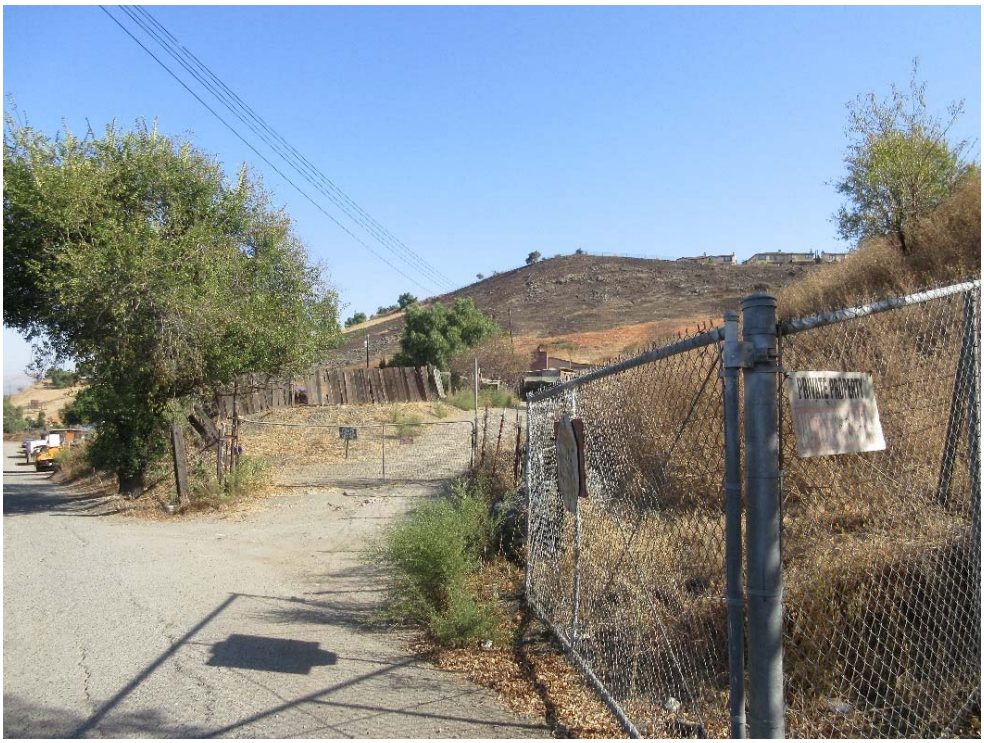


Photo 2: Undeveloped slopes (open space) on the project site, looking northeast from the southern project development footprint

Photo 3: The on-site access road, looking north from the southern area of the project development footprint

Photo 4: The access driveway looping around to the single family house on-site, looking south from the northern area of the project development footprint

Photo 5: The on-site primary residence, looking south from the eastern area of the project development footprint

Photo 6: The on-site storage yard and plant nursery, looking northwest from the eastern area of the project development footprint

The project site has slopes ranging from zero to 15 percent and the lower, developed area of the site is surrounded by 18 acres of open space. While the site is in part characterized by open space and is visible from US 101, the freeway in the vicinity of the project site is designated as an *Urban Throughway* in the City's Scenic Corridor Diagram, and is not considered a scenic corridor.[3] No natural scenic resources, such as rock outcroppings, are present on the site or in the project area. There are 35 trees of varying size and health present on the project site, as further described in Section 4.4 Biological Resources.

4.1.2 Environmental Checklist

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

4.1.3 Impact Discussion

4.1.3.1 *Impacts to Scenic Vistas and Scenic Resources (Checklist Questions a and b)*

The segment of US 101 in the project vicinity is not a Caltrans-designated State Scenic Highway.[4] US 101 in the project vicinity is a designated *Urban Throughway* in the 2040 General Plan Scenic Corridors Diagram. While the project would be visible from the US 101, the project would not have a substantial adverse effect on a scenic vista and the project would not damage a scenic resource within a State Scenic Highway.

The City's General Plan Goal LU-17 seeks to preserve the valuable natural resources of the hillsides and protect their aesthetic and habitat amenities to enhance the rural character of these areas. Policy LU-17.4 lists guidelines for development in hillside and rural residential areas in order to preserve and enhance the scenic and aesthetic qualities of the natural terrain and states that, "dwelling unit sites should take advantage of scenic views but should be located below hilltops to protect the aesthetics and ridgeline silhouette viewed from below, from public places, and from the valley floor."

[3] California Department of Transportation. *California Scenic Highway Mapping System.* Accessed October 6, 2017. http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm.
[4]. California Department of Transportation. *California Scenic Highway Mapping System.* Accessed October 6, 2017. http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm

The project would be visible from Hellyer County Park, located across US 101 west of the site; though, views are partially blocked by an existing soundwall separating the site from US 101. The project would intensify development within the existing three-acre developed area of the site developed. The proposed four-story buildings would be taller and would have bigger footprints than the existing one- and two-story development on the site. While the project would modify views of the hillside, the new buildings would have a maximum height of 65 feet, and the upper portions of the 230 foot tall undeveloped hillside (located behind the development footprint) would continue to be visible from both the park and from vehicles passing by the site on US 101. Views of the natural ridgeline above the project site are currently obstructed by existing residential development. The project would not further obstruct views of the ridgeline above the site from US 101 or Hellyer County Park.

The project would remove 20 trees from the project site and replace them with 135 new trees in conformance to the City's tree-replacement ratio requirements, as described in Section 4.4 Biological Resources. Screening landscaping is proposed along the west edge of the site, bordering US 101. The project would not substantially damage or adversely affect any scenic resources; therefore, the impact would be less than significant. **(Less than Significant Impact)**

4.1.3.2 *Impacts to the Visual Character of the Built Environment (Checklist Question c)*

Existing development on the project site consists of two residences and sheds that are one and two stories tall. Existing conditions photographs were taken from public vantage points in the project area including US 101 and Hellyer County Park. These views of the project site were used to prepare illustrative renderings of how the project property would appear with project implementation. The vantage points from which the photographs were taken, including from northbound and southbound US 101, and looking east from Hellyer County Park, are shown in Figure 4.1-1. Photographs of the existing conditions in the project area and post-project renderings are shown in Figures 4.1-2 through 4.1-4. Note that the post-project renderings reflect the elevation plans shown in Figures 3.2-2 and 3.2-3, which shows a maximum building height of 60 feet.

The existing views in Figures 4.1-2 through 4.1-4, show the generally rural character of the project site. Figure 4.1-2 and 4.1-3 show the project site as it appears from the northbound and southbound vehicle lanes of US 101. These two views show US 101 lined with signs, utility poles, streetlights, soundwalls and existing mature landscaping. The proposed convalescent hospital buildings would be stucco with red tile roofs. In Figure 4.1-2, the proposed Building A can be seen adjacent to the east (northbound) side of US 101 from the southbound US 101 lanes. In Figure 4.1-3, the proposed Building B can be seen protruding above the hill slope on the right side of US 101 from the northbound US 101 lanes. Figure 4.1-4 shows the view looking east toward the project site from Hellyer County Park. Figure 4.1-4 shows houses along the ridgeline above the project site, a soundwall along US 101 in the middle of the photo, and the park grounds with an open field and a fence marking the boundary of the dog park in the foreground. The proposed buildings would be seen between the trees, partially obscuring views of the lower hills. As shown in the renderings, the majority of the undeveloped hillside would remain visible with the project.

LOCATION OF ILLUSTRATIVE RENDERING VIEWS

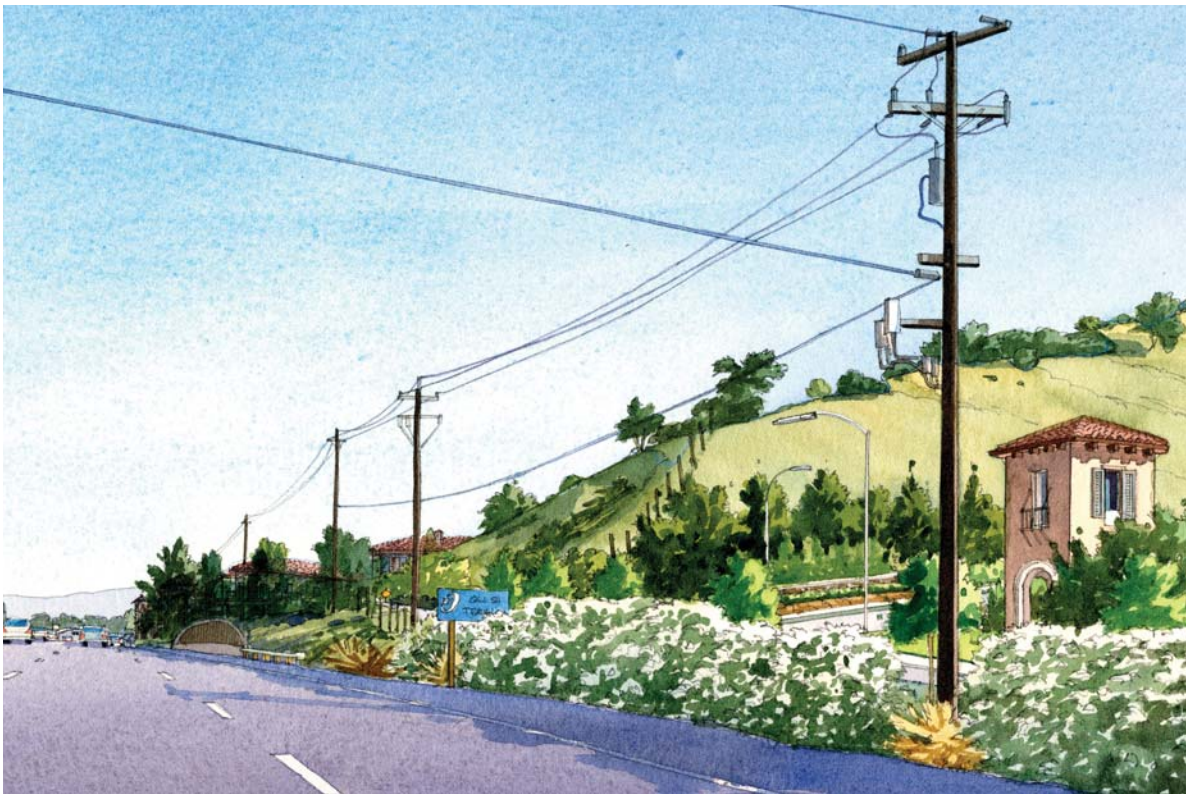
FIGURE 4.1-1

EXISTING

PROPOSED

ILLUSTRATIVE RENDERING: VIEW FROM SOUTHBOUND US 101 FIGURE 4.1-2

EXISTING



PROPOSED

ILLUSTRATIVE RENDERING: VIEW FROM NORTHBOUND US 101 FIGURE 4.1-3

EXISTING

PROPOSED

ILLUSTRATIVE RENDERING: VIEW FROM HELLYER COUNTY PARK FIGURE 4.1-4

The project would obscure or modify views of the lower hillside from public vantage points including views from US 101 and Hellyer County Park; as described previously, however, an existing soundwall would block views of the lower floors of the project. The site is located adjacent to (and approximately ten feet in elevation above) the northbound travel lanes of US 101. The effect of the project to the overall visual character and quality of the area, as seen from vehicles travelling northbound and southbound on US 101, would be limited due to the speed of travelling vehicles (65 miles per hour speed limit) and the project location set into the hillside with trees and vegetation along the freeway edge. The quality of views from Hellyer County Park would be generally similar to existing conditions, with the development footprint occurring within the existing developed footprint of the site, surrounded by 18 acres of undeveloped hillside open space, and the buildings occupying only the bottom of the slope, below the ridgeline.

Based on the General Plan Open Space, Parklands, and Trails Diagram, Coyote Creek trail is not a designated core trail in the vicinity of the project site. The same local Coyote Creek Trail is also designated by the County of Santa Clara as part of the sub-regional Coyote Creek/Llagas Creek Trail and part of the regional Bay Ridge Trail.[5] Existing views of the project site from the trail in the project area are blocked by riparian vegetation; therefore, views of trail users would be unchanged by the project.

Because the project would be largely shielded from US 101 by existing and proposed trees, and the overall undeveloped visual character of the hill slopes behind and above the project would be maintained, the project would not result in significant impacts to the visual character or quality of the site or its surroundings. **(Less than Significant Impact)**

4.1.3.3 *Light and Glare Impacts (Checklist Question d)*

Intensified development on the site would incrementally increase light and glare due to the increase in vehicles travelling to and from the site, and lighted buildings and access roads. The light and glare created by the development would be consistent with the light and glare expected in suburban areas of San José, and would not be considered substantial because the proposed materials would not be highly reflective. Further, the proposed project materials and lighting plan would be reviewed as part of the City's design review process for consistency with the City's design guidelines, Outdoor Lighting on Private Developments policy, and Interim Lighting Policy Broad Spectrum Lighting (LED) for Private Development. Development of the site with a convalescent hospital would not, therefore, result in significant new sources of light or glare that might affect views. **(Less than Significant Impact)**

4.1.4 Conclusion

The project would not result in significant impacts related to aesthetics or visual resources. **(Less than Significant Impact)**

[5] County of Santa Clara. *Santa Clara County Existing and Proposed Regional Trail Connections.* November 9, 2015. Accessed October 6, 2017. http://www.sccgov.org/sites/parks/PlansProjects/Documents/TrailsMasterPlan/Ch3_Countywide_Trails_Master_Plan_Map.pdf.

4.2 AGRICULTURAL AND FORESTRY RESOURCES

4.2.1 Environmental Setting

4.2.1.1 *Regulatory Framework*

The California Department of Conservation manages the Farmland Mapping and Monitoring Program to assess and record how suitable a particular tract of land is for agricultural purposes. In each county, the land is analyzed for soil and irrigation quality and the highest quality land is designated as *Prime Farmland*.

4.2.1.2 *Existing Conditions*

The project site is developed with two single-family houses and a landscaping business with an associated plant nursery, sheds, and a storage yard. The site is not designated as *Prime Farmland* or other farmland, and is not the subject of a Williamson Act contract.[6,7] The Santa Clara County Important Farmland Map designates the site as *Grazing Land*, which is defined as land on which the existing vegetation is suitable for the grazing of livestock.[8] The site is currently grazed. The project site does not meet the definition of forest land or timberland under California Public Resources Code Section 12220(g).

4.2.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒	4
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☒	☐	2,4
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	☒	2,5
d) Result in a loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒	1,5

[6] Agricultural lands in California can be protected from development and reserved for agricultural purposes or open-space conservation under the California Land Conservation Act, commonly known as the Williamson Act.
[7] County of Santa Clara, Department of Planning and Development. "ArcGIS – Williamson Act Properties." Accessed October 19, 2017. https://sccplanning.maps.arcgis.com/apps/webappviewer/index.html?id=1f39e32b4c0644b0915354c3e59778ce.
[8] California Department of Conservation. *Santa Clara County Important Farmland Map 2014*. 2016.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒	1

4.2.3 Impact Discussion

4.2.3.1 *Agricultural and Forestry Resources (Checklist Questions a – e)*

The project site has *a Public/Quasi-Public* General Plan designation and is planned for suburban uses. The site is zoned *Agriculture (A)* on the City's Zoning Map. While the site was once occupied by an orchard, it site is not used for cultivation of crops. The 18-acre undeveloped portion of the site is currently grazed by horses and livestock, a practice which would continue following implementation of the proposed project. The site is not used for forest or timberland purposes. With approval of the proposed rezoning of three acres of the site from *Agriculture (A)* to *Planned Development (PD),* the project would not conflict with an existing zoning for agricultural use.

The project site is not part of a Williamson Act contract and is designated as *Grazing Land* in the Santa Clara County Important Farmland, the potential loss of which is not considered significant for the purposes of CEQA. The project site is surrounded by rural/suburban development and is occupied by single-family residences or is undeveloped open space; therefore, its development would not result in the conversion of agricultural land to non-agricultural uses or forest land to non-forest uses. For these reasons, the proposed project would result in less than significant impacts to agricultural resources and would not impact forestry resources. **(Less than Significant Impact)**

4.2.4 Conclusion

The proposed project would result in less than significant impacts to agricultural resources and would not impact forestry resources. **(Less than Significant Impact)**

4.3 AIR QUALITY

The following discussion is based in part on a Community Risk Assessment prepared by Illingworth & Rodkin, Inc. in November 2017. A copy of this report is attached as Appendix A.

4.3.1 Environmental Setting

4.3.1.1 *Regulatory Framework*

Federal and State

The federal Clean Air Act requires the Unites States Environmental Protection Agency (EPA) to set national ambient air quality standards for six common air pollutants (referred to as criteria pollutants): particulate matter (PM), ground-level ozone, carbon monoxide, sulfur oxides, nitrogen oxides, and lead. The EPA and the California Air Resources Board (CARB) have adopted ambient air quality standards establishing permissible levels of these pollutants to protect public health and the climate.

Attainment status for a pollutant means that a given air district meets the standard set by the EPA and/or CARB. The Bay Area as a whole does not meet state or federal ambient air quality standards for ground level ozone and fine particulate matter ($PM_{2.5}$), nor does it meet state standards for respirable particulate matter (PM_{10}). The Bay Area is considered in attainment or unclassified for all other pollutants.

Toxic Air Contaminants and Fine Particulate Matter (Local Community Risks)

Besides criteria pollutants, toxic air contaminants (TACs) are also regulated through state and local risk management programs that eliminate, avoid, or minimize the risk of adverse health effects. TACs tend to be localized and are found in relatively low concentrations in ambient air; however, exposure to low concentrations over long periods can result in increased risk of cancer and/or adverse health effects. Diesel exhaust, in the form of diesel particulate matter (DPM), is the predominant TAC in urban air and accounts for roughly 60 percent of the total cancer risk associated with TACs in the Bay Area. Other TACs found in urban air include lead, benzene and formaldehyde.

Fine Particulate Matter ($PM_{2.5}$) is a complex mixture of substances that includes elements such as carbon and metals, compounds such as nitrates, organics, and sulfates, and mixtures such as diesel exhaust and wood smoke. Because of their small size, $PM_{2.5}$ can lodge deeply into the lungs. According to the Bay Area Air Quality Management District (BAAQMD), $PM_{2.5}$ is the air pollutant most harmful to the health of Bay Area residents. Common stationary sources of TACs and $PM_{2.5}$ include gasoline stations, dry cleaners, and diesel backup generators. The other more significant, common mobile source is motor vehicles on roadways and freeways.

Regional

Bay Area Air Quality Management District

BAAQMD is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how state air quality standards

would be met. BAAQMD's most recently adopted plan is the Bay Area 2017 Clean Air Plan (2017 CAP).

The 2017 CAP focuses protecting public health and protecting the climate. To protect public health, the 2017 CAP describes how the BAAQMD will continue its progress toward attaining state and federal air quality standards and eliminating health risk disparities from exposure to air pollution. To protect the climate, the 2017 CAP includes a wide range of control measures designed to reduce emissions of methane and other super-GHGs that are potent climate pollutants, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

Local

Envision San José 2040 General Plan

The following General Plan policies are specific to air quality and are applicable to the proposed project.

Policy	Description
MS-2.6	Promote roofing design and surface treatments that reduce the heat island effect of new and existing development and support reduced energy use, reduced air pollution, and a healthy urban forest. Connect businesses and residents with cool roof rebate programs through City outreach efforts.
MS-10.1	Assess projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines and relative to state and federal standards. Identify and implement air emissions reduction measures.
MS-10.2	Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region's Clean Air Plan and State law.
MS-11.1	Require completion of air quality modeling for sensitive land uses such as new residential developments that are located near sources of pollution such as freeways and industrial uses. Require new residential development projects and projects categorized as sensitive receptors to incorporate effective mitigation into project designs or be located an adequate distance from sources of TACs to avoid significant risks to health and safety.
MS-11.2	For projects that emit toxic air contaminants, require project proponents to prepare health risk assessments in accordance with BAAQMD-recommended procedures as part of environmental review and employ effective mitigation to reduce possible health risks to a less than significant level. Alternatively, require new projects (such as, but not limited to, industrial, manufacturing, and processing facilities) that are sources of TACs to be located an adequate distance from residential areas and other sensitive receptors.
MS-11.4	Encourage the installation of appropriate air filtration at existing schools, residences, and other sensitive receptor uses adversely affected by pollution sources.
MS-11.5	Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.
MS-13.1	Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.
MS-13.5	Prevent silt loading on roadways that generates particulate matter air pollution by prohibiting unpaved or unprotected access to public roadways from construction sites.

4.3.1.2 *Existing Conditions*

Sensitive Receptors

Sensitive receptors are groups of people that are more susceptible to pollutant exposure (i.e., children, the elderly, and people with illnesses). Locations that may contain a high concentration of sensitive population groups include residential areas, hospitals, daycare facilities, elder care facilities, elementary schools, parks, and places of assembly. The closest sensitive receptors to the project site are residences located approximately 95 feet north and 80 feet east of the project property boundary. The development footprint, however, is the three westernmost acres of the overall 21-acre site; thus, the closest sensitive receptors to the project development footprint are located approximately 520 feet north and also 530 feet east.

4.3.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐	6,7
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐	6,7
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?	☐	☐	☒	☐	6,7
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐	6,7,8
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐	1

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the Lead Agency and must be based to the extent possible on scientific and factual data. The City of San José has carefully considered the thresholds updated by BAAQMD in May 2017 and regards these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin and conservative in terms of the assessment of health effects associated with TACs and $PM_{2.5}$. The BAAQMD CEQA Air Quality thresholds used in this analysis are identified in Table 4.3-1 below.

Table 4.3-1: Thresholds of Significance Used in Air Quality Analyses			
Pollutant	**Construction**	**Operation**	
	Average Daily Emissions (pounds)	**Average Daily Emissions (pounds)**	**Maximum Annual Emissions (tons)**
ROG, NO_x	54	54	10
PM_{10}	82 (exhaust)	82	15
$PM_{2.5}$	54 (exhaust)	54	10
Fugitive Dust ($PM_{10}/PM_{2.5}$)	Implement Best Management Practices	None	None
Risk and Hazards for New Sources and Receptors (Project)	Same as operational threshold	• Increased cancer risk of >10.0 in one million • Increased non-cancer risk of > 1.0 Hazard Index (chronic or acute) • Ambient $PM_{2.5}$ increase: > 0.3 μ/m^3 (Zone of influence: 1,000-foot radius from property line of source or receptor)	
Risk and Hazards for New Sources and Receptors (Cumulative)	Same as operational threshold	• Increased cancer risk of >100 in one million • Increased non-cancer risk of > 10.0 Hazard Index (chronic or acute) • Ambient $PM_{2.5}$ increase: > 0.8 μ/m^3 (Zone of influence: 1,000-foot radius from property line of source or receptor)	
Sources: BAAQMD CEQA *Thresholds Options and Justification Report (2009)* and BAAQMD CEQA *Air Quality Guidelines* (dated May 2017).			

In 2015, the California Supreme Court issued an opinion in *CBIA vs. BAAQMD* holding that CEQA is primarily concerned with the impacts of a project on the environment and generally does not require agencies to analyze the impact of existing conditions on a project's future users or residents unless the project risks exacerbating those environmental hazards or risks that already exist. Nevertheless, the City has General Plan policies and that address air quality affecting the proposed project, which are discussed further below.

4.3.2.1 *Clean Air Plan Conflict (Checklist Question a)*

The most recent clean air plan is the 2017 CAP. The proposed project would not conflict with the 2017 CAP because it would have emissions below BAAQMD screening criteria (described further in Section 4.3.2.2, is considered urban infill, and would be located near bike paths and transit with regional connections. Because the project would not exceed the BAAQMD screening criteria, it is not required to incorporate project-specific control measures listed in the 2017 CAP. Further, implementation of the project would not inhibit BAAQMD or partner agencies from continuing progress toward attaining state and federal air quality standards and eliminating health-risk disparities from exposure to air pollution among Bay Area communities, as described within the 2017 CAP. **(Less than Significant Impact)**

4.3.2.2 *Air Quality Standards (Checklist Questions b and c)*

Construction

Criteria Pollutants

In the 2017 update to the CEQA *Air Quality Guidelines*, BAAQMD identifies screening criteria for the sizes of land use projects that could result in significant air pollutant emissions. For a congregate care facility construction criteria pollutant impacts, the construction screening size is 240 units. The proposed project includes 155 rooms, which is below the specified screening size. As a result, criteria pollutant emissions would be below the BAAQMD significance screening criteria level and the project would not result in a cumulatively considerable construction-related increase of any criteria pollutant for which the project region is classified as non-attainment.

Dust and Fugitive Particulate Matter

Construction activities and grading operations associated with the project would result in wind blowing over exposed earth and would generate exhaust emissions and fugitive particulate matter emissions that affect local and regional air quality.

Standard Permit Condition: Consistent with the City's standard measures for dust emission impacts during construction, and in conformance with standard BAAQMD dust control measures, the following dust control measures would be implemented during all phases of construction on the project site to reduce dust emissions.

- All active construction areas shall be watered twice daily or more often if necessary. Increased watering frequency shall be required whenever wind speeds exceed 15 miles-per-hour.
- Pave, apply water three times daily, or apply non-toxic soil stabilizers on all unpaved access roads and parking and staging areas at construction sites.
- Cover stockpiles of debris, soil, sand, and any other materials that can be windblown. Trucks transporting these materials 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.
- Subsequent to clearing, grading, or excavating, exposed portions of the site shall be watered, landscaped, treated with soil stabilizers, or covered as soon as possible. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas and previously graded areas inactive for 10 days or more.
- Installation of sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replanting of vegetation in disturbed areas as soon as possible after completion of construction.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes. Clear signage shall be provided for construction workers at all access points.

- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the City of San José regarding dust complaints. This person shall respond and take corrective action within 48 hours. BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

Implementation of these standard permit conditions would minimize the dust generated by project construction activities. The proposed project would not result in a significant short-term impact to air quality. **(Less than Significant Impact)**

Operation

Criteria Pollutants

According to the BAAQMD *Air Quality Guidelines*, operation of a convalescent care facility would not exceed the operational criteria air pollutant thresholds if it contains fewer than 657 units. The project proposes 155 rooms which is below the operational BAAQMD screening criteria level. As a result, criteria pollutant emissions would be below the BAAQMD significance screening criteria level and the project would not result in a cumulatively considerable operational increase of any criteria pollutant for which the project region is classified as non-attainment.

Toxic Air Contaminants

Operation of the convalescent hospital is not considered a source of TAC or fine particulate matter (PM2.5) emissions. The project would include installation of two small emergency generators powered by diesel fuel. These generator engines are anticipated to be less than 50 horsepower; based upon BAAQMD thresholds, they would result in less than significant impacts with respect to air pollutant emissions and community risk impacts. In addition, the generators would have very limited, temporary, hours of operation, reserved only for power outages and regular testing. The project would not exacerbate exposure of $PM_{2.5}$ or TACs for off-site receptors.

For these reasons, operation of the project would not result in emissions of significant levels of criteria air pollutants or toxic air contaminants. **(Less than Significant Impact)**

4.3.2.3 *Short-Term Construction Impacts (Checklist Question d)*

The results of the dispersion modeling for construction emissions are shown in Table 4.3-2. The results show that both adult and child cancer risk, PM2.5 Concentration, and acute and chronic hazard construction risks are below the BAAQMD single-source TAC thresholds. When construction emissions are combined with emissions from vehicles on US 101, the project would also not exceed BAAQMD cumulative-source thresholds for cancer, $PM_{2.5}$, or non-cancer risks. As a result, construction activities associated with the project would not result in the exposure of sensitive receptors in the project area to significant levels of TAC or $PM_{2.5}$ emissions. **(Less than Significant Impact)**

Table 4.3-2: Construction Cancer Risk, $PM_{2.5}$ Concentrations, and Hazard Index			
Source	**Cancer Risk (per million)**	**$PM_{2.5}$ Concentration ($\mu g/m^3$)**	**Acute and Chronic Hazard**
Proposed Project Construction	Infant: 0.8 Adult: <0.1	0.01	<0.01
US 101 traffic at 150 feet	91.9	0.43	0.06
Total	**Infant: 92.7**	**0.44**	**0.07**
BAAQMD Thresholds	*100*	*0.8*	*10.0*
Significant?	***No***	***No***	***No***

4.3.2.4 *Odors (Checklist Question e)*

The project site is not located near a known source of odors, nor would it be a source of odor to existing sensitive receptors in the project area. **(Less than Significant Impact)**

4.3.2.5 *Exposure to Local Community Risks and Hazards*

As discussed previously, in 2015 the California Supreme Court issued an opinion in *CBIA vs. BAAQMD* holding that CEQA is primarily concerned with the impacts of a project on the environment and generally does not require agencies to analyze the impact of existing conditions on a project's future users or residents unless the project risks exacerbating those environmental hazards or risks that already exist. In light of this ruling, the effect of ambient air quality on future residents of the project would not be considered an impact under CEQA.

City General Plan Policy MS-11.1, however, requires completion of air quality modeling for sensitive land uses such as new residential developments that are located near sources of pollution such as freeways and industrial uses. This policy, as well as MS-11.4 and MS-11.5, requires new development projects categorized as sensitive receptors to incorporate effective mitigation into project design or be located an adequate distance from sources of TACs to avoid significant risks to health and safety. The following analysis of air pollutant exposure for future project residents discloses information on the project's compliance with those General Plan polices.

While there are no stationary sources of TACs within 1,000 feet, the project site is located adjacent to US 101, which is considered a mobile TAC source. The predicted cancer risk, $PM_{2.5}$ exposure, and HI is shown in Table 4.3-3 below. Though the Hazard Index (HI) is lower than the BAAQMD threshold, cancer risk as a result of TAC emissions from vehicles on US 101 would be above BAQMD thresholds throughout the three-acre development footprint. Annual $PM_{2.5}$ concentrations would also be above the BAAQMD's threshold and therefore, represents a major health risk.

Table 4.3-3: US 101 Community Risk Levels at the Project Site			
Source	**30-Year Adult Cancer Risk (per million)**	**Annual $PM_{2.5}$ ($\mu g/m^3$)**	**Acute or Chronic Hazard Index**
US 101 - 170,000 average daily trips (2013)	21.2	1.06	0.04
BAAQMD Single Source Threshold	10.0	0.3	1.0
Exceeds Threshold?	***Yes***	***Yes***	*No*

As a result, future occupants of the site would be exposed to significant health risks from exposure of TACs and $PM_{2.5}$ from vehicle exhaust emissions and the wearing of brakes and tires on US 101. Consistent with General Plan Policy MS-11.1, MS-11.4, and MS-11.5, the following measures are required as a condition of project approval to reduce exposure to TAC emissions and avoid significant risks to health and safety:

Conditions of Approval: The project shall include the following safeguards to minimize exposure of site occupants to long-term TAC and annual $PM_{2.5}$ emissions:

- Air filtration devices shall be installed as part of the heating, ventilation, and air conditioning (HVAC) system. Air filtration devices shall be rated MERV13 or higher. Alternately, at the approval of the City of San Jose, equivalent control technology may be used if it is shown by a qualified air quality consultant HVAC engineer that it would reduce risk below significance thresholds.
- An ongoing maintenance plan for the buildings' HVAC air filtration system shall be prepared and submitted to the Director of the Department of Planning, Building and Code Enforcement for review and approval. The maintenance plan shall (1) specify provisions for the cleaning, maintenance, and monitoring of affected buildings for air flow leaks; (2) include assurance that owners/tenants are provided information on the ventilation system; and (3) include provisions that fees associated with occupancy of the building include funds for cleaning, maintenance, monitoring, and replacements of the filters.
- Conditions of approval shall be printed on all approved construction contracts, plans, and similar documents.

With implementation of the identified conditions of approval, exposure of future project occupants to substantial health risks would be reduced.

4.3.2.6 *Conclusion*

The proposed project would not result in significant regional or local air quality impacts. **(Less than Significant Impact)**

4.4 BIOLOGICAL RESOURCES

The following discussion is based in part on a biotic assessment completed for the project in April 2015 by HT Harvey & Associates, and an arborist report prepared in May 2015 by HortScience, Inc., which are included as Appendices B and C of this Initial Study, respectively.

4.4.1 Environmental Setting

4.4.1.1 *Regulatory Framework*

Federal and State

Special-Status Species

Individual plant and animal species listed as rare, threatened or endangered under state and federal Endangered Species Acts are considered special-status species. Federal and state endangered species legislation has provided the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) with a mechanism for conserving and protecting plant and animal species of limited distribution and/or low or declining populations. Permits may be required from both the USFWS and CDFW if activities associated with a proposed project will result in take of a species listed as threatened or endangered.

Section 15380(b) and (c) of the CEQA Guidelines provide that potential rare or sensitive species, or habitats capable of supporting rare species, are considered for environmental review per the CEQA Guidelines. These may include plant species of concern in California listed by the California Native Plant Society and CDFW listed Species of Special Concern.

Migratory Bird and Birds of Prey Protections

Federal and state laws also protect most bird species. The federal Migratory Bird Treaty Act (MBTA) prohibits killing, possessing, or trading in migratory birds, except in accordance with regulations prescribed by the Secretary of the Interior. The MBTA encompasses whole birds, parts of birds, and bird nests and eggs. Birds of prey, such as owls and hawks, are protected in California under provisions of the State Fish and Game Code.

California Native Plant Society

The California Native Plant Society (CNPS), a non-governmental conservation organization, has developed lists of plant species of concern in California. Although the CNPS is not a regulatory agency and plants on these lists have no formal regulatory protection, plants appearing on List 1B or List 2 are, in general, considered to meet CEQA's Section 15380 criteria and adverse effects to these species may be considered significant.

Regional and Local

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

The Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (Habitat Plan) covers an area of 519,506 acres, or approximately 62 percent of Santa Clara County. It was developed and adopted through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District (SCVWD), Santa Clara Valley Transportation Authority

(VTA), USFWS, and CDFW. The Habitat Plan 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 Santa Clara Valley Habitat Agency is responsible for implementing the plan.

The project site is located within Habitat Plan fee zones for Land Cover A (Ranchlands and Natural Lands) and Serpentine Bunchgrass Grassland and in Habitat Plan survey areas for rare plants and wildlife (Bay Checkerspot Butterfly). The Santa Clara Valley Habitat Agency uses revenue from project impact fees to acquire, preserve, manage, and restore populations of covered species and sensitive habitats. These conservation measures are performed in accordance with the Habitat Plan, which in some cases prescribes the Habitat Agency closely match the number of individuals and quality of habitat that is acquired, preserved, and managed with the resources that are impacted. As a result, the conservation program of the Habitat Plan compensates for the potential project impacts to covered species and habitats, using the impact fees paid by the project proponent.

Envision San José 2040 General Plan

The following General Plan policies are specific to biological resources and are applicable to the proposed project.

Policy	Description
ER-1.4	Minimize the removal of ecologically valuable vegetation such as serpentine and non-serpentine grassland, oak woodland, chaparral, and coastal scrub during development and grading for projects within the City.
ER-1.6	Preserve, protect, and manage serpentine grasslands and serpentine chaparral, particularly those supporting sensitive serpentine bunchgrass communities providing habitat for sensitive plant and animal species. Development will not be permitted on serpentine grasslands or chaparral supporting state or federal candidate or listed threatened or endangered plant or animal species. Appropriately managed grazing is encouraged on serpentine grasslands.
ER-1.7	Prohibit planting of invasive non-native plant species in oak woodlands, grasslands, chaparral and coastal scrub habitats, and in hillside areas.
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.
ER-5.2	Require that development projects incorporate measures to avoid impacts to nesting migratory birds.
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.
MS-21.6	As a condition of new development, require, where appropriate, the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.

Tree Ordinance

The City of San José Tree Removal Controls (San José City Code Chapter 13.32) protect all trees having a trunk that measures 56 inches or more in circumference at a height of 24 inches above the natural grade. The ordinance protects both native and non-native species. A tree removal permit is required from the City of San José for the removal of ordinance-size trees. In addition, any tree found by the City Council to have special significance can be designated as a Heritage tree, regardless of tree size or species. It is unlawful to vandalize, mutilate, remove, or destroy such Heritage trees.

4.4.1.2 *Existing Conditions*

Methodology

Information concerning the known distribution of threatened, endangered, or other special-status species and sensitive habitats that may occur in the area was reviewed. Databases (including the CDFW's California Natural Diversity Data Base), previous reports prepared for other projects in the vicinity (e.g., H. T. Harvey's previous reports for the Cerro Plata/Ranch on Silver Creek Project), the Habitat Plan, and other sources.

Reconnaissance-level field surveys were conducted on September 12, 2008, by H. T. Harvey & Associates and September 15, 2008. The entire site was surveyed on foot during these surveys. A brief site visit was also conducted on September 21, 2008. These surveys were conducted to 1) describe biotic habitats, 2) determine whether the site includes habitat capable of supporting special-status plant and animal species, 3) document the potential presence/absence of regulated habitats including Waters of the U.S, and 4) identify any potential biological constraints. A follow-up survey was conducted on February 9, 2009, to refine the impact assessment based on an updated site plan and to double-check the site for evidence of San Francisco dusky-footed woodrats (*Neotoma annectens fuscipes*) and white-tailed kites (*Elanus leucurus*), at the request of the CDFW.

Additionally, a reconnaissance-level site survey and a focused survey for adult Bay checkerspot butterflies (*Euphydryas editha bayensis*) was conducted by H. T. Harvey & Associates on March 31, 2015 to refine the assessment based on a revised plan and to document the presence or absence of the Bay checkerspot butterfly.

The discussion of vegetation and wildlife that follows is based upon database and previous report research, which was verified during the field visits to the project site.

Developed Area

Vegetation

Vegetation within the developed area consists of weedy non-native annual grasses and forbs such as Mediterranean barley, rattail fescue, ripgut brome, and yellow star thistle. The developed area of the site has landscaping and volunteer trees and shrubs (mostly non-native) adjacent to the houses and outbuildings, including grey pine, western sycamore, and several other ornamentals.

Wildlife

Due to ongoing disturbance associated with the residences on the site, relatively few wildlife species use the developed area. For the most part, wildlife species associated with the developed area consist of common, widespread species tolerant of human disturbance. Native birds such as barn swallows and black phoebes may nest in some of the outbuildings on the site, along with non-native birds such as house sparrow and rock pigeon. Ornamental vegetation provided potential nesting habitat for birds including California towhees and Anna's hummingbirds. Golden-crowned sparrows, white-crowned sparrows, house finches, and lesser goldfinches are among the birds that forage in the developed portion of the site. Mammals occurring in the developed area consist primarily of non-native species such as the house mouse, opossum, and black rat. Several species of bats, possibly including the pallid bat, big brown bat, California myotis, and Mexican free-tailed bat, may roost in buildings on the site.

Non-Native Annual Grassland/Serpentine Habitat

Vegetation

The majority of the approximately 18-acre open space area to the north, east, and south of the developed area supports heavily grazed (disturbed) California annual grassland habitat and serpentine grassland. The grassland is grazed by livestock. The predominant plant species identified in grassland habitat are California poppy, miner's lettuce, and buckwheat. Non-native plants include black mustard, soft chess, and sand-spurry. Native plant species include tarweed, California poppy, and dwarf plantain.

Numerous low-statured outcrops of serpentine rocks are found scattered within the 18-acre open space area. The largest numbers of outcrops occur in the south/southeast corner and the east-central portion of the project site. Diablan sage scrub habitat supporting California sage, coyote brush, and poison oak is present within some of the serpentine rock outcrops in the very steep southern section of the open space area. Several small populations of the federally listed plant species Santa Clara Valley dudleya were observed growing on outcrops of serpentine rocks. This plant species is endemic (i.e., restricted) to serpentine rocks and adjacent serpentine soils. A total of approximately 100 to 150 Santa Clara Valley dudleya plants were observed during field surveys within the portion of the site proposed to remain as open space. All plants were more than 200 feet from the development footprint. Large patches of dwarf plantain were also identified growing in the serpentine areas outside of the proposed development footprint, particularly around the edges of the serpentine rock outcroppings.

A small native hillside spring supporting moisture-loving plants such as seep monkeyflower and willow dock was observed along the northwest boundary of the private open space area. The spring is used as a water source for grazing horses and the on-site plant nursery, but contains no ponded or pooled surface water. A single Fremont cottonwood is present in the open space, east/southeast of the residential buildings.

Wildlife

The site's non-native annual grassland provides relatively little cover and habitat structure for wildlife. Western fence lizards, gopher snakes, and several species of sparrows and finches feed in these habitats. Tadpoles of common Sierran chorus frog were observed in the livestock trough.

Native small mammals including California ground squirrels, California voles, and Botta's pocket gophers serve as prey for predators such as the American kestrel, red-tailed hawk, and great horned owl.

The seep/spring within the grassland habitat does not provide natural surface pools that might serve as breeding habitat or aquatic refugia for amphibians. Although the livestock trough and other artificial sources of standing water associated with the nursery may occasionally support breeding habitat for chorus frog, use of the site by amphibians is expected to be infrequent, due to the lack of natural pools.

Portions of the non-native annual grassland/serpentine habitat provide large patches of dwarf plantain, which is the primary larval foodplant for the federally threatened Bay checkerspot butterfly. Large patches of dwarf plantain were also identified growing in the serpentine areas outside of the proposed development, particularly around the edges of the serpentine rock outcroppings.

Diablan Sage Scrub

There are small, patchy areas of the Diablan sage scrub habitat on-site. Due to the small and intermittent nature of the on-site scrub habitat, many of the animals occurring within this habitat are species also associated with the adjacent biotic communities. Species likely to occur in the scrub with greater frequency than in the adjacent habitats include the California towhee, rufous-crowned sparrow, California quail, brush rabbit, and gray fox. A focused survey for nests of the San Francisco dusky-footed woodrat was completed in February 2009, and the site was observed again for evidence of this species during the 2015 site reconnaissance. No nests or other evidence of the San Francisco dusky-footed woodrat species were detected.

Special-Status Plant and Wildlife Species

A focused review of literature and data sources was completed to determine which special-status plant species and sensitive habitat types have the potential to occur on the project site. Special-status wildlife species known to occur in the project vicinity consist primarily of species associated with serpentine habitats (e.g., Bay checkerspot butterfly), grasslands (e.g., burrowing owl), and aquatic habitats (e.g., California tiger salamander and California red-legged frog). Serpentine habitat nearest the development footprint occurs just outside the development footprint boundary, at the edge of the developed and weedy portion of the site, and provides relatively low-quality habitat for serpentine-associated special-status plants. There is no federally protected wetland habitat on the site.

Santa Clara Valley Dudleya

The only special-status plant observed during the 2015 reconnaissance-level field surveys on the site was the Santa Clara Valley dudleya. As previously described, up to 150 dudleya plants occur in the hillside open space on outcrops of serpentine rock. Each of the dudleya populations on-site is located more than 200 feet from the proposed development footprint along the upper slopes of the open space area.

Bay Checkerspot Butterfly

The Bay checkerspot butterfly is not likely to occur on the project site due to the lack of historical occurrences, the fact that the site represents a small patch of serpentine habitat surrounded on three

sides by development, the lack of adequate topographic heterogeneity to support a population of this butterfly, and the absence of adult Bay checkerspot butterflies during an appropriately timed survey in March 2015.

Burrowing Owl

There is a low probability of occurrence of the burrowing owl (a California species of special concern) on the site due to the lack of California ground squirrel burrows observed during reconnaissance-level field surveys. If the burrowing owl occurs on the site, it would not be present within the development footprint. Nevertheless, it is possible that burrowing owls could use the grassland within the hillside open space for foraging, roosting, and possibly nesting.

White Tailed Kite and Loggerhead Shrike

The site could support a single pair of white-tailed kite, which are a state fully protected species, and loggerhead shrikes, a California species of special concern. These species could nest in trees or tall shrubs on the site and forage in the site's grasslands. Neither species was observed on the site, and no evidence of kite nests from previous years were observed during site surveys. There is a low probability that these species nest on the site.

California Tiger Salamander and California Red Legged Frog

The Habitat Plan maps the site as providing potential non-breeding habitat for the California tiger salamander and potential dispersal habitat for the California red-legged frog. No waterbodies providing suitable breeding habitat for the California tiger salamander or California red-legged frog are present on or immediately adjacent to the site; therefore, they are not expected to occur.

Other Species

Other grassland-associated special-status species, such as the grasshopper sparrow and Bryant's savannah sparrow, would not nest in such a small area of heavily grazed grassland surrounded by development, and would occur on the site only as occasional nonbreeding visitors. The site is too small and too isolated from larger expanses of grassland to serve as suitable foraging habitat for the golden eagle, a state fully protected species.

Trees

Within the boundaries of the three-acre development site, there are a total of 35 trees. Additionally, there are approximately three trees along Dove Hill Road which may be removed for project street improvements which include installation of utilities and a sidewalk. The following Table 4.4-1 lists trees identified on the project site. There are 13 ordinance-sized trees on-site, listed in bold, of which five are native trees. The locations of the trees are shown on Figure 4.4-1.

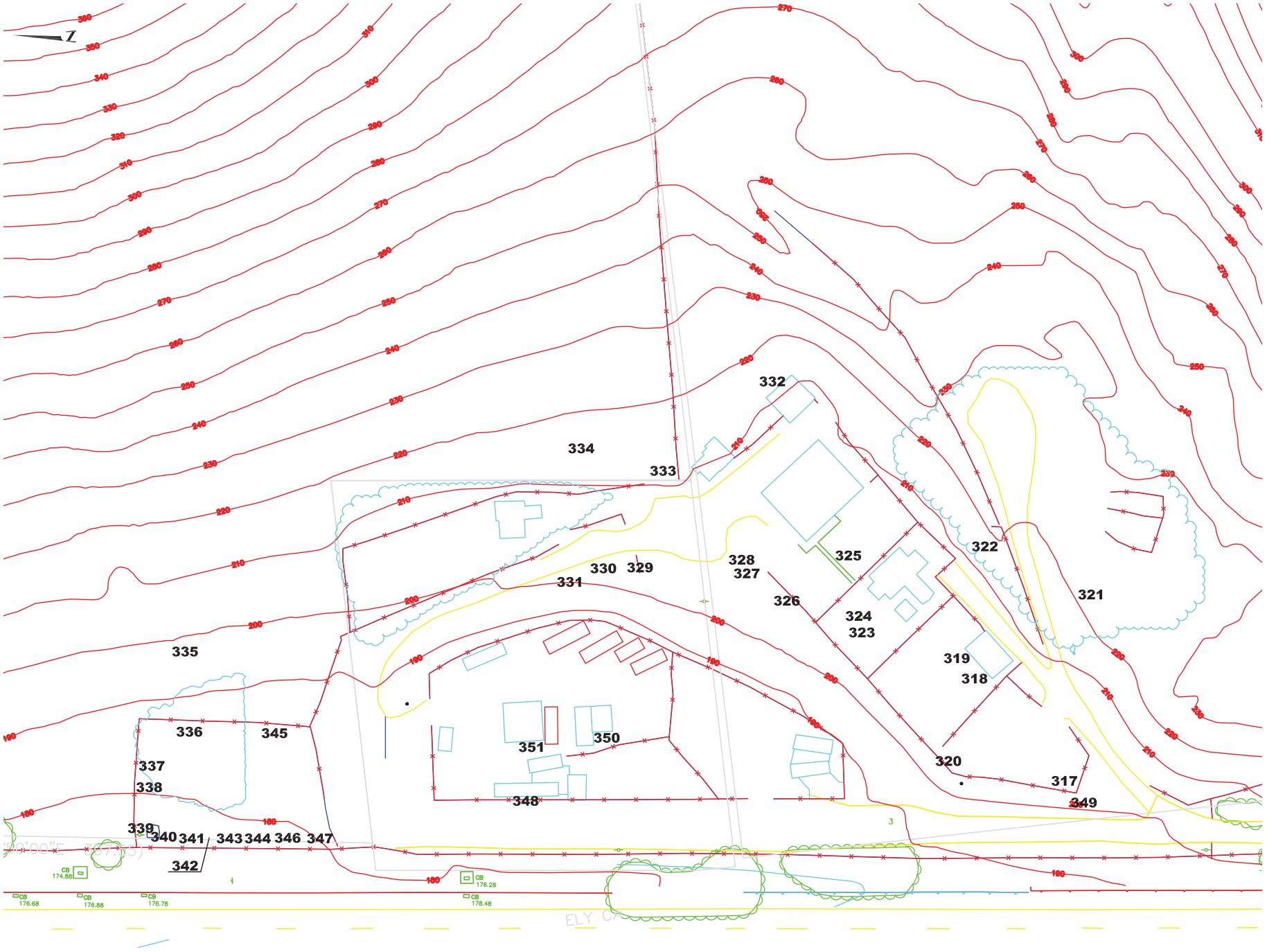
Table 4.4-1: Tree Survey

Tree #	Common Name	Diameter (inches)	Preservation Suitability
317	California Black Walnut	6,5	Low
318	Common Elderberry*	4,3	Moderate
319	Common Elderberry*	7,3,2,1,1,1	Moderate

Table 4.4-1: Tree Survey			
Tree #	**Common Name**	**Diameter (inches)**	**Preservation Suitability**
320	**Common Elderberry***	**14,13,13**	**Moderate**
321	**Almond**	**10,5,4**	**Low**
322	Common Elderberry*	8,2,1	Moderate
323	Albizzia	5	Low
324	California Pepper	15	High
325	**English Walnut**	**7,5,5,4**	**Low**
326	Mulberry	11	Low
327	London Plane	10	Moderate
328	**London Plane**	**28**	**High**
329	**Coast Redwood***	**8,8,7**	**Low**
330	Raywood Ash	5	Moderate
331	Coast Redwood*	11	Low
332	**Common Elderberry***	**13,9,8,6,5,5,4**	**Moderate**
333	Coast Redwood*	12	Low
334	**Common Elderberry***	**5,4,4,3,2,1,1,1**	**Moderate**
335	**Raywood Ash**	**7,6,6,5**	**Moderate**
336	**California Pepper**	**18,12**	**Low**
337	Evergreen Ash	12	Moderate
338	Common Elderberry*	5,4,3,1,1,1	Low
339	Evergreen Ash	12	Moderate
340	Evergreen Ash	8,6	Moderate
341	**Evergreen Ash**	**8,7,7,5**	**Moderate**
342	Evergreen Ash	7,4	Moderate
343	Empress Tree	6	Moderate
344	Evergreen Ash	5	Low
345	**Mexican Fan Palm**	**23**	**High**
346	Evergreen Ash	5	Moderate
347	Evergreen Ash	6,2,1	Low
348	**Common Elderberry***	**7,6,5**	**Moderate**
349	**Siberian Elm**	**10,10,8**	**Moderate**
350	Lemon	6,5	Moderate
351	Oleander	6,5	Moderate

Ordinance-sized trees are listed in **bold.**

***** Denotes a native tree



TREE LOCATION MAP

FIGURE 4.4-1

4.4.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?	☐	☒	☐	☐	9
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?	☐	☒	☐	☐	9
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?	☐	☒	☐	☐	9
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	☐	☒	☐	☐	1
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐	1,2,10
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?	☐	☐	☒	☐	9,11

4.4.3 Impact Discussion

4.4.3.1 *Impacts to Sensitive Habitats and Special-Status Species (Checklist Questions a - c)*

Regulated and Sensitive Habitat

The approximately three-acre development footprint does not support regulated habitats that fall under the jurisdiction of the United States Army Corps of Engineers. The seep/spring located within the proposed open space is not likely to be considered a Water of the U.S. because it has no connection to other waterbodies. Regardless of its jurisdictional status, the seep/spring would be

preserved in place as part of the project. No streams or riparian habitats regulated by the CDFW under Section 1600 of the California Fish and Game Code are present on the project site.

High-quality serpentine grassland may be considered a sensitive habitat due to its potential to support special-status plant and animal species. The serpentine grassland in the 18-acre private open space area has in many areas been degraded by over-grazing and in other areas by the abundance of non-native vegetation. Nevertheless, it does provide habitat for sensitive serpentine-associated species. The proposed project would preserve the serpentine grassland habitat in the private open space area through implementation of a Monitoring and Management Plan as described in MM BIO-1. Thus, the project would not result in significant impacts to the serpentine grassland habitat on the project site or any regulated habitats. **(Less than Significant Impact with Mitigation)**

Special-Status Plants

The project has been designed to occur within the three-acre developed area, which would exclude development from serpentine habitat. While the majority of the project site is designated Serpentine Bunchgrass Grassland within the Habitat Plan (land cover mapping was completed for this area was completed using primarily aerial photos rather than on-the-ground mapping), site surveys have not actually identified serpentine soils within the approximately three-area project area. Though the project would pay the Serpentine Fee to the Santa Clara Valley Habitat Agency, serpentine-associated special-status plants would not be directly impacted by the proposed project.

The steep, rocky terrain that composes most of the 18-acre hillside open space area above the development footprint (where serpentine habitat is present) would not be impacted during project construction or operation; occupants or visitors of the convalescent hospital would not access this area. The dudleya plants on site are located about 230 feet in elevation above the development footprint, along the upper slopes of the open space area. Additionally, the project will include fencing to separate the development from the open space and prevent unauthorized human access. For these reasons, these special-status plants will not be significantly impacted by the project.

Serpentine-associated special status plant species benefit from grazing, which reduces competition from non-native grassland. The applicant intends to continue grazing horses on the hillslope open space above the development footprint, consistent with the existing condition. In the event the few horses that graze on the upper slopes of the site are removed, the lack of grazing may result in habitat degradation for the special-status plants to some extent. It is the experience of the project biologist, however, that Santa Clara Valley dudleya (the only special-status plant species currently known to occur in the open space) can persist on rock outcrops even on slopes that are relatively highly infested with non-native grasses, because the grasses typically do not invade the rock outcrops. Also, removal of grazing could be done at any time, with or without the project, and thus is not an impact of the proposed project. As a result the project is not expected to have a significant impact on special-status plants that may occur in the open space areas.

The serpentine habitat located within (approximately 100 to 200 square feet) and immediately adjacent to the east of the development footprint provides relatively low-quality habitat for serpentine-associated special-status plants due to disturbance and weeds from the existing developed areas. There is a low potential for any special-status plant species to occur close to the development footprint. The proposed project construction and landscaping associated with the proposed gardens at the edges of the development footprint have the potential to introduce invasive or weedy species to

the surrounding open space areas, which could affect known (Dudleya) and unknown serpentine-associated special-status plant species populations that occur on the site. While a 10- to 12-foot-tall wall is proposed as part of the project, the spread of invasive species could still occur if the area is not properly monitored and managed.

Impact BIO-1 Project construction and landscaping associated with the proposed gardens at the edges of the development footprint could have the potential to introduce invasive or weedy species to the surrounding open space areas, which contain serpentine grassland habitat supporting rare, threatened and/or endangered plant species, including dudleya. **(Significant Impact)**

Mitigation Measure: Implementation of the following measure would reduce impacts to rare, threatened, and endangered plant species at the site to a less than significant level.

MM BIO-1.1 A qualified biologist, under contract to the project applicant, shall prepare and implement a Monitoring and Management Plan to preserve the serpentine habitat and special-status plant species present in the open space area above the project development footprint. The plan shall be developed in consultation with the Santa Clara Valley Habitat Agency. The Monitoring and Management Plan shall include, but is not limited to, the following components:

- Unauthorized human access to the open space area shall be prohibited and facility management staff shall be required to monitor for unauthorized use of the open space;
- Fencing shall be installed to separate the medical care facility from the open space to prevent unauthorized human access to the open space area during any demolition, grading, and construction phases;
- Periodic monitoring of the site (e.g., every two years or as determined by the biologist) by a biologist to determine whether unauthorized entry and disturbance, overgrowth by non-native plants, or other stressors are degrading the suitability of the open space for serpentine plants;
- Management activities to address unauthorized human use (e.g., fence repair);
- Management activities to prevent infestations of non-native plants (e.g., periodic grazing); and
- Best management practices for preventing the introduction of non-native species during construction or maintenance of landscaping.

The Monitoring and Management shall be reviewed and approved by the San José Department of Planning, Building, and Code Enforcement prior to issuance of any grading or demolition permit for the proposed project. **(Less than Significant Impact with Mitigation)**

White-tailed Kite, Loggerhead Shrike, and Nesting Birds

The white-tailed kite and loggerhead shrike are known to be present in the project area. Due to the territorial nature of these species, the relatively small size of the site, and the presence of development on three sides, no more than one pair of each of these species could breed on the site. The proposed project would not result in direct impacts to the 18 acres of undeveloped habitat where the species would be located. Suitable nesting habitat and foraging would still be present after project construction. Thus, impacts to these species would be less than significant.

Trees on the site and on nearby properties could provide nesting habitat and/or foraging habitat for raptors and migratory birds. As previously described, migratory birds, including nesting raptors, are protected under the MBTA and the California Department of Fish and Game Code. Construction activities, including equipment noise and tree removal, may result in the loss of fertile eggs or nestlings, or otherwise lead to nest abandonment if they are nesting on or adjacent to the site or in trees proposed to be removed by the project. Construction disturbance that results in mortality of individual birds or causes nest abandonment or the incidental loss of fertile eggs or nestlings would constitute a violation of state and federal laws.

Impact BIO-2 Construction activities associated with the project could result in the loss of fertile eggs of nesting raptors or other migratory birds, or nest abandonment. **(Significant Impact)**

Mitigation Measure: In conformance with the MBTA, the project shall implement the following mitigation measure to reduce impacts related to abandonment of raptor and other protected migratory birds' nests.

MM BIO-2.1 The project applicant shall schedule demolition and construction activities to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area extends from February 1st through August 31st (inclusive).

If demolition and construction activities cannot be scheduled to avoid the nesting season, pre-construction surveys for nesting raptors and other migratory nesting birds shall be conducted by a qualified ornithologist to identify active nests that may be disturbed during project implementation on-site and within 250 feet of the site. Projects that commence demolition and/or construction activities between February 1st and April 30th (inclusive), shall conduct a pre-construction survey for nesting birds no more than 14 days prior to initiation of construction, demolition activities, or tree removal. Between May 1st and August 31st (inclusive), the pre-construction survey shall be conducted no more than 30 days prior to initiation of construction, demolition, or tree removal activities.

If an active nest is found in or within 250 feet of the project area, a qualified ornithologist, in consultation with the CDFW, shall determine the extent of a construction-free buffer zone (typically 250 feet for raptors and 100 feet for other birds) around the nest, to ensure that raptor or migratory bird nests would not be

disturbed during ground disturbing activities. The construction-free buffer zones shall be maintained until after the nesting season has ended and/or the ornithologist has determined that the nest is no longer active.

The ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Supervising Environmental Planner of the City of San José Department of Planning, Building and Code Enforcement prior to issuance of any tree removal, grading, demolition, and/or building permit or activities (whichever occur the earliest). **(Less than Significant Impact with Mitigation Incorporated)**

Roosting Bats

Several bat species, including non-special-status species such as the big brown bat, California myotis, and Mexican free-tailed bat, and possibly including the pallid bat, a California species of special concern, could roost in existing buildings on the project site. If a building supporting a day roost were demolished, injury or mortality of bats within the roost would result. Demolition of a maternity roost (i.e., a roost containing females with young) could result in the loss of reproductive females and young. Loss of regionally important numbers of individuals, particularly of special-status species such as the pallid bat, would be considered a significant impact.

Impact BIO-3 Demolition of buildings on the site could result in injury and/or mortality of roosting bats. **(Significant Impact)**

Mitigation Measures: Implementation of the following measures would avoid and minimize impacts to roosting bats.

MM BIO-3.1 Bat Surveys. Prior to removal of trees, demolition, grading, or building activities (whichever occurs the earliest), a survey of existing buildings shall be completed by a qualified bat biologist to determine whether the site supports a maternity roost of any bat species. The survey shall be conducted during the breeding season (March 1st to August 31st, inclusive and as amended). If the survey must be conducted during the non-breeding season (i.e., 1 September 1st to February 28st, inclusive and as amended), and if no evidence of bat roosts is found, it can be concluded that no maternity roost is present. However, if the survey is conducted during the non-breeding season and evidence of a bat day roost is observed, then prior to building demolition, a follow-up survey shall be completed during the breeding season (March 1st to August 31st, inclusive and as amended) to determine whether a maternity roost is present. If suitable roost sites are found but a visual survey is not adequate to determine presence or absence of bats (which would be particularly likely in the case of potential roost trees), acoustical equipment shall be used to determine occupancy. A preliminary report shall be submitted to the Supervising Environmental Planner of the City of San José Department of Planning, Building and Code Enforcement by the qualified bat biologist summarizing method of detection and recommendation of removal.

MM BIO-3.2 Bat Eviction. If a maternity roost would be impacted, and the roost supports either a special-status species or a regionally important proportion of the

population of a non-special-status species (e.g., two percent or more, in the opinion of a qualified bat biologist), an alternative bat roost structure shall be provided. The design and placement of this structure shall be determined by the bat biologist based on the species of bat to be displaced, the location of the original roost, and the habitat conditions in the vicinity. This bat structure shall be established at least one month prior to removal of the original roost structure. This structure shall be checked during the breeding season for up to three years following completion of the project, or until it is found to be occupied by bats. This data shall be included in a finding report prepared by the bat biologist to provide information for future projects regarding the effectiveness of such structures in minimizing impacts to bats. This report shall be submitted to the Supervising Environmental Planner of the City of San José Department of Planning, Building and Code Enforcement at the end of the three year following the completion of the project, or when bats are detected in the structure (whichever occurs first).

A pre-demolition survey for roosting bats, following the methods described in MM BIO-3.1, shall be completed within 15 days prior to the commencement of demolition activities in a given area to determine whether bats have occupied a roost in or near the project's impact areas, or whether they have abandoned a roost identified during the surveys described above. If a maternity roost of any bat species is present, the bat biologist shall determine the extent of a construction-free buffer around the active roost that will be maintained from March 1st until the young are flying, typically after August 31st.

If a day roost is found in a building that is to be removed, individual bats shall be safely evicted under the direction of a qualified bat biologist. Eviction of bats shall occur at night, so that bats will have less potential for predation compared to daytime roost abandonment. Eviction shall occur between September 1st and March 31st (inclusive and as amended), outside the maternity season, but will not occur during long periods of inclement or cold weather (as determined by the qualified bat biologist) when prey are not available or bats are in torpor. If a day roost is found within a building, eviction shall occur as directed by the bat biologist, such as by opening the roosting area to allow air flow through the cavity. Demolition shall then follow no sooner than the following day (i.e., there shall be no less than one night between initial disturbance for air flow and the demolition) to minimize predation during daylight. If determined infeasible by the bat biologist due to structural or safety concerns, one-way doors shall be used to evict bats from tree roosts. If use of a one-way door is not feasible, as determined by the bat biologist, or the exact location of the roost entrance in a tree is not known, the trees with roosts that need to be removed shall first be disturbed by removal of some of the trees' limbs not containing the bats. Such disturbance shall occur at dusk to allow bats to escape during the dark hours. These trees shall then be removed the following day. All activities shall be performed under the supervision of a qualified bat biologist.

MM BIO-3.3 Reporting. All survey results, recommendations, and actions taken shall be written into a final report and submitted by the project applicant to the

satisfaction of the Supervising Environmental Planner of the City of San José Department of Planning, Building and Code Enforcement prior to issuance of any tree removal, grading, demolition, and/or building permits (whichever occur the earliest). **(Less than Significant Impact with Mitigation)**

4.4.3.2 *Impacts to Wildlife Movement (Checklist Question d)*

The project site is surrounded on three sides by rural suburban development and is not located within a designated migratory wildlife corridor. Wildlife movement would not be substantially inhibited by the project because the development footprint would encompass only a three-acre area of the site that is already developed. The remaining 18 acres of the site would be preserved as open space.

The project site contains roosting/nesting habitat for bats and birds. Implementation of MM BIO-2.1 and MM BIO-3.1 through 3.3 would reduce project impacts to nesting and roosting birds and bats to a less than significant level. With mitigation, the project would not significantly impede the use of native wildlife nursery sites. **(Less than Significant Impact with Mitigation)**

4.4.3.3 *Local Policies and Ordinances Conflict (Checklist Question e)*

Development of the proposed project would result in the loss of 20 trees on the site, seven of which are ordinance sized under the City's Tree Ordinance.[9] The impact to the urban forest resulting from the removal of these trees would be offset by the planning of replacement trees on-site, in conformance with General Plan Policy MS-21.4, MS-21.6, and MS 21.8. The removed trees would be replaced according to tree replacement ratios required by the City, as provided in Table 4.4-2 below.

Table 4.4-2: Tree Replacement Ratios

Circumference of Tree to be Removed[1]	Type of Tree to be Removed[2]			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
38 inches or more[3]	5:1	4:1	3:1	15-gallon
19 to 38 inches	3:1	2:1	None	15-gallon
Less than 19 inches	1:1	1:1	None	15-gallon

[1] As measured 4.5 feet above ground level

[2] X:X = tree replacement to tree loss ratio

[3] Ordinance-sized tree

Notes: Trees greater than or equal to 38 inches in circumference shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees. For multi-family residential, commercial, and industrial properties, a Tree Removal Permit is required for removal of trees of any size.

A 38-inch tree equals 12.1 inches in diameter.

One 24-inch box tree= two 15-gallon trees

[9] The City of San José defines a protected tree as any tree that measures 56 inches or greater in circumference at 24 inches above the ground surface.

If the project cannot replace according to Table 4.4-2, one or more of the following measures will be implemented, to the satisfaction of the City's Environmental Principal Planner, at the development permit stage:

- Replacement tree plantings may be accommodated at an alternative site(s). An alternative site may include local parks or schools, or an adjacent property where such plantings may be utilized for screening purposes. However, any alternatively proposed site would be pursuant to agreement with the Director of the Department of Planning, Building and Code Enforcement.
- A donation may be made to Our City Forest or similar organization for in-lieu tree planting in the community. Such donation will be equal to the cost of the required replacement trees, including associated installation costs, for off-site tree planting in the local community. A receipt for any such donation will be provided to the City of San José Planning Project Manager prior to issuance of a grading permit.

Approximately 15 trees would be preserved on-site as part of the project. In accordance with City policy, eight non-native ordinance-sized trees will be required to be replaced at a 4:1 ratio with a minimum 24-inch box for a total of 32 trees. The remaining 16 non-native non-ordinance sized trees will be required to be replaced at a 2:1 or 1:1 ratio, depending on their size for a total of up to 32 trees. The five native trees, ordinance-sized trees will be required to be replaced at a 3:1 or 1:1 ratio, depending on their size for a total of up to 15 trees. The project proposes 135 new trees, which would meet the ordinance requirement for replanting. Most of the new vegetation are proposed to be drought tolerant. Thus, the project would not conflict with City policies and the impact would be less than significant. **(Less than Significant Impact)**

4.4.3.4 *Habitat Conservation Plan (Checklist Question f)*

This project is covered under the Habitat Plan and would be subject to applicable impact fees and conditions, such as serpentine fees payment. The proposed project would comply with applicable Habitat Plan conditions, such as minimizing the area disturbed and implmenting erosion controls, as well as those specifically related to avoidance of direct impacts on protected plant and wildlife species. The project would be required to implement applicable Habitat Plan conditions and Avoidance and Minimization Measures for urban development are listed in Section 6 and Tables 6-2 and 6-8 of the Habitat Plan. The project may be eligible to provide on-site mitigation through participation in the Habitat Plan Reserve System and recording of a conservation easement that includes Santa Clara Valley dudleya plants. Alternatively, with payment of applicable Habitat Plan fees, the project would not conflict with the provisions of an adopted Habitat Conservation Plan.

The *Envision San José 2040 General Plan Final Program Environmental Impact Report* (General Plan EIR) analyzed the impact of atmospheric nitrogen deposition on serpentine habitats. The analysis determined that development allowed under the General Plan would result in emissions of nitrogen compounds that could affect the species composition and viability of sensitive serpentine grasslands. To address nitrogen deposition impacts from new development, projects are required to contribute fees to Santa Clara Valley Habitat Agency to offset new nitrogen deposition impacts from vehicular emissions. Due to the project's contribution to citywide cumulative nitrogen deposition, the project will pay a fee based on the number of new trips associated with the project to the Habitat Plan nitrogen deposition program prior to issuance of a grading permit by the City of San José.

With the implementation of the following standard permit condition, the development of the project site would not impact any of the Habitat Plan's covered species.

Standard Permit Condition: The project is subject to applicable Habitat Plan conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permits. The project applicant shall submit a Habitat Plan Coverage Screening Form to the Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement for review and will complete subsequent forms, reports, and/or studies as needed.

Because the project would implement applicable Habitat Plan conditions and Avoidance and Minimization Measures and pay relevant impact fees, it would not conflict with the plan and any impact would be less than significant. **(Less than Significant Impact)**

4.4.4 Conclusion

With the implementation of MM BIO-1.1 through MM BIO-3.3 project would have a less than significant impact on biological resources. **(Less than Significant Impact with Mitigation)**

4.5 CULTURAL RESOURCES

The following discussion is based on a Cultural Resources Evaluation completed by Archaeological Resource Management (ARM) in March 2009. This report is available in Appendix D.

4.5.1 Environmental Setting

4.5.1.1 *Regulatory Framework*

Federal and State

The National Historic Preservation Act of 1966 (as amended), the California Public Resources Code, and CEQA are the basic federal and state regulations governing the preservation of historic and archaeological resources of national, regional, and state significance.

National Register of Historic Places

The historic significance and eligibility of a building, structure, object, site, or district for listing is assessed based upon the criteria in the National Register of Historic Places (NRHP). A resource is considered eligible for the NRHP if the quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and:

1. that are associated with events that have made a significant contribution to the broad pattern of our history; or
2. that are associated with the lives of persons significant to our past; or
3. that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
4. that have yielded, or may be likely to yield, information important in prehistory or history.

California Register of Historical Resources

The California Register of Historical Resources (CRHR) was created to identify resources deemed worthy of preservation and was modeled closely after the NRHP. The criteria are nearly identical to those of the NRHP, which includes resources of local, state, and regional and/or national levels of significance. A CRHR-eligible resource generally must be greater than 50 years old and significant at the local, state, or national level under one or more of the following four criteria:

1. It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.
2. It is associated with the lives of persons important to local, California, or national history.
3. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or important creative individual, or possesses high artistic values.
4. It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

Properties of local significance designated under a local preservation or identified in a local historical resources inventory may be eligible for listing in the CRHR and are presumed to be historical resources for the purposes of CEQA unless a preponderance of evidence indicates otherwise.

Paleontological Resources Regulations

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. They range from mammoth and dinosaur bones to impressions of ancient animals and plants, trace remains, and microfossils. These are in part valued for the information they yield about the history of the earth and its past ecological settings. The California Public Resources Code (Section 5097.5) specifies that unauthorized removal of a paleontological resource is a misdemeanor. Under the CEQA Guidelines, a project would have a significant impact on paleontological resources if it will disturb or destroy a unique paleontological resource or site or unique geologic feature.

Tribal Cultural Resources

On September 25, 2014, Governor Edmund G. Brown signed Assembly Bill 52 (AB 52), creating a new category of environmental resources (tribal cultural resources), which must be considered under CEQA. A tribal cultural resource can be a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe.

The legislation imposes new requirements for consultation regarding projects that may affect a tribal cultural resource, includes a broad definition of what may be considered to be a tribal cultural resource, and includes a list of recommended mitigation measures. AB 52 also requires lead agencies to provide notice to tribes that are traditionally and culturally affiliated with the geographic area if they have requested to be notified of projects proposed within that area. Where a project may have a significant impact on a tribal cultural resource, consultation is required until the parties agree to measures to mitigate or avoid a significant effect on a tribal cultural resource or when it is concluded that mutual agreement cannot be reached.

Local

Envision San José 2040 General Plan

The following General Plan policies are specific to cultural resources and are applicable to the proposed project.

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

	that upon discovery during construction, development activity would 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.
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.

Municipal Code

Under the City of San José Historic Preservation Ordinance (Chapter 13.48 of the Municipal Code), preservation of historic or architecturally worthy structures and neighborhoods is promoted in order to stabilize neighborhoods and areas of the city; to enhance, preserve and increase property values; carry out the goals and policies of the City's General Plan; and encourage the development of the City to reflect its historical, architectural, cultural, and aesthetic value or traditions. The landmark designation process itself requires that findings be made that proposed landmarks have special historical, architectural, cultural, aesthetic, or engineering interest or value of an historical nature, and that designation as a landmark conforms to the goals and polices of the General Plan.

4.5.1.2 *Existing Conditions*

Archaeological Resources

Archival research and a site reconnaissance did not identify prehistoric era archaeological deposits on the project site. There were, however, two recorded prehistoric sites within a half-mile of the project site which included surface scatter of stone tools, cores, and debitage, as well as fire-cracked and fire-altered rocks and fragments. Surface soils on the project site have been disturbed through past uses including use of the site as an orchard and gravel quarry.

Historic Resources

The site was developed with the existing two-story primary residential structure at 4200 Dove Hill Road between 1939 and 1961. The primary residence is a two-story vernacular residence in good to fair condition, although it has been heavily modified from its original form. Based upon the materials used for the oldest portion of the primary residence, it is possible that earlier construction materials were recycled in its creation, or that the original portion of the house was moved onto the property. The original structure appears to have been a simple, two-story rectangular residence with a front-gabled roof. Since its initial construction major modifications have been made to the house, including an addition to the southern side, and a second addition to the northern side of the second story (the partially enclosed upper story porch). The large cinderblock chimney is also a later addition to the house.

The original portion of the primary residence has a front gabled roof, with narrow enclosed eaves. The exterior walls have horizontal wooden siding, except the southern addition, which is surfaced with plywood sheets. Fenestration consists primarily of wooden framed windows, in double-hung sash and multi-paned fixed configurations. The northern, upper story addition features a multi-paned window which wraps around a corner of the building.

This primary residence is not associated with significant eras, persons, or events. The vernacular style in which the house was built does not appear to be architecturally significant. The structure

does not appear to be likely to yield information important in prehistory or history. In addition, the structure has been extensively remodeled and lacks architectural integrity. Based on the City of San José Criteria for Local Significance, the primary residence received a score of 14.95 points on the City of San José Historic Evaluation Form, identifying it as a non-significant structure and ineligible for consideration as a City Landmark. The building does not appear to be eligible for listing on the NRHP or CRHP.

Also present on the project property is a smaller one-story secondary residence. The secondary residential structure was constructed between 1953 and 1961. The original portion of this structure appears to have been built at approximately the same time as the primary residence, and may originally have been a simple storage shed, added onto and modified into a small living unit. This structure also does not appear to be eligible for any federal, state, or local registers.

Paleontological Resources

Paleontological resources are fossils; the remains or traces of prehistoric life preserved in the geologic record. The project site is underlain by serpentinite soils which have a low potential to yield significant fossils.[10]

Tribal Cultural Resources

No tribes have requested notice of projects within the geographic area of the proposed project, and no known tribal cultural resources have been identified at the project site as part of the previous General Plan Amendment process.

4.5.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines Section 15064.5?	☐	☒	☐	☐	2,12
b) Cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines Section 15064.5?	☐	☐	☒	☐	2,12
c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	☐	☐	☒	☐	2,12
d) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☒	☐	2,12

[10] C. Bruce Hanson. 2010. *Paleontological Evaluation Report for the Envision San José 2040 General Plan, Santa Clara County, California.* Accessed May 26, 2015. http://www.sanjoseca.gov/index.aspx?NID=2435

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
e) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:					
1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or	☐	☐	☐	☒	1,2
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying this criteria, the significance of the resource to a California Native American tribe shall be considered.	☐	☐	☐	☒	1,2

4.5.3 Impact Discussion

4.5.3.1 *Impacts to Cultural Resources (Checklist Questions a, b, and d)*

The project proposes to redevelop property developed with two buildings constructed between 1939 and 1961. The on-site buildings were evaluated and are not eligible for consideration as a City Landmark; nor are they eligible for the NRHP or the CRHR. The project would not directly impact any historic buildings and would not cause a substantial adverse change in the significance of an above-ground historical resource. However, the presence of historic-age buildings in the southeastern area of the project site suggest that this area of the site may have potential for intact historic-period sealed deposits, including resources in trash pits or privies. If not monitored, construction activities in the southern portion of the site could impact unknown buried cultural resources.

Impact CUL-1 Construction activities in the southern area of the project development footprint could disturb subsurface historic resources associated with the on-site historic-aged residential structures. **(Significant Impact)**

Mitigation Measure: The following measure shall be implemented to reduce potential impacts to subsurface cultural resources, which are likely present in the southern area of the project development footprint.

MM CUL-1.1 The following shall be included in the project to reduce impacts to anticipated subsurface historic resources in the southern area of the project site, in the vicinity of the existing residential structures:

- A qualified archaeologist shall monitor all subsurface construction activities and demolition in the southern area of the site developed with the residential structures.
- In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Supervising Environmental Planner and Historic Preservation Officer of the City of San José Department of Planning, Building and Code Enforcement shall be notified, and a qualified archaeologist will examine the find. Project personnel shall not collect or move any cultural material.
- The archaeologist shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding he disposition of such finds prior to issuance of any occupancy permits. If the finds do not meet the definition of a historical or archaeological resources, no further study or protection is necessary prior to project implementation. If the find(s) does meet the definition of a historical or archaeological resource, then the find shall be avoided by project activities. Project personnel shall not collect or move any cultural material. Fill soils that may be used for construction purposes shall not contain archaeological materials.
- If project construction activities cannot avoid impacting the find, adverse effects to such resources shall be mitigated in accordance with the recommendations of the archaeologist and as approved by the City. Recommendations shall include, but are not limited to, collection, recordation, and analysis of any significant cultural materials. Data recovery methods may include, but are not limited to, backhoe trenching, shovel test units, hand augering, and hand-excavation. Data recovery shall include excavation and exposure of features, field documentation, and recordation. A treatment plan including, but is not limited to, methodology of data recovery, recommendations of measures and conditions to minimize impacts to the finds shall be submitted and approved by Supervising Environmental Planner and Historic Preservation Officer of the City of San José Department of Planning, Building and Code Enforcement prior to commencement of recovery activities.
- A final report of findings documenting any data recovery shall be submitted to the Supervising Environmental Planner and Historic Preservation Officer of the City of San José Department of Planning, Building and Code Enforcement and the Northwest Information Center prior to issuance of building permits. **(Less than Significant Impact with Mitigation)**

Impacts to Buried Archaeological Resources

While no archaeological resources have been found to-date on site, there prehistoric archaeological sites recorded within 0.5 mile of the project site. Although unlikely, due to the disturbed nature of the site from past uses as an orchard and rock quarry, cultural resources or human remains may be uncovered at the site during construction activities. In addition to the mitigation measure CUL-1.1, the project would implement the following Standard Permit Conditions to lessen potential impacts to pre-historic human remains.

Standard Permit Conditions: Consistent with General Plan policies, the project would implement the following Standard Permit Conditions to lessen potential impacts to pre-historic human remains.

If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed. 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 project applicant shall immediately notify the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement and the qualified archaeologist, who will then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American. If the remains are believed to be Native American, the Coroner will contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts.

If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

- The NAHC is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.
- The descendant identified fails to make a recommendation; or
- The landowner or his authorized representative rejects the recommendation of the descendant, the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

With implementation of standard permit conditions and mitigation measures to avoid impacts to subsurface cultural resources and mitigation measures to monitor subsurface earthwork, the project would not cause a substantial adverse change in the significance of an archaeological resource. **(Less than Significant Impact)**

4.5.3.2 *Paleontological Resources (Checklist Question d)*

The project site is located in an area with low sensitivity for paleontological resources. Discovery of paleontological resources at the site is unlikely. Furthermore, the project would be required to implement the City's standard permit condition for discovery of paleontological resources, in the unlikely event that paleontological resources are discovered.

Standard Permit Condition: The following measure shall be implemented by the project to avoid impacts to unknown paleontological resources, in the unlikely event they are discovered.

- If vertebrate fossils are discovered during construction, all work on the site shall 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 applicant shall be responsible for ensuring that the recommendations of the paleontological monitor regarding treatment and reporting are implemented.

With implementation of standard permit conditions to avoid impacts to unknown paleontological resources, the project would not have the potential to destroy a unique paleontological resource or site. **(Less than Significant Impact)**

4.5.3.3 *Impacts to Tribal Cultural Resources (Checklist Question e)*

No tribes have requested notice of projects within the geographic area of the project site from the City of San José except for in Coyote Valley (approximately five miles southeast of the site). Due to the distance of the project site from Coyote Valley, the project would not have a significant impact on tribal cultural resources. **(No Impact)**

4.5.4 Conclusion

With implementation of MM CUL-1.1 and the City's standard permit conditions for discovery of subsurface cultural resources, and the identified mitigation measure, the project would not result in significant impacts to cultural resources. **(Less than Significant Impact with Mitigation)**

4.6 GEOLOGY AND SOILS

The following is based on a Geotechnical Investigation and Geologic Hazards Evaluation as well as a Supplemental Geologic Investigation prepared by Langan Treadwell Rollo in May 2015 and February 2016, respectively. The reports are included as Appendices E-1 and E-2.

4.6.1 Environmental Setting

4.6.1.1 *Regulatory Framework*

State

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act was passed into law following the destructive 1971 San Fernando earthquake. The Act ensures public safety by prohibiting the siting of most structures for human occupancy across traces of active faults that constitute a potential hazard to structures from surface faulting or fault creep. Local agencies are responsible for regulating most development projects within designated fault zones. Alquist-Priolo maps are distributed to affected cities, counties, and state agencies for their use in planning and controlling new construction.

Seismic Hazards Mapping Act

Following the 1989 Loma Prieta earthquake, the Seismic Hazards Mapping Act (SHMA) was passed by the California legislature in 1990. The SHMA (Public Resources Code, Chapter 7.8, Section 2690-2699.6) directs the Department of Conservation, California Geological Survey to identify and map areas prone to liquefaction, earthquake-induced landslides and amplified ground shaking. It also requires that agencies only approve projects in seismic hazard zones following site-specific geotechnical investigations to determine if the identified hazard is present and the inclusion of appropriate mitigation to reduce earthquake-related hazards.

California Building Standards Code

Title 24 of the California Code of Regulations, known as the California Building Standards Code (CBSC) contains the regulations that govern the construction of buildings in California. Through the CBSC, the state provides a minimum standard for building design and construction. The CBSC contains specific requirements for seismic safety, excavation, foundations, retaining walls and site demolition. It also regulates grading activities, including drainage and erosion control.

The California Building Code (CBC) refers to Part 2 of the CBSC in Title 24 of the California Code of Regulations. The CBC covers grading and other geotechnical issues, building specifications, and non-building structures. The CBC requires that a site-specific geotechnical investigation report be prepared by a licensed professional for proposed developments. The purpose of a site-specific geotechnical investigation is to identify seismic and geologic conditions that require project mitigation, such as surface fault ruptures, ground shaking, liquefaction, differential settlement, lateral spreading, expansive soils, and slope stability. The CBC is renewed on a triennial basis (every three years).

Local

Envision San José 2040 General Plan

The following General Plan policies are specific to geological resources and are applicable to the proposed project.

Policy	Description
EC-3.1	Design all new or remodeled habitable structures in accordance with the most recent California Building Code and California Fire Code as amended locally and adopted by the City of San José, including provisions regarding lateral forces.
EC-3.2	Within seismic hazard zones identified under the Alquist-Priolo Fault Zoning Act, California Seismic Hazards Mapping Act and/or by the City of San José, complete geotechnical and geological investigations and approve development proposals only when the severity of seismic hazards have been evaluated and appropriate mitigation measures are provided as reviewed and approved by the City of San José Geologist. State guidelines for evaluating and mitigating seismic hazards and the City-adopted California Building Code will be followed.
EC-3.5	Locate, design and construct vital public utilities, communication infrastructure, and transportation facilities in a manner that maximizes risk reduction and functionality during and after an earthquake.
EC-3.10	Require that a Certificate of Geologic Hazard Clearance be issued by the Director of Public Works prior to issuance of grading and building permits within defined geologic hazard zones related to seismic hazards.
EC-4.1	Design and build all new or remodeled habitat structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and stormwater controls.
EC-4.2	Approve development in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process.
EC-4.4	Require all new development to conform to the City of San José's Geologic Hazard Ordinance.
EC-4.5	Ensure that any development activity that requires grading does not impact adjacent properties, local creeks, and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 15 and April 15.
EC-4.6	Evaluate development proposed in areas with soils containing naturally occurring asbestos (i.e., serpentine) that would require ground disturbance and/or development of new residential or other sensitive uses, for risks to people from airborne asbestos particles during construction and post-construction periods. Hazards shall be assessed, at minimum, using guidelines and regulations of the Bay Area Air Quality Management District and the California Air Resources Board.
EC-4.7	Consistent with the San José Geologic Hazard Ordinance, prepare geotechnical and geological investigation reports for projects in areas of known concern to address the implications of irrigated landscaping to slope stability and to determine if hazards can be adequately mitigated.

Policy	Description
EC-4.10	Require a Certificate of Geologic Hazard Clearance to be issued by the Director of Public Works prior to issuance of grading and building permits within defined geologic hazard zones.
EC-4.11	Require the preparation of geotechnical and geological investigation reports for projects within areas subject to soils and geologic hazards, and require review and implementation of mitigation measures as part of the project approval process.
ES-4.9	Permit development only in those areas where potential danger to health, safety, and welfare of the persons in that area can be mitigated to an acceptable level.
LU-18.1	Allow development in hillside areas only if potential danger to the health, safety, and welfare of the residents, due to landslides, fire, or other environmental hazards, can be mitigated to an acceptable level as defined in State and City ordinances and policies. Demonstrate that all new development will not result in significantly increased risks and public costs associated with natural hazards.
LU-18.2	Design development to minimize exposure of the public to environmental hazards, such as landslides and fires.
LU-18.3	Require soils and geologic review of hillside development proposals to assess such potential hazards as seismic hazards, surface ruptures, liquefaction, landsliding, mudsliding, erosion and sedimentation in order to determine if these hazards are present and can be adequately mitigated. Use geotechnical studies of hillside development proposals to determine the full extent of seismic and other hazards, the optimum locations for structures, roads, and utilities, the advisability of special structural requirements and amenities such as swimming pools or ponds, and the feasibility and desirability of a proposed structure and/ or irrigated landscaping in a specified location.
LU-18.4	Incorporate mitigation measures identified through geotechnical and other studies necessary to protect public safety and the natural environment.
LU-18.5	Design hillside development within areas of potential geological hazards to avoid being endangered by, or contributing to, the hazardous conditions on the site or on adjoining properties.
LU-18.6	Avoid locating public improvements, communication facilities, and utilities in hillside areas with identified soils and/or geologic hazards to limit any extraordinary maintenance and operating expenses. When the location of public improvements, communication facilities, and utilities in such areas cannot be avoided, implement effective mitigation measures to maximize their potential to remain functional during and after a seismic event.
LU-18.7	Require erosion control measures in conjunction with proposed development on hillside areas susceptible to erosion, consistent with the City of San José's Geologic Hazard Ordinance.

City of San José Municipal Code

Title 24 of the San José Municipal Code includes the 2016 California Building, Plumbing, Mechanical, Electrical, Existing Building, and Historical Building Codes. Requirements for building safety and earthquake hazard reduction are also addressed in Chapter 17.40 (Dangerous Buildings) and Chapter 17.10 (Geologic Hazards Regulations) of the Municipal Code. Requirements for grading, excavation, and erosion control are included in Chapter 17.10 (Building Code, Part 6 Excavation and Grading). In accordance with the Municipal Code, the Director of Public Works must issue a Certificate of Geologic Hazard Clearance prior to the issuance of grading and building permits within defined geologic hazard zones, including State Seismic Hazard Zones for Liquefaction.

4.6.1.2 *Existing Conditions*

Topography

The approximately three-acre project development footprint is graded into plateaus that support existing development on the site. The remaining 18 acres of the project property to the north, east, and south is open space with slopes greater than 15 percent. Existing grades within the proposed development footprint range in elevation between approximately 180 to 220 feet. Existing slopes vary across the three-acre development footprint between flat and 15 percent slopes, with an average slope of six percent.

Site topography is characterized by steep north- to west-facing hillslopes. The slopes in the vicinity of the project development footprint have been significantly altered by grading. A steep cut slope above the main residential structure up to 35 feet high is un-retained (i.e. currently there are no retaining walls in place) and shows signs of surficial creep, or a slow-moving surface landslide. The southern half of the site underwent significant quarrying/borrow excavations, resulting in steep cut slopes and unstable areas.

Previous grading activities in the vicinity of the project development footprint have resulted in two relatively level building pads, flanked by moderately steep to steep cut slopes (up to 34 degrees). Cut slopes above the lower building pad are covered in concrete rubble and timber debris. Several areas of fill were observed on the slopes above the existing residences and on the southern slope above Dove Hill Road.

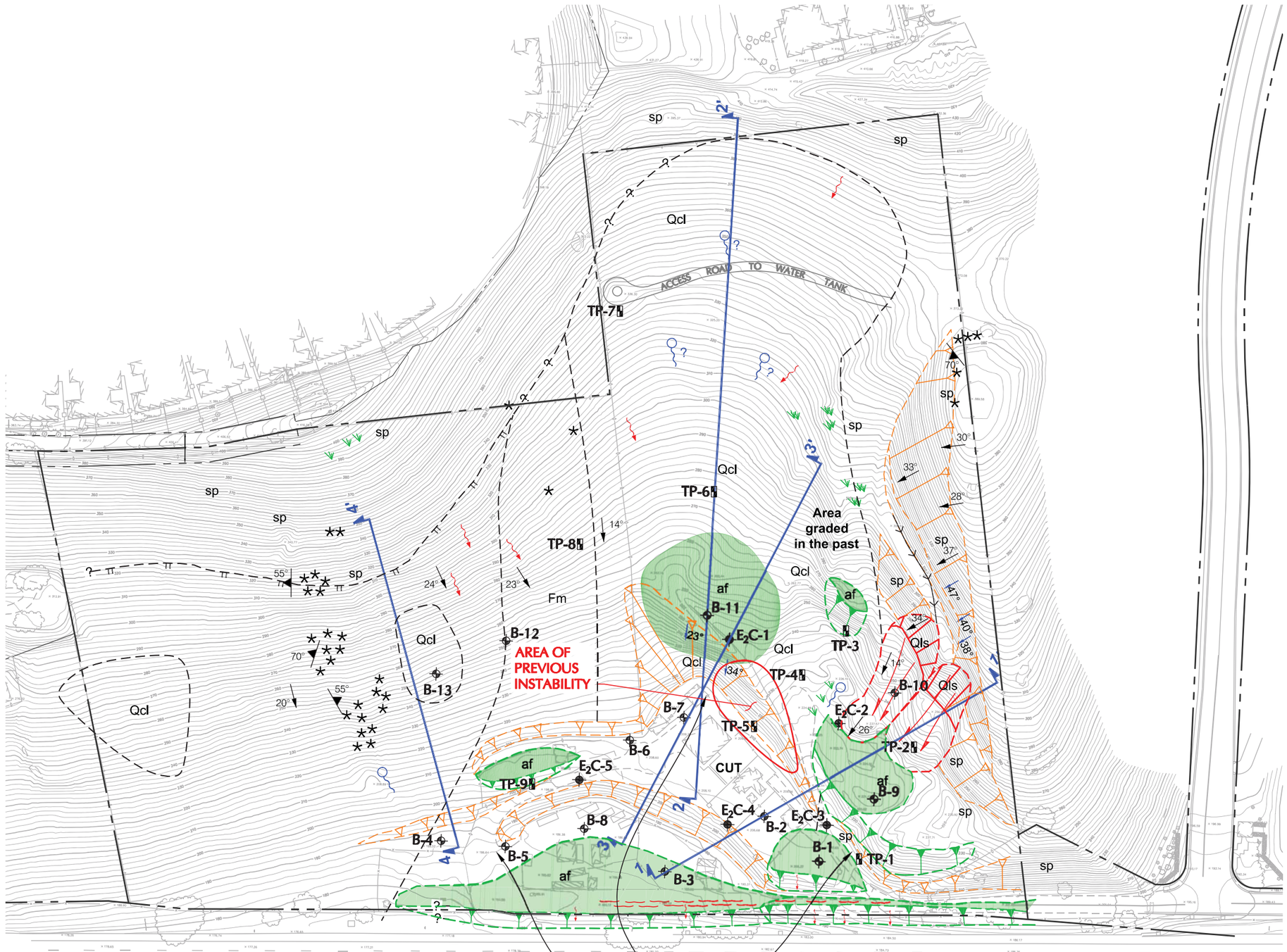
Soils

In 2015, borings were drilled to depths ranging from 10 to 24 feet below ground surface (bgs). The near surface materials encountered in the borings consist of undifferentiated colluvial and artificial fill soil deposits. Very stiff, high plasticity clay is present to a depth of approximately four to nine feet bgs. These surficial clay deposits are underlain by serpentinite bedrock, with inclusions of mélange, sandstone, and shale. Serpentinite bedrock is exposed in cut slopes on the project site, which can be a source of chrysotile asbestos, a naturally occurring asbestos hazard. Refer to Section 4.8 Hazards and Hazardous Materials for discussion of the naturally occurring asbestos on-site. The site also has several areas with artificial fill. Figure 4.6-1 shows the locations where soil borings were taken from the site.

Surficial soils on the site are clayey, and distress cracks were observed on the ground surface at the site in areas underlain by clayey artificial fill and colluvium. Clayey soils shrink and swell with variations in moisture, which can result in damage to structures, warped or cracked roads and walkways, and ruptured utility lines. Surface soils on-site are considered highly expansive.

Groundwater

Due to the steep terrain, groundwater depths at the site are variable. Additionally, seasonal fluctuations in rainfall influence groundwater levels and may cause several feet of variation. There are currently two on-site wells, which are approximately 50 and 250 feet deep. Groundwater is approximately 10.5 feet bgs within proposed development footprint area. Groundwater was not encountered in any of the other borings taken from the site.



EXPLANATION

Key

- **B-3** — Langan Treadwell Rollo exploratory boring
- **TP-1** — Langan Treadwell Rollo exploratory test pit
- **E_2C-1** — Borings by E_2C Consultants
- **1 — 1'** — Geologic cross section
- Geologic contact; solid where certain, dashed where approximate, dotted where concealed, queried where uncertain
- Fill/ Cut slope
- Landslide, scarp area hachured, arrow in direction of downslope movement, conpressional toe with debris pushing over the original ground surface by a dash and semi-circle symbol
- Top of slope
- Bedrock outcrop
- 55° — Serpentinite foliations/sheared surfaces
- 35° — Slope inclination, as measured in field, with angle in degrees
- Soil creep, 3 feet or less in depth
- Phreatophytes
- Ground cracks
- Spring or seep, queried where uncertain
- Gully

Geologic Units

- **af** — Artificial fill, Qc/af undifferentiated colluvium and fill
- **Qls** — Landslide deposit
- **Qcl** — Colluvium
- **Fm** — Melange: blocks of franciscan sandstone, greenstone, serpentinite in sheared shale matrix
- **sp** — Serpentinite and serpentinized harzburgite and dunite, masive

Notes:
1. Site conditions are those observed during reconnaissance mapping on - and - and may have since changed.
2. Mapping performed using standard tape/pace and compass methods.
3. Cross sections shown on Figure 6.

N

0 100 Feet

Approximate scale

GEOLOGIC MAP

FIGURE 4.6-1

A spring-fed horse trough was observed to the north of the proposed development footprint. Areas of the slopes surrounding the development footprint appeared to be muddy and had phreatophyte plants,[11] indicating the likelihood for shallow groundwater and corresponding underground seeps that were not observable at the ground surface.

Seismicity and Seismic-Related Hazards

The San Francisco Bay Area is one of the most seismically active regions in the United States. The nearest active fault to the project site is the Calaveras Fault, located approximately six miles to the east. Other nearby active faults include the Hayward Fault, San Andreas Fault, and Greenville Fault, located 12 miles northeast, 13 miles southwest, and 20.5 miles northeast of the project site, respectively. Additionally, the site is located approximately one mile southwest of the potentially active Silver Creek Fault and one mile northeast of the potentially active Piercy Fault.

The project site is not located within a designated Alquist-Priolo Earthquake Fault Zone, and no known active or potentially active faults exist on the site. The risk of fault offset at the site from a known active fault is low. Due to the proximity of the project site to active faults, however, the site would be subject to strong to violent ground shaking and/or ground failure as a result of an earthquake.

Liquefaction

Liquefaction is a result of seismic activity and is characterized as the transformation of loose, water-saturated soils from a solid state to a liquid state after ground shaking. There are many variables that contribute to liquefaction, including the age of the soil, soil type, soil cohesion, soil density, and groundwater level.

The project site is located within a State of California Hazard Zone with the potential for liquefaction and also within a Santa Clara County Liquefaction Hazard Zone. Soil susceptible to liquefaction includes loose to medium dense sand and gravel, low-plasticity silt, and some low-plasticity clay deposits. The soil borings taken from the site indicate that subsurface conditions are high-plasticity clay soils above bedrock, however, which is a condition not susceptible to liquefaction. Therefore, the liquefaction potential of the site is low.

Lateral Spreading

Lateral spreading occurs when surficial soil displaces along a shear zone that has formed within an underlying liquefied layer. The surficial material is transported downslope or in the direction of a free face, such as a channel, by earthquake and gravitational forces. Lateral spreading is generally the most pervasive and damaging type of liquefaction-induced ground failure generated by earthquakes. Because soil on the project site is not liquefiable, lateral spreading is not likely to occur during a seismic event.

[11] Phreatophytes are plants that are supplied with surface water and often have their roots constantly in touch with moisture. Phreatophytes absorb water from a constant source on the ground.

Slope Conditions and Landslides

Landsliding involves the downslope movement, under gravity, of masses of soil and rock material. Landslides typically consist of disrupted soils and rock materials that are generally weaker than adjacent undisturbed rock and soil materials. Landslides can be reactivated by earthquake movements.

The project site is mapped as a Geologic Hazard Area in the City's *Geologic and Seismic Hazards Map.* According to the California Geological Survey (CGS) Seismic Hazard Zone Report for the San José East Quadrangle, the project site is located on a slope in the western portion of the Silver Creek Hills where the combination of dissected hills and weak rocks has historically produced widespread and abundant landslides. According to the State of California Seismic Hazard Zones Map of the San José East 7.5-Minute Quadrangle, also prepared by the CGS, the site is within a zone designated as susceptible to earthquake-induced landsliding. As shown in Figure 4.6-1, two landslide features are mapped in the northern portion of the site, and two are mapped in the southern portion of the site, on the slope of the previous borrow/quarry area.

The two landslides on the northern portion of the site are designated as Qlso (old landslide) and Qlsd (dormant landslide), respectively. The southern landslides are both designated as Qlsd (dormant landslide). The old landslide is characterized as a shallow translational slide, with abundant bedrock boulders within the slide mass. The dormant landslides are characterized as shallow earth flows, likely confined to the surficial materials overlying bedrock.

An area of historic instability is located in the southern half of the project property behind the primary two-story residence. Very steep cut slope inclinations (23 to 34 degrees) and the sheared nature of site bedrock, which is highly susceptible to weathering, likely contributed to instability in this area. Two small debris slides were also noted on the outboard edge of the middle slope cut. Other geologic features observed include isolated areas of fill on slopes (likely remnants of previous site grading activities), soil creep, distress cracks, springs and/or seeps, and cut slopes.

A supplemental subsurface investigation was completed in 2016 to better characterize landslide deposits, colluvium, and fill material throughout the site (see Appendix E-2). Two landslide deposits were mapped on the southern portion of the site. The results of the analyses indicate most of the existing slopes are stable or may exhibit negligible permanent slope displacements upslope of the project site during a major earthquake. However, the two landslide deposits above could exhibit significant permanent slope displacements if not removed and regraded.

4.6.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
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)?	☐	☐	☒	☐	13
2. Strong seismic ground shaking?	☐	☐	☒	☐	13
3. Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐	13
4. Landslides?	☐	☐	☒	☐	13
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐	13
c) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐	13
d) Be located on expansive soil, as defined in Section 1803.5.3 of the California Building Code (2016), creating substantial risks to life or property?	☐	☐	☒	☐	13
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?	☐	☐	☐	☒	13

4.6.3 Impact Discussion

As described previously, the California Supreme Court issued an opinion in *CBIA vs. BAAQMD* holding that CEQA is primarily concerned with the impacts of a project on the environment and generally does not require agencies to analyze the impact of existing conditions on a project's future users or residents unless the project risks exacerbating environmental hazards or risks. Nevertheless, the City has General Plan policies addressing existing conditions affecting a proposed project. Therefore, much of the analysis in this chapter pertains to the potential effects of the seismic and geologic environment on the proposed project, but the effects discussed are generally not considered impacts under CEQA.

4.6.3.1 *Seismic Hazards (Checklist Questions a and c)*

Faults, Liquefaction, and Seismic Ground Shaking

The project site is not located within a designated Alquist-Priolo Earthquake Fault Zone, and no known active or potentially active faults exist on the site. The risk of surface rupture or fault offset at

the site from an active fault is low. The proposed project would not increase the risk of rupture or faulting on or off-site. Subsurface conditions at the site include high-plasticity clay soils above bedrock. Soils beneath the site do not have qualities that are susceptible to liquefaction. Liquefaction potential at the site is low and the project would not increase liquefaction hazards.

Slopes nearest to the proposed buildings were evaluated to determine seismic stability. Natural slopes on the project site are mostly stable and do not exhibit signs of deep-seated landsliding, and no deep-seated landslides were noted during a historical aerial map review of the site. Slope stability issues in landslide areas in the southern portion of the site are confined to steeply graded areas.

The project site is, however, located in a seismically active region of California and strong ground shaking would be expected during the lifetime of the proposed project. While there are no known active faults traversing the project site and the potential for surface rupture from displacement or fault movement directly beneath the proposed project is considered low, on-site and adjacent improvements may experience shaking and damage due to the site's proximity to the active faults.

Standard Permit Condition: Consistent with the City's General plan policies, implementation of the following standard permit condition would reduce seismic hazards and impacts to a less than significant level

- To avoid or minimize potential damage from seismic shaking, the project would be built using standard engineering and seismic safety design techniques. Building design and construction at the site will be completed in conformance with the recommendations of a design-level geotechnical investigation. The structural designs for the proposed development will account for repeatable horizontal ground accelerations. The report shall be reviewed and approved of by the City of San José's Building Division as part of the building permit review and issuance process. The buildings shall meet the requirements of applicable Building and Fire Codes, including the 2016 California Building Code (CBC) Chapter 16, Section 1613, as adopted or updated by the City. The project shall be designed to withstand soil hazards identified on the site and the project shall be designed to reduce the risk to life or property on site and off site to the extent feasible and in compliance with the Building Code.

With implementation standard permit conditions (including City approval of a design-level geotechnical investigation), impacts would be less than significant. **(Less than Significant Impact)**

4.6.3.2 *Soil Stability (Checklist Questions b and d)*

Soil Erosion and Expansive Soils

Ground disturbance at the site during construction activities would occur during removal of the existing buildings and pavement, excavation, grading, and construction of the proposed project. Ground disturbance would expose soils and increase the potential for wind or water related erosion and sedimentation at the site until construction is complete.

Surface soils on the site are predominantly composed of clayey soils which shrink and swell with variations in moisture content, and are considered highly expansive. The proposed building locations are underlain by variable subsurface conditions, with about one to 10 feet of expansive soil and fill above bedrock. Structural damage, warping and cracking of roads and sidewalks, and rupture of utility lines may occur if expansive soils are not considered during project design. Additionally,

highly expansive soils tend to creep downslope over time and may contribute to slope instability in cut or fill slopes exceeding 2:1 (horizontal to vertical). To ensure that future improvements on the site are designed properly to account for the presence of unstable soils and to minimize the potential for erosion, the following standard permit conditions shall be implemented as part of the project.

Standard Permit Conditions: The project shall be constructed in accordance with the standard engineering practices in the California Building Code, as adopted by the City of San José. In addition, the City of San José Department of Public Works requires a grading permit to be obtained prior to the issuance of a Public Works Clearance. These standard practices, including the measures outlined below, would ensure that future buildings on the site are designed properly to account for soils-related hazards on the site and to prevent soil erosion.

- The project shall conform to the recommendations of a project-specific geotechnical report, including design considerations for proposed foundations.
- The project shall prepare and implement an Erosion Control Plan in conformance with the requirements of the Department of Public Works.

The project, with the implementation of the standard permit conditions outlined above, would not result in significant soil impacts from expansive soils or result in soil erosion. **(Less than Significant Impact)**

Landslides and Rock Fall

Portions of the project would require cutting into the existing slopes. Grading and excavation activities at the project site would change the existing slope configurations which could result in landslide activation, exposing people and structures to adverse effects.

Impact GEO-1 Grading and excavation activities at the project site could alter existing slope configurations resulting in landslide activation, exposing people and structures to damage and/or safety hazards. **(Significant Impact)**

Mitigation Measure: The following measure would reduce impacts from landslide activation from grading activities to a less than significant level.

MM GEO-1.1 The project applicant shall install retaining walls to provide support at the toe of slopes, where cuts are made into the slope, as shown on the project grading plan. Retaining walls shall be designed to withstand the applicable earth pressures, dependent on the slope inclination and backfill material, as determined by a qualified Geologist. Retaining wall engineering plans and a report by a qualified geologist shall be submitted to the Supervising Environmental Planner of the City of San José Department of Planning, Building and Code Enforcement prior to the issuance of any grading or building permit. **(Less than Significant Impact with Mitigation)**

4.6.3.3 *Impacts to the Project*

The location of the convalescent hospital at the base of several slopes makes it susceptible to impacts from rock fall. Slopes near the proposed buildings were observed and it was determined that slopes

on the site are generally stable; however, the existing steep cut slope on the south side of the site, behind the existing two-story residence (behind future Building B) has exhibited instability in the past. Potential impacts from rock fall and non-seismic landslides would be considered impacts from the environment onto the project, and would not be considered impacts of the project under CEQA. Nevertheless, in order to comply with City geologic hazards and building safety requirements, the proposed project would implement the following measure as a condition of project approval.

Condition of Approval: The following condition of approval would be implemented to reduce impacts from the unstable slope behind Building B.

- The slope behind proposed Building B shall be graded to an inclination of 3:1 or flatter. During construction, the Engineer on Record shall observe cut slopes to verify the inclinations are appropriate for the conditions encountered. Alternatively, a retaining structure, supported by the underlying bedrock, shall be installed to prevent rockfall and soil creep. The retaining wall shall be designed to withstand the applicable earth pressures, dependent on the slope inclination and backfill material, as determined by a qualified Geologist. This condition shall be printed on all approved construction plans and documents prior to the issuance of any grading and building permits.

With implementation of this measure, the project would not be subject to substantial hazards from off-site rock fall.

4.6.3.4 *Wastewater Disposal Systems (Checklist Question 5)*

The project does not propose septic tanks or alternative wastewater disposal systems. **(No Impact)**

4.6.4 Conclusion

The project would be designed and constructed in accordance with the recommendations of the design-level geotechnical investigation which would be reviewed by the San José Public Works Department. With conformance to the City's regulations for development in Geologic Hazard Zones, and with implementation of standard measures and MM GEO-1.1, the project would not expose future occupants of the site to substantial geologic or seismic-related hazards. **(Less than Significant Impact)**

4.7 GREENHOUSE GAS EMISSIONS

4.7.1 Environmental Setting

4.7.1.1 *Regulatory Framework*

State

California Global Warming Solutions Act

Under the California Global Warming Solution Act, also known as Assembly Bill (AB) 32, CARB has established a statewide GHG emissions cap for 2020, adopted mandatory reporting rules for significant sources of GHG, and adopted a comprehensive plan, known as the *Climate Change Scoping Plan*, that identifies how emission reductions will be achieved from significant GHG sources via regulations, market mechanisms and other actions.

In 2016, Senate Bill (SB) 32 was signed into law, amending the California Global Warming Solution Act. SB 32 requires the California Air Resources Board to ensure that statewide greenhouse gas emissions are reduced to 40 percent below the 1990 level by 2030. As a part of this effort, CARB is required to update the *Climate Change Scoping Plan* to express the 2030 target in terms of million metric tons of carbon dioxide equivalent. CARB has initiated the public process to update the state's *Climate Change Scoping Plan*. The updated plan will provide a framework for achieving the 2030 target and is anticipated to be completed and adopted by CARB in 2017.

Senate Bill 375 – Redesigning Communities to Reduce Greenhouse Gases

SB 375, known as the Sustainable Communities Strategy and Climate Protection Act, was signed into law in September 2008. SB 375 builds upon AB 32 by requiring CARB to develop regional GHG reduction targets for automobile and light truck sectors for 2020 and 2035, as compared to 2005 emissions levels. The per-capita GHG emissions reduction targets for passenger vehicles in the San Francisco Bay Area include a seven percent reduction by 2020 and a 15 percent reduction by 2035.[12]

Consistent with the requirements of SB 375, Metropolitan Transportation Commission (MTC) partnered with the Association of Bay Area Governments (ABAG), BAAQMD, and Bay Conservation and Development Commission (BCDC) to prepare the region's Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan (RTP) process. The SCS is referred to as *Plan Bay Area*.

Originally adopted in 2013 *Plan Bay Area*, established a course for reducing per-capita GHG emissions through the promotion of compact, mixed-use residential and commercial neighborhoods near transit, particularly within identified Priority Development Areas (PDAs). Building upon the development strategies outlined in the original plan, *Plan Bay Area 2040* was adopted in July 2017 as a focused update with revised planning assumptions based current demographic trends.

[12] The emission reduction targets are for those associated with land use and transportation strategies, only. Emission reductions due to the California Low Carbon Fuel Standards or Pavley emission control standards are not included in the targets.

Regional

Bay Area Air Quality Management District

BAAQMD is the regional, government agency that regulates sources of air pollution within the nine San Francisco Bay Area counties. BAAQMD and other agencies prepare clean air plans as required under the state and federal CAAs. The *Bay Area 2017 Clean Air Plan* (2017 CAP) focuses on two closely related BAAQMD goals: protecting public health and protecting the climate. The 2017 CAP lays the groundwork for the BAAQMD's long-term effort to reduce Bay Area GHG emissions 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050.

The BAAQMD CEQA *Air Quality Guidelines* are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. As discussed in the CEQA *Air Quality Guidelines*, the determination of whether a project may have a significant effect on the environment calls for judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The City of San José and other jurisdictions in the San Francisco Bay Area Air Basin often utilize the thresholds and methodology for greenhouse gas emissions developed by the BAAQMD.

Local

Envision San José 2040 General Plan and Greenhouse Gas Reduction Strategy

The General Plan includes strategies, policies, and action items that are incorporated in the City's GHG Reduction Strategy to help reduce GHG emissions. Multiple policies and actions in the General Plan have GHG implications, including land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings. The GHG Reduction Strategy is intended to meet the mandates outlined in the CEQA *Air Quality Guidelines,* as well as the BAAQMD requirements for Qualified GHG Reduction Strategies.

The City's GHG Reduction Strategy identifies GHG emissions reduction measures to be implemented by development projects as part of three categories: built environment and energy, land use and transportation, and recycling and waste reduction. Some measures are mandatory for all proposed development projects and others are voluntary and could be incorporated as mitigation measures for proposed projects, at the City's discretion.

The primary test for consistency with the City's GHG Reduction Strategy is conformance with the General Plan Land Use/Transportation Diagram and supporting policies. CEQA clearance for development proposals are required to address the consistency of individual projects with the goals and policies in the General Plan designed to reduce GHG emissions. Compliance with the mandatory measures and voluntary measures (if required by the City) would ensure an individual project's consistency with the GHG Reduction Strategy. Projects that are consistent with the GHG Reduction Strategy would have a less than significant impact related to GHG emissions through 2020 and would not conflict with targets in the currently adopted *Climate Change Scoping Plan* through 2020.

The environmental impacts of the GHG Reduction Strategy were analyzed in the General Plan FPEIR, and as supplemented. Beyond 2020, the emission reductions in the GHG Reduction Strategy are not large enough to meet the City's identified 3.04 metric tons (MT) CO_2e/SP efficiency metric

for 2035. An additional reduction of 5,392,000 MT CO_2e per year would be required for the projected service population to meet the City's target for 2035.[13]

Achieving the substantial communitywide GHG emissions reductions needed beyond 2020 cannot be done alone with the measures identified in the GHG Reduction Strategy adopted by the City Council in 2015. The General Plan EIR disclosed that it will require an aggressive multiple-pronged approach that includes policy decisions and additional emission controls at the federal and state level, new and substantially advanced technologies, and substantial behavioral changes to reduce single occupant vehicle trips—especially to and from work places. Future policy and regulatory decisions by other agencies (such as CARB, California Public Utilities Commission, California Energy Commission, MTC, and BAAQMD) and technological advances are outside the City's control, and therefore could not be relied upon as feasible mitigation strategies at the time of the latest revisions to the GHG Reduction Strategy. Thus, the City Council adopted overriding considerations for the identified cumulative impact for the 2030 to 2035 timeframe.

The General Plan includes an implementation program for monitoring, reporting progress on, and updating the GHG Reduction Strategy over time as new technologies or practical measures are identified. Implementation of future updates is called for in General Plan Policies IP-3.7 and IP-17.2 and embodied in the GHG Reduction Strategy. The City of San José recognizes that additional strategies, policies and programs, to supplement those currently identified, will ultimately be required to meet the mid-term 2035 reduction target of 40 percent below 1990 levels in the GHG Reduction Strategy and the target of 80 percent below 1990 emission levels by 2050.

The following General Plan policies are related to GHG emissions and are applicable to the proposed project.

Policy	Description
MS-2.11	Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g. design to maximize cross ventilation and interior daylight) and through site design techniques (e.g. orienting buildings on sites to maximize the effectiveness of passive solar design).
MS-14.4	Implement the City's Green Building Policies so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.
CD-3.2:	Prioritize pedestrian and bicycle connections to transit, community facilities (including schools), commercial areas, and other areas serving daily needs. Ensure that the design of new facilities can accommodate significant anticipated future increases in bicycle and pedestrian activity.

[13] As described in General Plan EIR, the 2035 efficiency target above, reflects a straight line 40 percent emissions reduction compared to the projected citywide emissions (10.90 MT CO_2e) for San José in 2020. It was developed prior to issuance of Executive Order S-30-15 in April 2015, which calls for a statewide reduction target of 40 percent by 2030 (five years earlier) to keep on track with the more aggressive target of 80 percent reduction by 2050. The necessary information to estimate a second mid-term or interim efficiency target (e.g., statewide emissions, population and employment in 2030) is being developed by CARB.

CD-5.1	Design areas to promote pedestrian and bicycle movements and to facilitate interaction between community members and to strengthen the sense of community.
LU-5.4	Require new commercial development to facilitate pedestrian and bicycle access through techniques such as minimizing building separation from public sidewalks; providing safe, accessible, convenient, and pleasant pedestrian connections; and including secure and convenient bike storage.

City of San José Municipal Code

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

- Green Building Ordinance (Chapter 17.84)
- Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10)
- Construction and Demolition Diversion Deposit Program (Chapter 9.10)
- Wood Burning Ordinance (Chapter 9.10)

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

In October 2008, the City adopted the Private Sector Green Building Policy (6-32) that establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. This policy requires that applicable projects achieve minimum green building performance levels using the Council adopted standards. The green building standards required by this policy are intended to advance greenhouse gas reduction by reducing per capita energy use, providing energy from renewable sources, diverting waste from landfills, using less water, and encouraging the use of recycled wastewater.

4.7.1.2 *Existing Conditions*

The project site is currently developed with two houses, a landscaping business, a storage yard, and associated sheds and infrastructure. GHG emissions from operation of the site are primarily associated with the combustion of fossil fuels (oil, natural gas, and coal) for energy production.

4.7.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐	10,14
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐	1,2,10

4.7.2.1 *GHG Impact Assessment (Checklist Question a)*

The following discussion focuses on whether project emissions represent a cumulatively considerable contribution to climate change as determined by consistency with the City of San José and statewide efforts to curb GHG emissions. The City's projected emissions and the GHG Reduction Strategy are consistent with measures necessary to meet statewide 2020 goals established by AB 32 and addressed in the Climate Change Scoping Plan. As previously noted, projects that are consistent with the City's adopted GHG Reduction Strategy would have a less than significant impact related to GHG emissions through 2020.

Construction Emissions

Construction of the proposed project would result in a minor increase in GHG emissions from on-site equipment and emissions from construction workers' personal vehicles traveling to and from the construction site. Construction-related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and number of personnel. Because project construction will be a temporary condition (up to 14 months) and would not result in a permanent increase in emissions that would interfere with the implementation of AB32, the temporary increase in emissions would be less than significant. **(Less than Significant Impact)**

Operational Emissions

The proposed project would allow intensification and redevelopment of the site with a convalescent hospital. The project is anticipated to result in a net increase in traffic trips and energy usage compared to the existing site conditions. Development associated with the project, however, will be subject to the City's Green Building Ordinance, which will ensure operational emissions reductions consistent with the GHG Reduction Strategy. Further, a convalescent hospital is not a trip-intensive use resulting in a significant increase in vehicle-related GHG emissions. Consistent with the mandatory measures of the GHG Reduction Strategy, the proposed project would enhance the pedestrian environment with new sidewalks. The proposed project, therefore, would not conflict with the City's GHG Reduction Strategy and 2020 local targets and statewide targets developed based upon AB 32. Thus, the project would have a less than significant GHG emissions impact for development through 2020. **(Less than Significant Impact)**

4.7.2.2 *Consistency with the Greenhouse Gas Reduction Strategy (Checklist Question b)*

The GHG Reduction Strategy in the General Plan FPEIR identifies a series of GHG emissions reduction measures to be implemented by development projects that would allow the City to achieve its GHG reduction goals. As shown below, measures are considered mandatory or voluntary. The following mandatory GHG Reduction Strategy criteria relevant to the proposed project and the project's consistency with them is described in the following table.

Table 4.7-1: Mandatory Greenhouse Gas Reduction Strategy Criteria

Policies	Description of Project Conformance	Project Conformance
Consistency with the Land Use/Transportation Diagram	The project proposes development of a 155 room convalescent hospital, which is consistent	☒ Yes

Table 4.7-1: Mandatory Greenhouse Gas Reduction Strategy Criteria		
Policies	**Description of Project Conformance**	**Project Conformance**
(General Plan Goals IP-1, LU-10)	with the *PQP-Public/Quasi-Public* General Plan designation for the site.	☐ No ☐ Not Applicable
Implementation of Green Building Measures related to: • Solar Site Orientation • Site Design • Architectural Design • Construction Techniques • Consistency with City Green Building Ordinance and Policies • Consistency with GHGRS Policies: MS-2.3, MS-2.11, and MS-14.4	The project is required to be LEED certified per the City of San José Green Building Ordinance and City Council Policy 6-32, which requires the incorporation of environmentally conscious site and architectural design, including planting new landscaping, trees, and pedestrian connections. The project would green building measures in conformance with the City's Green Building Ordinance. Additionally, the project will undergo the City's design review process, which will ensure compliance with MS-2.3, MS-2.11, and MS-14.4.	☒ Yes ☐ No ☐ Not Applicable
Pedestrian/Bicycle Site Design Measures • Consistency with Zoning Ordinance • Consistency with GHGRS Policies: CD-2.1, CD-3.2, CD-3.3, CD-3.4, CD-3.8, CD-5.1, LU-5.4, TR-2.8, TR-2.11, TR-2.18, TR-3.3	The project will be required to incorporate bicycle and pedestrian facilities and connections into the project as part of the design review and Building Permit process, consistent with City standards and requirements.	☒ Yes ☐ No ☐ Not Applicable
Salvage building materials and architectural elements from historic structures to be demolished to allow reuse (General Plan Policy LU-16.4)	None of the buildings on the site are considered historic.	☐ Yes ☐ No ☒ Not Applicable
Complete an evaluation of operational energy efficiency and design measures for energy-intensive industries (General Plan Policy MS-2.8)	The proposed project is a convalescent hospital and is not an energy-intensive land use.	☐ Yes ☐ No ☒ Not Applicable
Preparation and implementation of the TDM Program at large employers (General Plan Policy TR-7.1)	The project would not be required to implement a TDM program as it would not be considered a large employer.	☐ Yes ☐ No ☒ Not Applicable
Limits on drive-through and vehicle serving uses; all new uses that serve the occupants of vehicles (General Plan Policy LU-3.6)	The project does not propose drive-through uses.	☐ Yes ☐ No ☒ Not Applicable

Table 4.7-2 below provides a summary of the voluntary criteria and describes the proposed project's compliance with each criterion.

Table 4.7-2: Voluntary Greenhouse Gas Reduction Strategy Criteria

Policies	Description of Project Conformance	Project Conformance
Installation of solar panels or other clean energy power generation sources on development sites, especially over parking areas (Policies MS-2.7, MS-15.3, MS-16.2)	The project does not propose installation of solar panels or other clean energy sources on-site.	☐ Proposed ☒ Not Proposed ☐ Not Applicable
Use recycled water wherever feasible and cost-effective, including non-residential uses outside of the Urban Service Area (General Plan Policies MS-17.2, MS-19.4)	A recycled water source is not available for the project.	☐ Proposed ☒ Not Proposed ☐ Not Applicable
Have new residential developers build and maintain trails when development occurs adjacent to a designated trail location (General Plan Policies PR-8.5, TN-2.7)	There are no trails on or adjacent to the project site. The nearest trail is the Coyote Creek Trail across US 101 west of the site.	☐ Proposed ☐ Not Proposed ☒ Not Applicable
Promote car share programs to minimize the need for parking spaces (General Plan Policy TR-8.5)	A car share program is not currently proposed as a part of the project, however, shuttle service would be available to occupants of the proposed project.	☐ Proposed ☒ Not Proposed ☐ Not Applicable
In Downtown and Urban Village Overlay areas, avoid the construction of surface parking except as an interim use and use structured parking to fulfill parking requirements. (General Plan Policy CD-2.11)	The project site is not located in Downtown or an Urban Village Overlay area.	☐ Surface Parking Proposed ☐ Surface Parking Not Proposed ☒ Not Applicable
Limit parking above code requirements(General Plan Policy TR-8.4)	The project is required to provide a total of 117 parking spaces and proposes a total of 124 on-site parking stalls.	☐ Project is Parked at or below Code Requirements ☒ Project is Parked above Code Requirements ☐ Not Applicable

Consistent with the City's Private Sector Green Building Policy, the proposed project would be required to be LEED Certified. This certification is achieved by incorporating a variety of design

features to reduce energy and water use. The features could include community design and planning, site design, landscape design, building envelope performance, and material selections, including the following:

- Provide bicycle lockers;
- Install high performance lighting and controls;
- Maximize natural lighting, minimize summer heat gain, and increase passive heating in winter;
- Salvage and recycle construction waste;
- Use recycled content building materials;
- Use low-VOC emitting paints, sealants, coatings, and flooring systems; and
- Water efficient landscaping and irrigation design.

The proposed project is consistent with applicable mandatory criteria from the City's GHG Reduction Strategy, as well as some of the voluntary criteria. In addition, with conformance with the City's Private Sector Green Building Policy, Municipal Code (including the Green Building Ordinance), and applicable General Plan policies, the project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHG emissions. **(Less than Significant Impact)**

4.7.3 Conclusion

The proposed project would have less than significant GHG emissions impacts. **(Less than Significant Impact)**

4.8 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based in part on a Phase I Environmental Site Assessment (Phase I ESA) prepared in April 2015, and a Soil Quality Evaluation prepared in June 2015, by Cornerstone Earth Group. These reports are attached as Appendices F-1 and F-2, respectively.

4.8.1.1 *Regulatory Framework*

Federal and State

Government Code Section 65962.5 (Cortese List)

The Hazardous Waste and Substances Sites (Cortese List) is a planning document used by state, local agencies, and developers to comply with CEQA requirements in providing information about the location of hazardous materials release sites. Government Code section 65962.5 requires CalEPA to develop at least annually an updated Cortese List. The Cortese List includes lists maintained by the Department of Toxic Substances Control (DTSC) and the State Water Resources Control Board (SWRCB).[14]

California Division of Occupational Safety and Health

The California Occupational Safety and Health Act of 1970 provides measures that address the safety of construction and industrial workers. The California Occupational Safety and Health Administration (Cal/OSHA) is responsible for enforcing the occupational and public safety laws adopted by the U.S. Department of Labor's Occupational Safety and Health Administration.

Cal/OSHA requires preparation and implementation of an Injury and Illness Prevention Program, which addresses the handling of hazardous materials. Cal/OSHA requires that workers have training and instruction on general and job-specific safety and health practices. A Code of Safety Practices is required to be prepared implementing Cal/OSHA Construction Safety Orders. The Code of Safe Practices is required to be posted at a conspicuous location at each job site office or be provided to each supervisory employee who must have it readily available.

California Medical Waste Management Act

Medical waste consists of biohazardous materials and "sharps" waste generated during diagnosis, treatment, and immunization. Biohazardous waste includes human cultures, tissues removed during surgery, and discarded materials containing blood, excretion, exudates, and associated equipment waste (e.g. examination gloves, disposable gowns, and tubing). Sharps waste includes used needles, blades, and broken glass (such as vials) contaminated with biohazardous waste. Medical waste is regulated under the California Medical Waste Management Act (California Health and Safety Code, Section 117690). The State of California Department of Health Services, Medical Waste Division is responsible for the overall regulation of handling and disposal of medical waste. For medical facilities in the City of San José, the Santa Clara County Department of Environmental Health is the Local Enforcement Agency (LEA) for the California Medical Waste Management Act. The LEA is responsible for reviews of medical waste management plans and inspections of large waste generators.

[14] California Department Toxic Substances Control. Cortese List. Accessed February 16, 2017. http://www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm.

Local

Envision San José 2040 General Plan

The following General Plan policies are specific to hazards and hazardous materials and are applicable to the proposed project.

Policy	Description
EC-6.1	Require all users and producers of hazardous materials and wastes to clearly identify and inventory the hazardous materials that they store, use, or transport in conformance with local, state, and federal laws, regulations, and guidelines.
EC-6.2	Require proper storage and use of hazardous materials and wastes to prevent leakage, potential explosions, fires, or the escape of harmful gases, and to prevent individually innocuous materials from combining to form hazardous substances, especially at the time of disposal by businesses and residences. Require proper disposal of hazardous materials and wastes at licensed facilities.
EC-7.1	For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.
EC-7.2	Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, state and federal laws, regulations, guidelines and standards.
EC-7.9	Ensure coordination with the County of Santa Clara Department of Environmental Health, Regional Water Quality Control Board, Department of Toxic Substances Control or other applicable regulatory agencies, as appropriate, on projects with contaminated soil and/or groundwater or where historical or active regulatory oversight exists.
EC-7.10	Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.
EC-7.11	Require sampling for residual agricultural chemicals, based on the history of land use, on sites to be used for any development or redevelopment to account for worker and community safety during construction. Mitigation to meet appropriate end use such as residential or commercial/industrial shall be provided.
MS-13.2	Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxics control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.

4.8.1.2 *Existing Conditions*

Historical Uses

A review of available historic aerial photographs and documentation indicate the southern portion of the project site was historically an undeveloped hillside until it was developed with orchards in 1938. Most of the orchard trees were removed by the mid-1950's, and by 1956 through the 1960's the southern portion of the site was used as a gravel quarry. The site was developed with the existing two-story primary residential structure between 1939 and 1948. The existing one-story secondary residential structure was constructed between 1953 and 1961. Quarry activities that began in the 1950's were discontinued by 1974.

During the 1960's, a wood framed workshop and several small storage sheds were constructed in the western portion of the site to support a trucking yard. Horse paddocks were also constructed in the 1960's. The trucking yard is now occupied by a landscape contractor's storage yard. In addition to the workshop and storage sheds, the storage yard also contains metal shipping containers, several RVs and boats, and a variety of landscape maintenance equipment. Since the early 2000s, an area to the north of the storage yard has been used by the landscape contractor as a potted plant nursery.

Based on the steep terrain, ground water depths at the site are variable. Two on-site water supply wells are 50 feet deep and 250 feet deep, and the site exhibits evidence of shallow groundwater due to the presence of a year-round natural spring, Groundwater is expected to flow to the west, generally following surface topography. In addition to the two water wells, a septic system is present on the site.

Chemical Storage and Use

A 2009 Phase 1 ESA stated the only hazardous materials observed were approximately five gallons of various oils utilized for the maintenance of landscaping equipment. No evidence of past spillage, leakage or dumping of hazardous materials was observed on or near the project site. The storage sheds and metal shipping containers used by the landscaping contractor were not accessible at the time of a 2015 site reconnaissance completed for the proposed project; however, based on findings from the 2009 Phase I ESA, it is likely that limited quantities of lubricants and fuels for use with the landscaping equipment are stored within existing structures. The existing workshop contained various building maintenance products (mainly paint related products) stored in retail containers with capacities of one gallon or less. Three five-gallon containers of kerosene were also observed within a storage shed. No evidence of significant spills was readily apparent.

Historic Agricultural Use

The site was developed with orchards from 1938 until the mid-1950's. Pesticides may have been applied to crops in the normal course of farming operations. Residual pesticide concentrations may remain in on-site soil which, if present, would pose a health risk to persons who come into direct contact with the soil. As discussed below, soil sampling was completed to determine the presence/absence of pesticides on the site.

The pesticides chlordane and dieldrin were detected at concentrations exceeding their residential environmental screening criteria in two of the 10 soil samples collected near structures and water wells. Soil samples S-13 and S-14, collected near the residences, contained chlordane concentrations

of 2.3 milligrams per kilogram (mg/kg) and 2.5 mg/kg, respectively. These concentrations exceeded the residential regional screening level (RSL)[15] for chlordane of 1.8 mg/kg. Dieldrin was reported in the two soil samples at concentrations of 0.29 mg/kg and 0.053 mg/kg, respectively. These concentrations exceed the residential RSL for dieldrin of 0.033 mg/kg. The detected dieldrin concentration in soil sample S-13 also exceeded the commercial RSL of 0.14 mg/kg. The detected arsenic, lead, and mercury concentrations in the 10 soil samples did not exceed their respective residential environmental screening criteria and/or were within range of typical natural background levels.

Asbestos and Lead-Based Paint

The primary residential building was constructed between 1939 and 1948, and the one-story secondary residential building was constructed between 1953 and 1961. The existing wood framed workshop, several small storage sheds, and horse paddocks were constructed during the 1960's. Due to the age of on-site buildings, asbestos-containing materials (ACMs) and/or lead-based paint may be present in building materials. ACMs are of concern because exposure to ACMs has been linked to cancer.

Lead-based paint is of concern both as a source of direct exposure through ingestion of paint chips, and as a contributor to lead interior dust and exterior soil. Lead was widely used as a major ingredient in most interior and exterior oil-based paints prior to 1950 and is likely present on site.

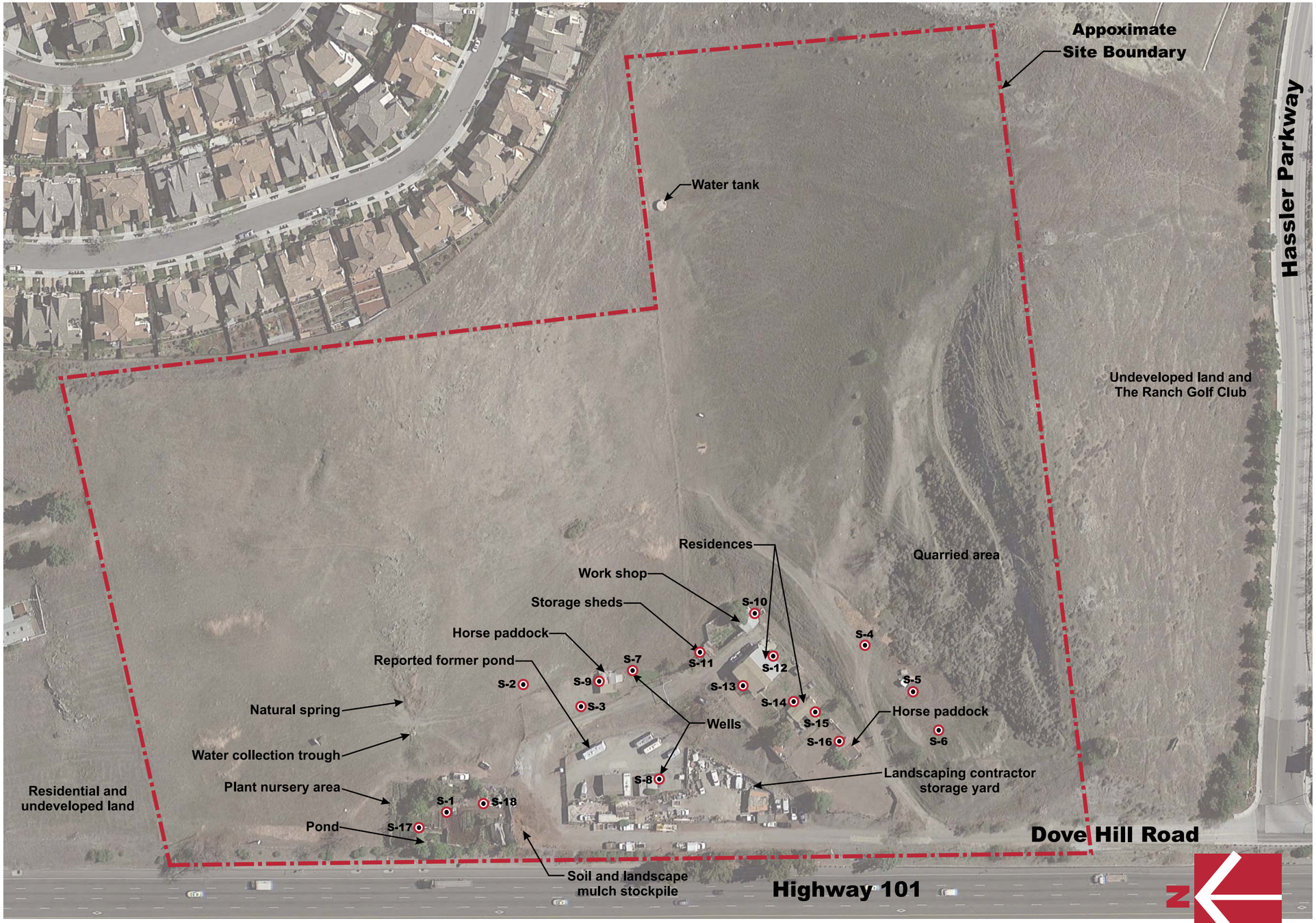
Naturally Occurring Asbestos

Asbestos occurs naturally in ultramafic rock such as serpentine rock. When this material is disturbed in connection with construction or grading, asbestos-containing dust can be generated. Exposure to asbestos can result in health ailments. Serpentine bedrock was encountered on the site at depths ranging from the ground surface to 14 feet bgs. Asbestos as chrysotile was detected in two of six soil samples at concentrations of 0.25 percent and 0.75 percent, respectively. The CARB and BAAQMD screening criteria is 0.25 percent. In the other four soil samples, chrysotile fibers were observed but not at levels that exceeded the 0.25 percent threshold.

Undocumented Fill

A stockpile of soil and landscaping mulch is present on the south side of the nursery area within the development footprint. Fill also appears to have been used in portions of the nursery to level areas where potted plants were placed. The three soil samples collected from the fill soil did not detect volatile organic compounds (VOCs) or total petroleum hydrocarbons as gasoline (TPHg) above their respective screening limits. The detected concentrations of TPHd (diesel), polycyclic aromatic hydrocarbon (PAH), pesticides, and metals in the soil samples were also below their respective environmental screening criteria.

[15] Contaminant levels were compared to Regional Screening Levels (RSLs) established by the USEPA Region 9 unless an alternate screening level was recommended in the DTSC Office of Human and Ecological Risk. Lead was compared to its California Human Health Screening Level (CHHSL) established by the Office of Environmental Health Hazard Assessment (OEHHA). For detected chemicals for which RSLs have not been established and an alternate screening level is not available, ESLs were used for comparison. The results were also compared to their respective Total Threshold Limit Concentration (TTLC) to determine whether a solid waste is considered a hazardous waste for waste disposal classification purposes per Title 22 of the California Code of Regulations.



Base by Google Earth, dated 2/23/2014

SOIL TESTING MAP

FIGURE 4.8-1

Off-site Sources of Contamination

Based on the database review, no off-site spill incidents appear likely to have impacted soil, soil vapor or groundwater beneath the project site. The potential for impact was based on the types of incidents, the locations of reported incidents in relation to the site, and the assumed ground water flow direction to the west.

Other Hazards

Airports

The Norman Y. Mineta San José International Airport is located approximately seven miles north of the project site and the Reid-Hillview airport is located approximately 2.3 miles north of the site. The project site is not within the airport influence area or safety zones in the adopted Comprehensive Airport Land Use Plans for either of the airports.[16] There are no private airstrips in the vicinity of the site.

Wildfire Hazards

The project site is located in a rural suburban area of San José. The project site is not located at the urban edge and is not located within a Very-High Fire Hazard Severity Zone.[17]

4.8.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐	1,15
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?	☐	☒	☐	☐	15,16
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?	☐	☐	☐	☒	1,15

[16] City of San Jose. *2040 General Plan Final Program Environmental Impact Report. Figures 3.1-7 and 3.1-8.* November 2011.
[17] CalFire. *Fire Hazards Severity Zones Map.* 2008. Accessed October 6, 2017. Available at: http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_zones.php.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?	☐	☐	☐	☒	15
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project result in a safety hazard for people residing or working in the project area?	☐	☐	☒	☐	1,2
f) For a project within the vicinity of a private airstrip, will the project result in a safety hazard for people residing or working in the project area?	☐	☐	☒	☐	1
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐	1
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☒	☐	1,17

4.8.3 Impact Discussion

4.8.3.1 *Hazardous Materials Impacts (Checklist Questions a – d)*

Hazardous Materials Use and Transport

Flammable and combustible materials and oxidizers associated with the proposed use would be stored in appropriate hazardous materials storage containers and cabinets. No large quantities of toxic gases or other materials that could have off-site consequences in the event of an accidental release would be used or stored on site. Hazardous materials storage is regulated under local, state, and federal regulations. Facilities such as the proposed medical offices must complete a Hazardous Materials Business Plan for the safe storage and use of chemicals. Conformance with relevant laws and regulations would minimize the likelihood that hazardous materials from the proposed development would create a significant impact on the environment. Medical waste is required to be disposed of by hauling it off site to a licensed medical waste disposal facility. On-site medical waste incineration or medical waste disposal processing is not proposed as part of the project. The generation and proper disposal of medical waste from the site would not result in hazards to people or the environment. **(Less Than Significant Impact)**

The project would not use, transport, dispose, or emit significant amounts of hazardous materials or waste within 0.25 mile of an existing or proposed school because the nearest school is 0.45 mile from the project site. Additionally, he project is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. **(Less than Significant Impact)**

Asbestos

Based on the construction date of the structures on the site, there is a potential for ACMs to be present in building materials. During demolition activities, these materials may create a health risk to construction workers if not properly handled. The following Standard Permit Conditions, based on BAAQMD and Cal/OSHA rules and regulations would ensure that potential impacts to construction workers and others from ACMs would be less than significant.

Standard Permit Conditions: Based on BAAQMD and Cal/OSHA rules and regulations, the following conditions are required to limit impacts to construction workers and others from ACMs.

- In conformance with State and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of on-site building to determine the presence of asbestos-containing materials.
- All potentially friable ACMs shall be removed in accordance with NESHAP guidelines prior to building demolition or renovation that may disturb the materials. All demolition activities will be undertaken in accordance with Cal/OSHA standards contained in Title 8 of CCR, Section 1529, to protect workers from asbestos exposure.
- A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above.

Materials containing more than one percent asbestos are also subject to BAAQMD regulations. Removal of materials containing more than one percent asbestos shall be completed in accordance with BAAQMD requirements and notifications. **(Less than Significant Impact)**

Lead-Based Paint

Based on the construction date of the structures on the site, the structures could contain lead-based paint, which could expose workers and others to potential health risks during demolition activities. The following standard permit conditions, based on Cal/OSHA and other applicable regulations, would ensure that potential impacts to construction workers and others from lead-based paint are less than significant.

Standard Permit Conditions: Based on Cal/OSHA rules and regulations, the following conditions are required to limit impacts to construction workers and others lead-based paint.

- To identify and quantify building materials containing lead-based paint, a building survey, including sampling and testing, shall be completed prior to the commencement of demolition activities.
- During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, CCR 1532.1, including employee training, employee air monitoring and dust control.
- Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the waste being disposed. **(Less than Significant Impact)**

Naturally Occurring Asbestos

Two samples taken from the project site found elevated levels of naturally occurring asbestos (NOA). Construction and grading in areas known to have NOA can result in elevated levels of airborne asbestos, which could be hazardous to construction workers and existing sensitive receptors in the project area during construction.

Impact HAZ-1 The project site contains elevated levels of naturally occurring asbestos (NOA) in the soil. Airborne NOA during construction activities could be hazardous to construction workers and existing sensitive receptors in the project area. Future occupants of the site could also be exposed to elevated levels of NOA. **(Significant Impact)**

Mitigation Measure: The following measure shall be implemented to reduce impacts associated with potential exposure to NOA.

MM HAZ-1.1 Under regulatory oversight from Bay Area Air Quality Management District (BAAQMD), the project shall prepare a site-specific Asbestos Dust Mitigation Plan (ADMP) for review and approval by the applicable regulatory agency prior to the issuance of any grading permit. The ADMP shall be implemented during construction activities to reduce the potential for asbestos emissions during ground-disturbing activities. The ADMP and application shall be submitted to Bay Area Air Quality Management District (BAAQMD) for review and approval prior to issuance of any grading permits, consistent with the BAAQMD Naturally Occurring Asbestos Program. The Supervising Environmental Planner of the City of San José Department of Planning, Building and Code Enforcement shall be copied on the ADMP submittal and any correspondence between BAAQMD and the contractor/developer regarding asbestos. The ADMP shall include dust and erosion control measures to eliminate or minimize the generation of dust and erosion associated with excavation activities, truck and vehicle traffic onto and off the site, and the effects of ambient wind traversing exposed soil, as detailed, but is not limited to, below:

- Each area proposed for work that may contain asbestos shall be sufficiently moisture conditioned before beginning work to minimize dust

emissions during excavation and grading. If dust is observed, additional water must be applied.

- Water applied for dust control purposes can be treated with a small amount of a biodegradable wetting agent to increase dust suppression.
- All working surfaces (including haul roads and other roads subject to traffic) on material potentially containing asbestos shall be kept sufficiently moist so that visible dust is not emitted during grading or driving.
- Travel speeds of grading equipment and vehicles traveling in the grading area on-site must be limited.
- The exposed surface of loads transported on-site by scraper or truck must be kept sufficiently moist to minimize potential dust/asbestos emissions.
- Equipment operators must avoid excessive disturbance of asbestos-containing material such as overfilling of scrapers or pushing material over the sides of stockpiles.
- If significant downwind asbestos emissions are expected, given the location of the work and the wind directions, at least one of the following options must be implemented: limit the duration of the work as long as wind conditions are adverse, work at another location upwind from the area of concern, or erect a mist curtain downwind of the work area.

The ADMP shall also include protocols for air monitoring of contaminants of concern documenting worker exposures and off-site migration of dust, if any, during soil disturbing activities. **(Less than Significant Impact with Mitigation)**

Soil Quality

Elevated levels of the pesticides chlordane and dieldrin were detected on the site in soil samples S-13 and S-14. The vertical and lateral extent of contamination is not known. Disturbance of contaminated soils could expose construction workers and nearby sensitive receptors, as well as future occupants, to hazardous dust emissions.

Impact HAZ-2 Site construction workers and future patients may be exposed to elevated levels of the pesticides chlordane and dieldrin that were detected in soil samples at the site in the vicinity of the project. **(Significant Impact)**

Mitigation Measure: The following measure shall be implemented to reduce impacts from exposure to elevated levels of chlordane and dieldrin to workers and future occupants of the site.

MM HAZ-2.1 Prior to issuance of any grading permits, the project applicant shall conduct additional soil sampling near the residences to establish the vertical and lateral extent of soil contamination. The Santa Clara County Department of Environmental Health and/or another regulatory agency shall be consulted to evaluate requirements for regulatory oversight. Remedial measures shall be established with oversight from the regulatory agency to reduce health risks to

future users of the site from exposure to the impacted soil. Remedial measures may include: 1) excavation and off-site disposal of the impacted soil at a permitted facility; 2) the use of engineering and administrative controls, such as consolidation and capping of the soil on-site and land use covenants restricting certain activities/uses; and 3) a combination of the above. The project applicant shall submit a copy of the soil sampling report and proposed remedial measures to the Supervising Environmental Planner of the Department of Planning, Building, and Code Enforcement, and the Environmental Services Department prior to the issuance of any grading permits.

MM HAZ-2.2 Under regulatory oversight from the Santa Clara County Department of Environmental Health (SCCDEH) using their Voluntary Cleanup Program (VCP), or equivalent regulatory agency, the project applicant shall prepare a Site Management Plan (SMP) presenting the established remedial measures. The SMP shall be prepared by a qualified hazardous materials consultant to establish management practices for handling contaminated soil or other materials encountered during construction activities. The SMP shall include, but is not limited to, the following:

- A detailed discussion of the site background;
- Proper mitigation as needed for demolition of existing structures;
- Management of stockpiles, including sampling, disposal, and dust and runoff control including implementation of a stormwater pollution prevention program;
- Procedures to follow if evidence of an unknown historic release of hazardous materials (e.g., underground storage tanks, polychlorinated biphenyls, asbestos-containing materials, lead-based paint, etc.) is discovered during excavation or demolition;
- A section about regulatory agencies and protocol if underground storage tanks (USTs) are encountered during construction activities; and
- A section about regulatory agencies and protocol if complete removal of USTs is needed;
- Procedures for impacted soil excavation, soil stockpiling, off-haul, field observation by an environmental professional, confirmation sampling, and reporting requirements;
- Procedure for proper disposal of potentially contaminated soil or other materials, if applicable (as stated in MM HAZ 3.1);
- A Health and Safety Plan (HSP) shall be prepared to provide general health and safety guidance so that field activities can be completed in a manner that minimizes exposure to soils. Contractors shall also determine the requirements for worker training, based on the level of expected contact to soil associated with the contractor's activities and locations. The HSP shall contain provisions for limiting and monitoring chemical exposure to construction workers, chemical and non-chemical hazards, emergency procedures, and standard safety protocols.

The project applicant shall submit the SMP to the Santa Clara County Department of Environmental Health (or equivalent agency) for review and approval and provide a copy of the approved SMP to the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement and Municipal Compliance Officer of the City of San José Environmental Services Department prior to the issuance of any grading permits. **(Less than Significant Impact with Mitigation)**

Soil Off-Haul

Elevated concentrations of chromium and nickel were detected in the soil samples collected at the site. High concentrations of nickel and chromium are common in ultramafic rocks like serpentine. The elevated naturally occurring levels of nickel may contain soluble nickel concentrations that exceed its Soluble Threshold Limit Concentration, which defines a waste as hazardous in California. Currently, the project proposes to balance graded soils on the site with no off-haul. While undocumented fill on the site is suitable for on-site re-use, additional sampling may be required if the project is changed to include soil off-haul.

Impact HAZ-3 If excavated soil generated during site development requires off-haul, the soil may be considered hazardous waste, and could contribute to contaminated runoff if disposed of improperly. **(Significant Impact)**

Mitigation Measure: The following measure shall be implemented to reduce impacts to soil and water quality if soil from the site requires off-haul.

MM HAZ-3.1 The project applicant shall ensure that any soil off-haul from the site (including native soils or undocumented fill) is characterized and profiled prior to off-haul, including additional soil sampling and/or laboratory testing, as required, to further evaluate hazardous materials concentrations in the soil. The analytical results shall be forwarded to the receiving facility for comparison to their acceptance criteria. Soils shall be disposed of at a Class I hazardous landfill, if appropriate. Disposal procedures shall be included in the SMP as stated in MM HAZ-2.2. This measure shall be printed on all construction plans, documents, and contracts prior to the issuance of any grading permits. **(Less than Significant Impact with Mitigation)**

4.8.3.2 *Hazardous Materials Impacts from Off-Site Sources*

Documented off-site spill incidents do not appear to have significantly impacted soil or groundwater beneath the site based on the status and types of incidents, the locations of the reported incidents in relation to the site, and the assumed direction of groundwater flow. **(Less than Significant Impact)**

4.8.3.3 *Other Hazards (Checklist Questions e – h)*

The project would not result in a safety hazard as a result of airport use or wildfires,[18] nor would it interfere substantially with an emergency response or evacuation plan (refer to Section 4.16

[18] CalFire. *Fire Hazards Severity Zones Map.* 2008. Accessed October 6, 2017. http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_zones.php.

Transportation for a complete evaluation of emergency response and evacuation). The project site is not located in the vicinity of a public or private airport or landing strip. **(Less than Significant Impact Impact)**

4.8.4 Conclusion

With implementation of these MM HAZ-1.1 through MM HAZ-3.1, the project would not result in hazards or hazardous materials impacts. **(Less than Significant Impact with Mitigation)**

4.9 HYDROLOGY AND WATER QUALITY

This section is based in part on a Preliminary Hydrology and Storm Water Management Report prepared by Langan Treadwell Rollo in May 2016. This report is included as Appendix G to this Initial Study.

4.9.1 Environmental Setting

4.9.1.1 *Regulatory Framework*

Federal and State

Clean Water Act and California's Porter-Cologne Water Quality Control Act

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

NPDES Permit Program

Any construction or demolition activity that results in land disturbance equal to or greater than one acre must comply with the Construction General Permit (CGP), administered by the SWRCB. The CGP requires the installation and maintenance of Best Management Practices (BMPs) to protect water quality until the site is stabilized.

Under the provisions of the Municipal Regional Stormwater NPDES Permit (MRP), development projects that create or replace 10,000 square feet or more of impervious surfaces are required to design and construct stormwater treatment controls to treat post-construction stormwater runoff. Provision C.3 of the MRP requires fuel service facilities that create or replace greater than 5,000 square feet of impervious surface to design and install Low Impact Development (LID) controls to treat post-construction stormwater runoff from the site. Examples of LID controls include rainwater harvesting/re-use, infiltration, and biotreatment. If the new/replaced impervious surface will be greater than 50 percent of the pre-project impervious surface area, stormwater treatment for the entire site will be required. If the new/replaced impervious surface for the project will be less than 50 percent of the pre-project impervious surface area, stormwater treatment for only the new/replaced area will be required.

Local

Post-Construction Urban Runoff Management (Policy 6-29)

The City has developed policies that implement Provision C.3 consistent with the MRP. The City's Post-Construction Urban Runoff Management Policy (6-29) establishes specific requirements to minimize and treat stormwater runoff from new and redevelopment projects. Per the MRP and Council Policy 6-29, gas stations and car washes are Land Uses of Concern. Source Control

Measures are required for Land Uses of Concern uses regardless of project size. This could include creating a 'treatment train' that includes mechanical filtration of urban runoff prior to release to a LID treatment measure.

Post-Construction Hydromodification Management (Policy 8-14)

The City's Post-Construction Hydromodification Management Policy (8-14) implements Provision C.3, consistent with the MRP and requires an implementation framework for incorporating measures to control hydromodification impacts from development projects. Based on its location within a catchment and subwatershed greater than or equal to 65 percent impervious, the project would be required to comply with the hydromodification requirements of Provision C.3 of the Municipal Regional Permit.

Envision San José 2040 General Plan

The following General Plan policies are specific to hydrology and water quality and are applicable to the proposed project.

Policy	Description
IN-3.7	Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.
IN-3.9	Require developers to prepare drainage plans for proposed developments that define needed drainage improvements per City standards.
MS-3.4	Promote the use of green roofs (i.e., roofs with vegetated cover), landscape-based treatment measures, pervious materials for hardscape, and other stormwater management practices to reduce water pollution.
ER-8.1	Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.
ER-8.3	Ensure that private development in San José includes adequate measures to treat stormwater runoff.
EC-4.1	Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and stormwater controls.
EC-5.7	Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risks elsewhere.
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.
EC-5.18	Maintain City storm drainage infrastructure in a manner that reduces flood hazards. As the storm drainage system is extended or modified, provide capacity to adequately convey the 10-year storm event.
EC-7.10	Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.

4.9.1.2 *Existing Conditions*

Surface Water

The project site is located within the Coyote Creek Watershed, which is part of the Santa Clara Basin and the larger San Francisco Bay Basin. There are no waterways on the project site; the closest waterway is Coyote Creek, located approximately 0.10 mile west of the site in Hellyer County Park.

The 21-acre project site is mostly pervious, undeveloped open space; however, the three-acre development footprint is mostly pervious. Impervious surfaces on the site include the site access road which is surfaced with concrete and semi-pervious compacted gravel and dirt, and the footprints of building and auxiliary structures. The project is subject to the NPDES hydromodification requirements related to preparation of an HMP, because it is located in a subwatershed less than or equal to 65 percent impervious.[19]

Storm drainage from the project site does not currently flow into the City's storm drainage system, but rather sheet flows off the site toward US 101. The nearest storm drain line serving the area is a 24-inch diameter line in Hassler Parkway.[20]

Groundwater

There are two on-site water supply wells that are 50 feet deep and 250 feet deep. A natural spring seeps out of an on-site hillside rock outcrop, and a soil boring taken from the site measured groundwater at 10.5 feet bgs. The spring produces water year-round, indicating that ground water is present near the ground surface at the spring location. Groundwater flows to the west, generally following surface topography. The project site is located within the Santa Clara groundwater plain recharge area.[21]

Flooding

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), the project site is located in Flood Zone D, which is defined as areas in which flood hazards are undetermined but possible.[22] The project site is not located in a dam failure inundation area.[23,24] The project site is located approximately 15 miles from the San Francisco Bay and would not be subject to flooding due to sea level rise. [25]

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[19] Santa Clara Valley Urban Runoff Water pollution Prevention Program. "Classification of Subwatersheds and Catchment Areas for Determining Applicability of HMP Requirements." 2011. Accessed October 5, 2017. Available at: http://www.scvurppp-w2k.com/HMP_app_maps/San_Jose_HMP_Map.pdf.
[20] City of San Jose Department of Public Works. *Stormwater, water, and sanitary sewer maps. Panel 116A.* Accessed October 6, 2017. https://cpms.sanjoseca.gov/emap/.
[21] Santa Clara Valley Water District. *Groundwater Management Plan.* 2016. Page 2-4.
[22] Federal Emergency Management Agency. "Flood Insurance Rate Map." *Panel FM06085C0266H*. May 18, 2009. Accessed October 5, 2017. https://msc.fema.gov/portal/search#searchresultsanchor.
[23] City of San José. General Plan FPEIR. June 2011. (SCH#2009072096).
[24] Santa Clara Valley Water District. *Anderson Dam Inundation Map*. 2016.
[25] San Francisco Bay Area Conservation and Development Commission. *Living with a Rising Bay: Vulnerability and Adaptation in San Francisco Bay and on its Shoreline.* 2011.

Earthquake-Induced Waves and Mudflow Hazards

The project site is not located in the vicinity of a body of water such that it would be subject to inundation by seiche or tsunami.[26] The site is located at the toe of several slopes. As described in Section 4.6, Geology and Soils, slopes at the project site are generally stable and the site is not at high risk for impacts from mudflow.

4.9.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐	1
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells will drop to a level which will not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐	1,18
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which will result in substantial erosion or siltation on-or off-site?	☐	☐	☒	☐	1
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which will result in flooding on-or off-site?	☐	☐	☒	☐	1
e) Create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐	1,23
f) Otherwise substantially degrade water quality?	☐	☒	☐	☐	1,15
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?	☐	☐	☒	☐	19

[26] United States Geological Survey. "Official Tsunami Inundation Maps." Accessed October 5, 2017. http://www.conservation.ca.gov/cgs/geologic_hazards/Tsunami/Inundation_Maps/Pages/index.aspx#County

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
h) Place within a 100-year flood hazard area structures which will impede or redirect flood flows?	☐	☐	☒	☐	19
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☒	☐	2,19
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☒	☐	1,13

4.9.3 Impact Discussion

4.9.3.1 *Water Quality Impacts (Checklist Question a, c, and f)*

Construction Impacts

The project site would disturb more than one acre; therefore, compliance with the NPDES General Permit for Construction Activities (including submitting a Notice of Intent to the RWQCB and development of a Stormwater Pollution Prevention Plan to control discharge associated with construction activities) is required.

Construction activities could result in a temporary increase in stormwater pollutants during ground disturbing activities. All development projects, whether subject to the CGP or not, shall comply with the City of San Jose'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 1st to April 30), the project would submit to the Director of Public Works an Erosion Control Plan detailing BMPs to prevent the discharge of stormwater pollutants; therefore, the project applicant is required to implement 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. Compliance would ensure that the level of stormwater pollutants would not be significant.

Standard Permit Conditions: The following project-specific measures, based on RWQCB BMPs, have been included in the project to reduce construction and development-related water quality impacts. BMPs would be implemented prior to and during earthmoving activities on-site and would continue until the construction is complete, and during the post-construction period, as appropriate.

- Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.
- Earthmoving or other dust-producing activities shall be suspended during periods of high winds.
- All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.
- Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.

- All trucks hauling soil, sand, and other loose materials shall be required to cover all trucks or maintain at least two feet of freeboard.
- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).
- Vegetation in disturbed areas shall be replanted as quickly as possible.
- All unpaved entrances to the site shall be filled with rock to knock mud from truck tires prior to entering City streets. A tire wash system may also be employed at the request of the City.
- The project applicant shall comply with the City of San José Grading Ordinance, including implementing 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.
- A Storm Water Permit will be administered by the State Water Resources Control Board (SWRCB). Prior to construction grading for the proposed land uses, the project proponent will file an NOI to comply with the General Permit and prepare a SWPPP which addresses measures that would be included in the project to minimize and control construction and post-construction runoff. Measures will include, but are not limited to, the aforementioned RWQCB Best Management Practices.
- The certified SWPPP will be posted at the project site and will be updated to reflect current site conditions.
- When construction is complete, a Notice of Termination (NOT) for the General Permit for Construction will be filed with the SWRCB. The NOT will document that all elements of the SWPPP have been executed, construction materials and waste have been properly disposed of, and a post-construction stormwater management plan is in place as described in the SWPPP for the site.

The project, with the implementation of the above standard permit condition, would not result in significant construction-related water quality impacts. **(Less than Significant Impact)**

Water Supply Wells

If improperly abandoned, existing soil pollution from past uses on site (including agricultural chemicals) could contaminate the lower aquifer beneath the site.

Impact HYD-1 If on-site wells are improperly abandoned, they could contribute to pollutants in the ground water. **(Significant Impact)**

Mitigation Measure: The following measure shall be implemented to avoid impacts from abandoned water wells at the site.

MM HYD-1.1 The project applicant shall ensure that on-site wells are properly removed in accordance with Santa Clara Valley Water District requirements prior to issuance of grading permits for the site. The project applicant shall obtain written confirmation from the Santa Clara Valley Water District documenting the proper abandonment of the wells and provide the documentation to the Supervising Environmental Planner of the City of San José Department of Planning, Building,

and Code Enforcement prior to issuance of any grading permits. **(Less than Significant Impact with Mitigation)**

Septic Systems

There are three septic tanks are located near the existing residences. A fourth septic tank was historically present near the office building within the contractor's storage yard area; this fourth septic system was abandoned or removed and is no longer in use. Septic systems can contribute to pollutants in groundwater if used for unlawful discharges of hazardous materials.

Impact HYD-2 Abandoned on-site septic tanks that were used for discharges of hazardous materials could contribute to pollutants in groundwater during demolition. **(Significant Impact)**

Mitigation Measure: The following measure shall be implemented to avoid impacts from septic tanks at the site.

MM HYD-2.1 The project applicant shall ensure that on-site septic systems are properly abandoned in accordance with applicable Santa Clara County Department of Environmental Health and other applicable regulations. A letter from the County Department of Environmental Health documenting proper septic tank abandonment shall be provided by the project applicant to the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement prior to issuance of any grading permits. **(Less than Significant Impact with Mitigation)**

Operational Impacts

The project would be required to comply with the City's Grading Policy, the City's Urban Runoff Policy 6-29, and RWQCB's MRP NPDES Permit/C.3 requirements, including preparation of a Hydromodification Management Plan (HMP). In order to meet these requirements, the project proposes a variety of stormwater treatment control measures, such as utilize bioretention areas and flow-through planters, to treat runoff from impervious areas. Excess flow would discharge to a stormwater detention basin located north of Building A, where it would be released at the same rate as under existing conditions (consistent with HMP requirements). Stormwater runoff from these areas would drain into a proposed on-site detention basin. The proposed treatment facilities would be numerically sized and would have sufficient capacity to treat the surface runoff entering the on-site storm drainage system consistent with NPDES requirements.

The project's stormwater control plan would be reviewed and approved by the San José Department of Public Works. Details of specific Site Design, Pollutant Source Control, and Stormwater Treatment Control Measures demonstrating compliance with Provision C.3 of the Municipal Regional Stormwater Permit (NPDES Permit Number CAS612008), shall be included in the project design, to the satisfaction of the Director of Planning, Building and Code Enforcement. With the regulatory programs currently in place, stormwater runoff from the proposed new development would have a less than significant impact on water quality. **(Less than Significant Impact)**

4.9.3.2 *Groundwater (Checklist Question b)*

Groundwater in the project area is variable and includes areas with shallow groundwater. The short-term discharge of water produced from construction dewatering would need to meet the following MRP C.15 Provision regulations for discharges of uncontaminated groundwater. The following are requirements for discharges of uncontaminated groundwater with flows of less than 10,000 gallons/day. The following requirements would need to be followed as Permit Conditions of Approval, in the Building Clearance for Issuing Permit:

- Discharge to a landscaped area or bioretention unit that is properly-designed to accommodate the volume of pumped ground water; or
- Discharge to the sanitary sewer. Discharges to the sanitary sewer system shall be subject to all wastewater permitting requirements and fees; or
- If the two discharge options described above are not feasible, as determined by the authority having jurisdiction, and these discharges must enter the storm drain system, pre-discharge sampling shall be done in accordance with Provision C.15.b.i.(2)(c) through (e) of the MRP to verify that the discharge is not contaminated. The project shall provide to the City a record of the pre-discharge sampling data collected for verification that the pumped groundwater is not contaminated.

Any proposed new discharges of uncontaminated groundwater with flows equal to or more than 10,000 gallons/day, and all new discharges of potentially contaminated groundwater, shall obtain a permit from the San Francisco Bay Regional Water Quality Control Board (RWQC). Projects designed to address or triggering the discharge threshold shall provide a copy of the approved permit from the RWQC to the City with its Building Permit application submittal.

The maximum duration of a short-term permit to discharge to the sanitary sewer is one year and any dewatering of the site would take less than one year. Compliance with local and regional policies and regulations would avoid any water quality impacts to groundwater during construction. The project would not interfere with groundwater recharge or cause a reduction in the overall groundwater supply because it involves limited new paving. The project would not result in a significant impact on groundwater. **(Less than Significant Impact)**

4.9.3.3 *Drainage and Surface Water (Checklist Questions d and e)*

Currently, approximately 55,709 square feet of the three-acre development footprint consists of impervious surfaces and approximately 96,956 square feet is pervious. The remainder of the 18-acre project site is currently and will remain undeveloped and pervious. Implementation of the project would increase the area of impervious surfaces on the site by 49,432 square feet, resulting in a total of 105,141 square feet of impervious surfaces on the site. The increase in impervious surfaces would increase the volume of stormwater runoff from the site during rainstorms, which could affect local waterways and drainage systems.

As discussed previously, the proposed project is subject to the NPDES hydromodification requirements and includes stormwater treatment control measures. Based on the Hydrology and Storm Water Management Report prepared for the project (see Appendix G), the proposed project would be required to provide at least 4,902 cubic feet of detention volume and treat flows up to one cubic foot per second in order to meet these requirements. The project includes bioretention planters

and at-grade planters with a total storage capacity of 7,169 cubic feet for stormwater, with a depth of ponding up to 10 inches. Bypass systems are also included to allow larger storm events to discharge to the street.

The project's stormwater control plan is subject to review and approval by the City of San José Public Works Department to ensure consistency with the requirements of the NPDES permit. Details of specific Site Design, Pollutant Source Control, and Stormwater Treatment Control Measures demonstrating compliance with Provision C.3 of the Municipal Regional Stormwater Permit (NPDES Permit Number CAS612008), shall be included in the project design, to the satisfaction of the Director of Planning, Building and Code Enforcement.

With implementation of an approved stormwater control plan and construction of adequately sized bio-retention features, the proposed project would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or alter the course of a river or stream. **(Less than Significant Impact)**

4.9.3.4 *Flood Impacts and Other Inundation Hazards (Checklist Questions g – j)*

Although the project site is not a designated 100-year hazard area, it is located in an area with undetermined but possible flood hazards. The project includes a drainage system with pipe capacity designed to convey the 10-year storm event and the overall site would be designed to prevent flooding during a 100-year flood event. The project would not place people or housing in a 100-year flood hazard area, would not result in flooding on or off-site, and would not significantly impede or redirect flood flows. The project site is not subject to seiche, tsunami, or sea-level rise. Slopes on the site are generally stable and with implementation of standard permit conditions and measures described in Section 4.6 Geology and Soils, the project would not be subject to mudslide hazards. Further, the project is not located in a dam failure inundation area.[27] Thus, any impact would be less than significant. **(Less than Significant Impact)**

4.9.4 Conclusion

With compliance to applicable laws, policies, and regulations, implementation of MM HYD-1.1 ad MM HYD-1.2, and conformance to the City of San José's standard measures, the project would not result in significant hydrology or water quality impacts. **(Less than Significant Impact with Mitigation)**

[27] City of San José. *Envision San José 2040 General Plan Program Environmental Impact Report*. June 2011. (SCH#2009072096).

4.10 LAND USE AND PLANNING

4.10.1 Environmental Setting

4.10.1.1 *Regulatory Framework*

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

Subsequent to the certification of the General Plan FPEIR, the Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (Habitat Plan) was adopted. The Habitat Plan is a conservation program intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. As discussed in Section 4.4 Biological Resources, the project site is designated Urban-Suburban land in the Habitat Plan.

Envision San José 2040 General Plan

The following General Plan policies are specific to land use and are applicable to the proposed project.

Policies	Description
CD-1.12	Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.
CD-4.9	For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).
ES-6.11	Provide sufficient land for facilities to accommodate future health care needs of the aging population, such as nursing home care, assisted living, and continuing care retirement communities.
ER-6.3.	Employ low-glare lighting in areas developed adjacent to natural areas, including riparian woodlands. Any high-intensity lighting used near natural areas will be placed as close to the ground as possible and directed downward or away from natural areas

4.10.1.2 *Existing Conditions*

The development footprint encompasses approximately three acres of the overall 21-acre project property. The development footprint is graded into plateaus set into the hillside, and support current land uses on the site, including two single-family houses and a landscaping business with an associated plant nursery, sheds, and storage yards. The developed footprint (three-acres) of the project site is General Plan designated *Public/Quasi-Public* and is zoned *Agriculture (A).* The remaining 18 acres of the 21-acre site are composed of relatively steep, undeveloped slopes (open space) used for horse grazing.

A barbed-wire and chain-link fence surrounds an on-site storage yard which contains a workshop and storage sheds, metal shipping containers, RVs and boats, and landscape maintenance equipment. The landscaping business and associated improvements are located in the northwestern portion of the project development footprint. Residential uses are located in the southern portion of the development footprint.

4.10.1.3 *Surrounding Land Uses*

Approximately 530 feet east of the project property, at the top of the hillside slope, is a suburban single-family residential neighborhood. North of the project site is mostly large lot rural residential/open space uses. Hellyer County Park is located adjacent to the west side of US 101, approximately 200 feet west of the project site.

4.10.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Physically divide an established community?	☐	☐	☐	☒	1,2
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?	☐	☐	☒	☐	1,2
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☒	☐	11

4.10.3 Impact Discussion

4.10.3.1 *Dividing an Established Community (Checklist Question a)*

The project would be located adjacent to US 101, which is a high-traffic freeway that creates a division in the landscape. The three-acre development footprint would be relatively small compared to the surrounding 18 acres of open space, and the development footprint would be within the boundaries of the existing developed three acres of the project property. The project does not include features (e.g., highways, railways, etc.) that would divide an established community, and existing roadways would be used to access the site. Thus, there would be no impact. **(No Impact)**

4.10.3.2 *Consistency with Applicable Plans, Policies, or Regulations (Checklist Question b)*

The three acres developed area of the full 21 acres has a General Plan land use designation of Public/Quasi-Public, which allows for development of schools, hospitals, and similar uses associated with public land uses. This designation allows health and care-related uses, such as hospitals and homeless shelters, and is generally intended for the facilities of any organization involved in the provision of public services.[28] The proposed project would provide care and recovery for patients; therefore, the proposed project is consistent with the existing General Plan land use designation.

[28] City of San José. *Envision San José 2040 General Plan*. 2011. Page 5-11.

The project site is currently zoned *Agricultural (A)*, consistent with the existing on-site residential use and commercial landscaping business. The *Agricultural* zoning district does not allow convalescent hospital uses; however, with approval of the proposed *Planned Development (PD)* zoning district such facilities would be an allowed use. Thus, the project would be in conformance with the zoning code and any impact as a result of a plan or policy conflict would be less than significant. **(Less than Significant Impact)**

4.10.3.3 *Habitat Conservation Plan (Checklist Question c)*

As described in Section 4.4 Biological Resources, the project would not conflict with the Habitat Plan provisions, would implement the measures to avoid and minimize impacts to covered species (as necessary), and would pay applicable fees, including nitrogen deposition fees, to reduce the project's impact to biological resources to a less than significant level. For this reason, the project would not conflict with an applicable Habitat Plan. **(Less than Significant Impact)**

4.10.4 Conclusion

The proposed project would not result in significant land use impacts. **(Less than Significant Impact)**

4.11 MINERAL RESOURCES

4.11.1 Setting

According to the 2040 General Plan FPEIR, the area of Communications Hill in central San José is designated as containing mineral deposits of regional significance by the State Mining and Geology Board under the Surface Mining and Reclamation Act of 1975. Communications Hill is the only area in the City with this designation. The project site is not located on or near Communications Hill and, therefore, does not contain known mineral resources.

4.11.2 Environmental Checklist

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

4.11.3 Impact Discussion

4.11.3.1 *Mineral Resources Impacts (Checklist Questions a – b)*

The project site is not located in an area containing known mineral resources. The project site is not currently used for resource extraction or mining. Portions of the site and project area were used as a quarry historically; however, such use of the land stopped by 1974. Therefore, the proposed project would not result in the loss of availability of any mineral resources. **(No Impact)**

4.11.4 Conclusion

The project would not result in the loss of availability of known mineral resources and would not result any mineral resource-related impacts. **(No Impact)**

4.12 NOISE AND VIBRATION

The following discussion is based in part on a Noise Assessment prepared in October 2017 by Illingworth & Rodkin, Inc. The report is attached as Appendix H.

4.12.1 Environmental Setting

A decibel (dB) is measured based on the relative amplitude of a sound. Ten on the decibel scale marks the lowest sound level that a healthy, unimpaired human ear can detect. Sound levels in decibels are calculated on a logarithmic basis such that each 10 decibel increase is perceived as a doubling of loudness. The A-weighted sound level, or dBA, gives greater weight to sounds to which the human ear is most sensitive. L_{max} and L_{eq} are used to define the maximum and average A-weighted noise levels during a measurement period, respectively. To emphasize noise events occurring at night, the Day/Night Average Sound Level (DNL or L_{dn}) and Community Noise Equivalent Level (CNEL) were developed to measure the average cumulative noise exposure over a 24-hour period. Both DNL and CNEL include a 10 dB addition to noise levels from 10:00 p.m. to 7:00 a.m. to account for human sensitivity to night noise, while CNEL also includes a 5 dB addition to noise generated between 7:00 p.m. and 10:00 p.m.

This discussion uses Peak Particle Velocity (PPV) to quantify vibration amplitude. Studies have shown that the threshold of perception for average persons is in the range of 0.008 to 0.012 in/sec PPV. Human perception to vibration varies with the individual and is a function of physical setting and the type of vibration. Persons exposed to elevated ambient vibration levels such as people in an urban environment may tolerate a higher vibration level.

4.12.2 Environmental Setting

State

For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected Envision General Plan traffic volumes to ensure land use compatibility and General Plan consistency.

Local

The General Plan includes the following noise-related policies, which are applicable to the project.

Policies	Description
EC-1.1	Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include: Interior Noise Levels: The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise

attenuation techniques on expected *Envision General Plan* traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan.

Exterior Noise Levels: The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (Table 4.12-1).

EC-1.2 Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Land Use Categories 1, 2, 3 and 6 in Table 4.12-1) by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would:

- Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable"; or
- Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.

EC-1.3 Mitigate noise generation of new nonresidential land uses to 55 dBA DNL at the property line when located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses.

EC-1.7 Require construction operations within San José to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City's Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would:

- Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months.

For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.

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

Noise and land use compatibility guidelines set forth in the General Plan are shown below in Table 4.12-1.

Table 4.12-1: General Plan Noise and Land Use Compatibility Guidelines						
Land Use Category	**Exterior DNL Value in Decibels**					
	55	**60**	**65**	**70**	**75**	**80**
1. Residential, Hotels and Motels, Hospitals and Residential Care[1]						
2. Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds						
3. Schools, Libraries, Museums, Meeting Halls, and Churches						
4. Office Buildings, Business Commercial, and Professional Offices						
5. Sports Arena, Outdoor Spectator Sports						
6. Public and Quasi-Public Auditoriums, Concert Halls, and Amphitheaters						

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

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

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

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

4.12.2.1 *Existing Noise Conditions*

A noise monitoring survey was completed on the project site in March 2015.[29] One long-term noise measurement and one short-term noise measurement were taken from the site at the locations shown in Figure 4.12-1. Long-term noise measurement LT-1 measured hourly average noise levels ranging from 72 to 77 dBA L_{eq} during the daytime (7:00 a.m. to 10:00 p.m.) and from 67 to 76 dBA L_{eq} at night (10:00 pm to 7:00 am). The day-night average noise level on the site was 79 dBA DNL. Short-term noise measurement ST-1, which averaged noise from a 20 minute period, was measured at 75 dBA L_{eq}. The existing day-night average noise level at ST-1 is estimated to be 71 dBA DNL.

US 101 (to the west of the project site) is the predominant source of noise in the area. The noise levels measured in 2015 at the project site range from 71 to 79 dBA DNL, approximately nine dBA less than the noise levels measured at the site in 2009. US 101 was re-paved between 2009 and 2011 and the reduction in noise levels measured in 2015 is likely due to the re-paving of US 101 with quieter pavement resulting in a reduction in noise levels. However, the noise benefit provided by the open-graded asphalt concrete reduces as the pavement ages. The condition of open-graded asphalt concrete typically returns to pre-overlay conditions over a period of approximately 16 years.

[29] Additional noise measurements were not taken as part of the Noise Assessment within Appendix H. Noise measurements were taken in 2009 and again in 2015. The noise environment in the vicinity of the project site has not changed since 2015. There are no new sources of noise and no new adjacent receptors (as compared to 2015). Highway 101 is still the dominant source of noise in the area. For these reasons, the 2015 noise measurements were deemed to be adequate for the noise impact analysis within this Initial Study. More detailed discussion is available in Appendix H.

NOISE MONITORING LOCATIONS

FIGURE 4.12-1

4.12.2.2 *Sensitive Receptors*

The closest sensitive receptors to the project site are residences located approximately 95 feet north and 80 feet east of the project property boundary. The development footprint, however, is the three westernmost acres of the overall 21-acre site. The closest sensitive receptors to the project development footprint are located approximately 520 feet north and 530 east.

4.12.2.3 *Airports*

The Norman Y. Mineta San José International Airport is located approximately seven miles north of the project site and the Reid-Hillview airport is located approximately 2.3 miles north of the site. The project site is not within the airport influence area in the adopted Comprehensive Airport Land Use Plans for either of the airports.[30] There are no private airstrips in the vicinity of the site.

4.12.3 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project result in:					
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐	20
b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐	20
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	20
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	20
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	1,2
f) For a project within the vicinity of a private airstrip, will the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	1,2

[30] City of San Jose. *2040 General Plan Final Program Environmental Impact Report (FPEIR).* Figure 3.1-7 San Jose International Airport Influence Area. Figure 3.1-8 Reid-Hillview Airport Influence Area.

4.12.4 Impact Discussion

CEQA does not define what noise level increase would be substantial. A three dBA noise level increase is considered the minimum increase that is perceptible to the human ear. Typically, project generated noise level increases of three dBA DNL or greater are considered significant where resulting exterior noise levels will exceed the normally acceptable noise level standard. Where noise levels will remain at or below the normally acceptable noise level standard with the project, a noise level increase of five dBA DNL or greater is considered significant.

4.12.4.1 *Noise Impacts from the Project (Checklist Questions b – e)*

Construction Noise Impacts

The City considers significant construction noise impacts to occur if a project located within 500 feet of residential 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. The project proposes to install a new sewer line along an existing utility easement connecting to an existing sewer connection in Yerba Buena Road. During the installation of the new sanitary sewer line, construction activities could occur within approximately 50 feet of existing residential land uses and produce hourly average noise levels ranging from approximately 81 dBA L_{eq} to 88 dBA L_{eq}. Such noise levels would be intermittent and would only occur over a short period of time (less than one month) when the installation of the sewer line occurs at the nearest residences.

Noise from the majority of project construction activities would range from 60 dBA L_{eq} to 67 dBA L_{eq} at the nearest residential land uses. Though construction is estimated to take 14 months total, it would not involve substantial noise-generating activities continuing for more than 12 months within 500 feet of residential land uses. The project would result in a short-term increase in noise levels in the project area during construction activities, but would not result in a substantial temporary increase of ambient noise levels at nearby land uses. To further reduce the potential for noise impacts, the project would be required to implement the City's standard permit conditions for construction noise.

Standard Permit Condition: Consistent with the City's standard permit conditions, the following measures shall be implemented during project construction to minimize noise.

- Utilize 'quiet' models of air compressors and other stationary noise sources where technology exists.
- Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
- Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from adjacent land uses.
- Locate staging areas and construction material areas as far away as possible from adjacent land uses.
- Prohibit all unnecessary idling of internal combustion engines.
- If impact pile driving is proposed, multiple-pile drivers shall be considered to expedite construction. Although noise levels generated by a single pile driver, the total duration of pile driving activities would be reduced.

- If impact pile driving is proposed, temporary noise control blanket barriers shall shroud pile drivers or be erected in a manner to shield the adjacent land uses. Such noise control blanket barriers can be rented and quickly erected.
- If impact pile driving is proposed, foundation pile holes shall be pre-drilled to minimize the number of impacts required to seat the pile. Pre-drilling foundation pile holes is a standard construction noise control technique. Pre-drilling reduces the number of blows required to seat the pile. Notify all adjacent land uses of the construction schedule in writing.
- Designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the case of the noise complaint (e.g. starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. The telephone number for the disturbance coordinator at the construction site will be posted and included in the notice sent to neighbors regarding the construction schedule. **(Less than Significant Impact)**

Construction Vibration Impacts

For the vast majority of project construction activities occurring on the project site, vibration levels would be well below the 0.2 in/sec PPV threshold, ranging from 0.001 to 0.002 in/sec PPV at the nearest receptors 550 feet from the project site (which is essentially undetectable).

During the installation of the new sanitary sewer lines, which would be built along an existing utility easement and connecting to an existing sewer connection in Yerba Buena Road, construction activities could occur within approximately 50 feet of existing residences. Vibration levels produced by vibratory rollers and large bulldozers would range from of 0.031 to 0.074 in/sec PPV at a distance of 50 feet, and vibration levels from jackhammers and loaded trucks would range from 0.012 to 0.027 in/sec PPV at a distance of 50 feet. Although vibration levels would be higher when construction activities occur in close proximity of existing residences, they would not exceed the 0.2 in/sec PPV threshold. Therefore, structures and persons would not be exposed to excessive vibration levels. **(Less than Significant Impact)**

Operational Noise Impacts

The project would generate an estimated 42 AM and 55 PM peak-hour vehicle trips. Based on the relatively high traffic volumes along US 101 and resulting high noise exposure in the project area, vehicular traffic noise level increases due to project-generated traffic would not measurably increase noise levels because project traffic would make up only a small percentage of the total traffic along area roadways (the increase would be less than one dBA DNL). Therefore, project traffic would not cause the DNL at noise sensitive receptors to increase by three dBA DNL or more.

Various mechanical equipment, such as air conditioners, exhaust fans, and air handling equipment for ventilation of the buildings, as well as pumps at the proposed lift station, would produce noise during their operation. The proposed project also includes two emergency back-up diesel generators to provide electrical power in the event of an emergency power outage. These generators would only be operational during temporary power outages and occasional testing (typically once per month for one hour).[31] Noise levels produced by such equipment would not measurably contribute to the noise

[31] Per the requirements of the San José Zoning Ordinance, generator testing can only occur between 7:00 AM and 7:00 PM, Monday through Friday.

levels and would not be audible or detectable at off-site receptors; therefore, the impact would be less than significant at off-site receptors. **(Less than Significant Impact)**

4.12.4.2 *Noise Impacts to the Project (Checklist Questions a, e, f)*

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

Interior Noise Exposure

The City's standard for interior noise levels in convalescent hospitals is 45 dBA DNL. Future noise levels would range from 86 to 88 dBA DNL at exterior facades of the nearest units to US 101. Exterior noise levels at building facades located further from or shielded from US 101 would range from 67 dBA DNL to 81 dBA DNL. In noise environments exceeding 75 dBA DNL, construction materials and techniques necessary to reduce interior noise levels to acceptable levels require technical attenuation techniques including insulation features such as stucco-sided double-stud or staggered-stud walls and high STC-rated windows and doors (STC 45 to 55), or dual-sash systems (double windows or sliding glass doors). Units adjacent to US 101 would require incorporation of these types of attenuation measures, and may also need to be equipped with full heating, ventilation, and air-conditioning systems.

While future occupants of the site would not be affected by noise from aircraft (due to the distance of separation), the project would place residential development in an area subject to noise from traffic on US 101 at levels that exceed standards for interior spaces for convalescent hospitals. Per City-adopted California Building Code requirements, sites with exterior noise levels of 60 dBA DNL or more require preparation of an acoustical analysis following protocols in the City-adopted California Building Code to demonstrate that the project can meet this standard. The acoustical analysis requires noise attenuation techniques be incorporated based on expected future General Plan traffic volumes to ensure land use compatibility and General Plan consistency over the life of the project. Building sound insulation requirements include forced-air mechanical ventilation, so that windows may be kept closed to control noise.

Special building construction techniques and treatments may be required for portions of the building facing US 101, such as sound-rated windows and doors, sound-rated wall constructions, and acoustical caulking. A noise analysis, including the description of the necessary noise control measures, is required to be submitted to the City with the project building plans, to ensure interior noise levels are reduced to 45 dBA DNL or lower. Compliance with California Building Code requirements for interior noise, would ensure that occupants of the site are not exposed to excessive interior noise levels.

Outdoor Use Areas

The project includes three outdoor common use areas for occupants of the proposed convalescent hospital (refer to Figure 3.2-1). The future noise level at the unshielded landscaped area located north of Building A is calculated to range from 84 to 87 dBA DNL, which would fall within the City's unacceptable noise and land use compatibility category. The noise level in the common outdoor area located east of Building A is calculated to range from 71 to 76 dBA DNL, which would be considered conditionally acceptable to unacceptable by the City of San José in terms of noise and land use compatibility. The largest common area, located southeast of Building B, would be acoustically shielded by a proposed 14 to 16-foot noise barrier, which would result in a predicted noise level of 56 to 60 dBA DNL (considered normally acceptable for outdoor common use areas). Therefore, exterior noise levels at only one of the outdoor use areas for the project would meet the City's normally acceptable noise and land use compatibility standard.

4.12.5 Conclusion

With conformance to General Plan policies and standard measures, the project would not result in long term noise impacts to existing sensitive receptors in the project area, nor would the project result in temporary construction noise or vibration impacts. **(Less than Significant Impact)**

4.13 POPULATION AND HOUSING

4.13.1 Environmental Setting

Based on information from the Department of Finance, the City of San José population was estimated to be 1,046,079 in January 2017, and had an estimated total of 332,574 housing units with an average of 3.21 persons per household.[32] The Association of Bay Area Governments (ABAG) projects that the City's population will reach 1,445,000 with 472,000 households by 2040.[33]

4.13.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐	1,2
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☒	☐	1,2
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☒	☐	1,2

4.13.3 Impact Discussion

4.13.3.1 *Population Growth (Checklist Question a)*

A project can induce substantial population growth by: 1) proposing new housing beyond projected or planned development levels, 2) generating demand for housing as a result of new businesses, 3) extending roads or other infrastructure to previously undeveloped areas, or 4) removing obstacles to population growth (e.g., expanding capacity of a wastewater treatment plant beyond that necessary to serve planned growth). The General Plan FPEIR concluded that the potential for direct growth-inducing impacts from buildout of the General Plan would be minimal because planned growth would consist entirely of development within the City's existing Urban Growth Boundary and Urban Service Area.

The project proposes to develop a convalescent hospital with up to 155 patient rooms and 248 beds. The project would provide hospital space for up to 248 patients, and would create employment opportunities for approximately 120 staff. As discussed in Section 4.10 Land Use, the proposed development is consistent with the project site's General Plan land use designation and, therefore, would not add growth beyond what was anticipated from buildout of the General Plan. As a result,

[32] State of California, Department of Finance. "E-5 City/County Population and Housing Estimates for Cities, Counties, and the State— January 1, 2011-2017, with 2010 Benchmark." May 2017. Accessed October 6, 2017. http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/.
[33] ABAG. *Projections and Priorities 2013*. December 2013.

the proposed project would not result in a significant impact on population or housing. **(Less than Significant Impact)**

4.13.3.2 *Housing Displacement Impacts (Checklist Questions b – c)*

The project site is currently developed with two houses and a landscaping business. Based on 3.21 average persons per household, the project could displace approximately six residents. The project would displace a relatively small amount of housing and people and would not result in the need for replacement housing elsewhere; therefore, the impact would be less than significant. **(Less than Significant Impact)**

4.13.4 Conclusion

The project would not result in significant population or housing impacts. **(Less than Significant Impact)**

4.14 PUBLIC SERVICES AND RECREATION

4.14.1 Environmental Setting

4.14.1.1 *Regulatory Framework*

Local

The following General Plan policies are specific to public services and recreation and are applicable to the proposed project.

Policies	Description
ES-2.2	Construct and maintain architecturally attractive, durable, resource-efficient, and environmentally healthful library facilities to minimize operating costs, foster learning, and express in built form the significant civic functions and spaces that libraries provide for the San José community. Library design should anticipate and build in flexibility to accommodate evolving community needs and evolving methods for providing the community with access to information sources. Provide at least 0.59 square feet of space per capita in library facilities.
ES-3.1	Provide rapid and timely Level of Service (LOS) response time to all emergencies: 1. For police protection, use as a goal a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls. 2. For fire protection, use as a goal a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents.
ES-3.9	Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publically-visible and accessible spaces.
ES-3.11	Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects.
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.
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.
PR-1.12	Regularly update and utilize San José's Parkland Dedication Ordinance/Parkland Impact Ordinance (PDO/PIO) to implement quality facilities.
PR-2.4	To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend Park Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) fees for neighborhood serving elements (such as playgrounds/tot-lots, basketball courts, etc.) within a ¾ mile radius of the project site that generates the funds.
PR-2.5	Spend, as appropriate, PDO/PIO fees for community serving elements (such as soccer fields, community gardens, community centers, etc.) within a 3-mile radius of the residential development that generates the PDO/PIO funds.
PR-2.6	Locate all new residential developments over 200 units in size within 1/3 of a mile walking distance of an existing or new park, trail, open space, or recreational school grounds open to the public after normal school hours or include one or more of these elements in the project design.

Parkland Dedication Ordinance and Park Impact Ordinance

The City of San José has adopted the *Parkland Dedication Ordinance* (PDO) (Municipal Code Chapter 19.38) and *Park Impact Ordinance* (PIO) (Municipal Code Chapter 14.25) requiring

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. Convalescent hospital is considered a commercial use and therefore, would not be subject to fees or dedication of public parkland.

4.14.1.2 *Existing Conditions*

Fire Services

Fire protection services for the project site are provided by the San José Fire Department (SJFD). The closest station to the project site is Station No. 24, located at 1924 Yerba Buena Road, approximately one mile northeast of the project site.

Police Services

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

Schools

The project site is located in the San José Unified School District. The project proposes a convalescent hospital and would not increase the number of students attending local public schools.

Parks, Trails, and Community Centers

Residents of San José are served by regional and community park facilities, including regional open space, community and neighborhood parks, playing fields and trails. The City's Department of Parks, Recreation, and Neighborhood Services is responsible for development, operation, and maintenance of City park facilities. The City of San José owns and maintains approximately 3,502 acres of parkland, including neighborhood parks, community parks, and regional parks. The nearest City park to the project site is Silver Creek Linear Park located approximately 0.90 mile northeast. Hellyer County Park and associated recreational areas are approximately 160 feet west of the project site, across US 101.

The City also has 51 community centers and over 57 miles of trails. Hellyer County Park and associated recreational areas are approximately 200 feet west of the project site across US 101. Coyote Creek Trail runs through Hellyer County Park. Edenvale Community Center is located approximately 1.30 miles south of the project site and the Evergreen Community Center is approximately 2.30 miles east of the site.

4.14.1.3 *Libraries*

The San José Public Library System consists of one main library (Dr. Martin Luther King Jr., jointly operated with San José State University) and 22 branch libraries. The closest library to the project site is the Seven Trees Library, located approximately 1.30 miles west.

4.14.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project					
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
- Fire Protection?	☐	☐	☒	☐	1,2
- Police Protection?	☐	☐	☒	☐	1,2
- Schools?	☐	☐	☐	☒	1,2
- Parks?	☐	☐	☒	☐	1,2
- Other Public Facilities?	☐	☐	☒	☐	1,2
b) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?	☐	☐	☒	☐	1,2
c) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☒	☐	1,2

4.14.3 Impact Discussion

4.14.3.1 *Impacts to Government Facilities (Checklist Question a)*

Fire and Police Protection

The General Plan FPEIR concluded that, with the buildout of the General Plan, additional fire staff and equipment may be required to adequately serve a larger population but no new fire stations would be required other than those already planned. In regards to police services, the General Plan FPEIR concluded that the buildout under the General Plan could require new police facilities, which will require supplemental environmental review but are not anticipated to result in significant, adverse environmental impacts. Periodic operation and capital improvements may be required for both fire and police services, but those improvements would not result in significant environmental impacts.

The project proposes to redevelop the project site with a convalescent hospital, consistent with the General Plan land use designation. Implementation of the proposed project would intensify the use of the site and generate additional occupants of the area, which would incrementally increase the demand for fire and police protection services compared to existing conditions. The project site,

however, is currently served by both the SJFD and SJPD and the amount of proposed development represents a small fraction of the total growth identified in the General Plan. The project, by itself, would not preclude the SJFD and SJPD from meetings their service goals and would not require the construction of new or expanded fire or police facilities. In addition, the proposed project would be constructed in accordance with current building codes and would be required to be maintained in accordance with applicable City policies to promote public and property safety; therefore, the proposed project would have a less than significant impact on fire and police protection services. **(Less than Significant Impact)**

Schools

The project is a convalescent hospital and would not increase the number of students attending local public schools. The project would not be required to pay school impact fees pursuant to Government Code Section 65996. **(No Impact)**

Libraries

The General Plan FPEIR concluded that the existing and planned library facilities in the City would provide approximately 0.68 square feet of library space per capita for the anticipated population growth under buildout of the General Plan by the year 2035, which is above the City's General Plan service goal of 0.59 square feet of library space per capita (General Plan Policy ES-2.2). The project is consistent with the General Plan, and further would not introduce new, permanent residents to the area and the limited number of occupants and employees of the convalescent facility would not be expected to impact library facilities such that new or altered facilities would be required. **(Less than Significant Impact)**

Impacts to Parks (Checklist Question b and c)

Residential growth from the buildout of the General Plan is expected to result in an overall City population of over 1.3 million people by 2035, which would increase the demand for park and recreational facilities and create an overall (City-wide) parkland need for an additional 2,187.4 acres.[34] The General Plan FPEIR concluded that conformance with General Plan policies and payment of applicable fees would reduce any potential physical impacts from development to parks to a less than significant level.

Future patients or employees of the convalescent hospital may incrementally increase the demand and use of existing recreational facilities, including local parks and trails.

The project proposes a total of approximately 32,500 square feet of common open space area on the site to serve its approximately 248 patients; therefore, the proposed common open space would likely offset most of the project's demand on existing park and recreational facilities. While the proposed project would have up to 248 patients residing in the facility, the project is not considered a residential development and therefore, is not required to pay fees in conformance with the City's Parkland Dedication Ordinance and Park Impact Ordinance. **(Less than Significant Impact)**

[34] City of San José. *Envision San José 2040 General Plan Final Program EIR.* November 2011. Page 633 (and see Table 3.9-5).

4.14.4 Conclusion

The project would not have a significant impact on public services or parks. **(Less than Significant Impact)**

4.15 TRANSPORTATION/TRAFFIC

The following discussion is based in part on a Traffic Operations Analysis prepared by Hexagon Transportation Consultants in April 2015. A copy of this report is attached as Appendix I.

4.15.1 Environmental Setting

4.15.1.1 *Regulatory Framework*

Envision San José 2040 General Plan

The following General Plan policies are specific to transportation and are applicable to the proposed project.

Policy	Description
TR-1.1	Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).
TR-1.2	Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
TR-1.4	Through the entitlement process for new development, fund needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand.
TR-1.5	Design, construct, operate, and maintain public streets to enable safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.
TR-2.8	Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.
TR-5.3	The minimum overall roadway performance during peak travel periods should be level of service D except for designated areas.
TR-9.1	Enhance, expand and maintain facilities for walking and bicycling, particularly to connect with and ensure access to transit and to provide a safe and complete alternative transportation network that facilitates non-automobile trips.
CD-2.3	Enhance pedestrian activity by incorporating appropriate design techniques and regulating uses in private developments, particularly in Downtown, Urban Villages, Corridors, Main Streets, and other locations where appropriate.

San José Bicycle Master Plan

The Bicycle Master Plan, also known as the San José Bike Plan 2020, defines the City's vision to make bicycling an integral part of daily life in San José. The plan recommends policies, projects, and programs to realize this vision and create a San José community where bicycling is convenient, safe, and commonplace. The Bike Plan defines a 500-mile network of bikeways focused on connecting off-street bikeways with on-street bikeways.

City Council Policy 5-3

As established in the City Council Policy 5-3 Transportation Impact Policy, the City of San José uses the same LOS method as the CMP, although the City's standard is LOS D rather than LOS E.

According to this policy and General Plan Policy TR-5.3, an intersection impact would be satisfactorily mitigated if implementation of measures would restore the LOS to existing conditions or better, unless the mitigation measures would have an unacceptable impact on the neighborhood or on other transportation facilities (i.e. pedestrian, bicycle, or transit). The City's Transportation Impact Policy also protects pedestrian and bicycle facilities from undue encroachment by automobiles.

Evergreen East Hills Development Policy

The project site is located in the Evergreen area of San José. Development in Evergreen is guided by the Evergreen- East Hills Development Policy (EEHDP), which is intended to promote the long-term vitality of the area by linking together limited development with supporting transportation infrastructure improvements. In exchange for enabling development capacity in the area, the EEHDP provides a mechanism to require commensurate traffic impact fees in order to construct transportation system improvements. The Evergreen-East Hills Vision Strategy Project Final Environmental Impact Report (Evergreen FEIR) provides environmental review for the development of up to 500,000 square feet of commercial retail space, and 75,000 square feet of office space, and 5,700 residential units within the EEHDP area in 2006 (2006 EEHDP). Since the adoption of the Evergreen FEIR, the 2006 EEHDP has then been repealed and replaced with the 2008 EEHDP. The Evergreen FEIR was never repealed and remains effective.

The 2008 EEHDP established capacity of 500 residential units while retaining the 500,000 square feet of commercial retail space and 75,000 square feet of office space within the Policy area. The 2008 EEHDP also approved for the 500 residential units pool in addition to the 450 existing housing unit allocations on specific parcels that were previously analyzed in the Evergreen FEIR. This parcel list is referenced in the Appendix I of the 2008 City Council Resolution No. 74741. The Revision Evergreen Final Supplemental Environmental Impact Report (Revision Evergreen FSEIR) focused and updated on the traffic impacts and the secondary effects of traffic, such as traffic noise and traffic-related air quality, for the development allocated in the current EEHDP.

4.15.1.2 *Existing Conditions*

Roadway Network

US 101 is primarily an eight-lane freeway (six mixed-flow lanes and two HOV lanes) that is aligned in a north-south orientation within the project vicinity. Access to the site from US 101 is provided via the interchange at Hellyer Avenue.

Dove Hill Road is a two-lane north-south local connector roadway that extends from just north of Hassler Parkway south to Hellyer Avenue. Dove Hill Road provides direct access to the project site.

Hassler Parkway is a two-lane roadway that runs between Dove Hill Road and Silver Creek Valley Road. This roadway serves as the primary access roadway to the Ranch residential neighborhood (located east of the project site) and has a posted speed limit of 35 miles per hour (mph). Hassler Parkway provides access to the project site via its intersection with Dove Hill Road.

Pedestrian and Bicycle Facilities

Currently there are sidewalks along the north side of Hassler Parkway and along the east side of Dove Hill Road south of Hassler Parkway. There are no sidewalks provided along either side of Dove Hill Road between the project site and Hassler Road. Intersections in the area are unsignalized and do not include crosswalks. There are no bicycle facilities in the project area.

Transit Service

There are no existing transit services to the project area. The nearest bus stop is located west of the site, across US 101.

Existing Site Access and Parking

Existing vehicular access to the project site is from the northern terminus of Dove Hill Road. Pedestrian/bicycle access onto the site is also from Dove Hill Road; though, there is no sidewalk and pedestrians currently must use the street.

4.15.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☒	☐	2,21,22
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☒	☐	21
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?	☐	☐	☐	☒	2
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	☐	☒	☐	☐	21
e) Result in inadequate emergency access?	☐	☐	☒	☐	21

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☒	☐	2,21,22

4.15.3 Impact Discussion

4.15.3.1 *Level of Service (Checklist Questions a and b)*

Traffic generated by the proposed development would be generated mainly by staff and visitors. As shown in Table 4.15-1, the proposed project would generate a total of approximately 42 AM peak hour trips and 55 PM peak-hour trips, and a net of 37 AM peak-hour trips and 51 PM peak-hour trips when compared to the existing uses on the site.

Table 4.15-1: Estimated Project Vehicle Trips and Remaining EEHDP Capacity

Use	Beds	Daily Trip Rate	Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips		
				In	Out	Total	In	Out	Total
Proposed Use - Convalescent Hospital	248	3.06	759	30	12	42	18	37	55
Existing Uses - Residential and Commercial)[1]				2	3	5	3	1	4
Net Project Trips				**28**	**9**	**37**	**15**	**36**	**51**

Remaining EDP Trips

Use	Size	AM Peak Hour Trips		PM Peak Hour Trips	
		Rate	Total	Rate	Total
Retail[2]	84.3	0.96	81	3.81	321
Office[3]	24.6	1.49	36	1.56	38
Total remaining EEHDP capacity (with proposed project):		**80**		**308**	

Source: Institute of Transportation Engineers (ITE). *Trip Generation Manual, 10th Edition*. 2017. A generation rate for Nursing Home (620) for the proposed convalescent hospital use. Remaining EEHDP trips total based on an email from Tu, John, with the City of San Jose. Dated December 18, 2017.

[1] Based on peak hour traffic counts at the Dove Hill Road and Hassler Parkway intersection, existing uses on the project site are currently generating five AM peak-hour trips and four PM peak-hour trips.

[2] Based on "Shopping Center" rates contained in the ITE *Trip Generation Manual*. 2017.

[3] Based on "General Office Building" rates contained in the ITE *Trip Generation Manual*. 2017.

Trip generation for the project was also estimated based on anticipated hourly project site activity including detailed information on the anticipated number of employees, staff schedules, resident

vehicle ownership, and anticipated visitors. Based on site activity information, the proposed project is anticipated to generate less traffic than a typical convalescent hospital as represented by the ITE rates. To be conservative, the remainder of this analysis evaluates the project traffic impact based on a typical convalescent hospital of the proposed size, as represented by the ITE rates.

Intersection LOS analysis indicates an average vehicle delay of 7.5 seconds during the AM peak hour and 3.0 seconds during the PM peak hour (representing LOS A conditions during each of the peak hours) at the intersection of Dove Hill Road and Hassler Parkway under existing conditions (without the project). Intersection level of service analysis indicates that the addition of project traffic would not increase the average delay at the intersection during the peak hours. No other intersections would be substantially affected by the proposed project. As a result, impacts are less than significant.

The 2008 Revision of the EEHDP Supplemental Environmental Impact Report (Revision Evergreen FSEIR) provides a framework for review of traffic-related impacts and provides project-level clearance for traffic impacts, traffic-related noise impacts, and air quality impacts associated with the development "pool" specified within the revised policy (i.e., 500 residential units, 500,000 square feet of commercial retail space, and 75,000 square feet of office space). Per the Revisions to the EEHDP, the proposed project would potentially be covered by the remaining pool of development capacity. As shown in Table 4.15-1, there is remaining trip capacity within the pool to cover the proposed project. The project, therefore, would not result in additional trips beyond what was analyzed in the 2008 Revision Evergreen FSEIR. Because the project would pay applicable EEHDP impact fees to fund new infrastructure, the project would not result in new or more significant traffic impacts (e.g., level of service or Congestion Management Program impacts) than disclosed in the Revision Evergreen FSEIR. **(Less than Significant Impact)**

4.15.3.2 *Aircraft Operations (Checklist Question c)*

Development on the project site would not result in any changes to air traffic patterns. **(No Impact)**

4.15.3.3 *Street Operations (Checklist Questions d and e)*

Traffic Volumes

Twenty-four hour traffic counts completed in March 2015 found that Dove Hill Road and Hassler Parkway each currently carry approximately 3,800 vehicles per day. Dove Hill Road, north of Hassler Parkway, carries approximately 60 vehicles per day. It is projected that approximately 80 percent of the project generated traffic would utilize Dove Hill Road south of Hassler Parkway to approach the site, and 20 percent would utilize Hassler Parkway. This represents approximately 559 additional daily trips due to the project on Dove Hill Road, south of Hassler Parkway, and 140 additional daily project trips on Hassler Parkway. Both the existing traffic volumes and projected traffic volumes with the proposed project along each of the study streets are well within the recommended City of San José ADT volumes for local collector streets. With implementation of the proposed project, traffic volumes on Dove Hill Road and Hassler Parkway would continue to be well within the volume range characteristic of each of the streets. **(Less than Significant Impact)**

Collisions

Vehicle speed data was collected from Hassler Parkway and Dove Hill Road and used to calculate the 85th percentile speed along each of the study roadways. The 85th percentile is considered to be

the prevailing speed at which vehicles generally travel under optimum pavement, weather, visibility and traffic volume. The speed surveys revealed the 85th percentile speed along Dove Hill Road to be approximately 25 miles per hour (mph) while the 85th percentile speed along Hassler Parkway was approximately 41 mph. The posted speed limit along Dove Hill Road is 25 mph and Hassler Parkway is 35 mph, therefore, the observed 85th percentile speeds along Hassler Parkway are greater than the posted speed limit for the roadway.

The collision history at the Dove Hill Road and Hassler Parkway intersection was reviewed. Hassler Parkway, as it approaches Dove Hill Road, consists of a straight steep downgrade to a stop sign at the intersection of the two roadways. City of San José collision data indicates five collisions at the intersection of Dove Hill Road and Hassler Parkway over a 5-year span. Each of the recorded accidents was a solo vehicle accident that involved vehicles traveling westbound along Hassler Parkway and running off the road and/or hitting a fixed object, assumed to be the result of speeding.[35]

The proposed project would result in an approximately 20 percent increase in daily traffic volumes through the Dove Hill Road and Hassler Parkway intersection. Since the collision history at this location does not appear to be related to congestion or roadway design, the increase in traffic through the intersection due to the project would not be expected to result in an increase in collisions at the intersection. **(Less than Significant Impact)**

Emergency Evacuation

Given that the neighborhood in the hills east of the project site have limited access points, either using Hassler Parkway to Dove Hill Road or a longer path eastward to Silver Creek Valley Road, traffic operations at the intersection of Dove Hill Road and Hassler Parkway were reviewed to identify conflicts that could slow down evacuation procedures in the event of an emergency.

There is currently a stop sign on Hassler Parkway at its intersection with Dove Hill Road, while Dove Hill Road does not have any stop controls. Since the land uses at 4200 Dove Hill Road presently generate a low volume of daily vehicle trips, it is not common for drivers to experience extended delays at this stop sign. Intersection LOS analysis indicates that the addition of project traffic during normal days would not cause a substantial increase in the average delay at the intersection during the normal commute peak hours.

An analysis of the critical gaps and follow-up times on Dove Hill Road (i.e. the opportunities and durations available for drivers to make a left-turn onto Dove Hill Road from Hassler Parkway) was completed using the TRAFFIX software and compared with the 2000 Highway Capacity Manual (refer to Appendix I). The critical gap acceptance and follow-up time analysis results indicate the addition of project traffic at the Dove Hill Road and Hassler Parkway intersection would result in no change to the critical gap and follow-up times currently experienced during the peak hours at the intersection. This means that during the intersection's most congested periods, with implementation of the proposed project, the opportunities to exit Hassler Parkway would not be negatively affected by traffic generated by the proposed project.

[35] The reported solo-vehicle collisions at the Dove Hill Road and Hassler Parkway intersection may be correctable by speed limit enforcement and additional speed reducing measures such as a speed limit feedback sign and/or roadway rumble strips on Hassler Parkway.

In the event of an emergency evacuation several variables would affect the time needed to evacuate nearby neighborhoods, in addition to the project site, including the following:

- Time of day of the emergency occurs would affect the time needed to evacuate. Many neighboring residents would not be home if an emergency were to occur during daytime work hours. Thus, the volume of traffic during the evacuation would be much less than during late evening/early morning hours.
- In the event of an emergency evacuation, access into the residential areas would likely be restricted and traffic control (officers) at major intersections would be in place. Therefore, traffic flow out of the area would be controlled and could possibly use entire roadways for outbound flow. The neighborhood east of the project site which utilizes the Hassler Parkway/ Dove Hill Road intersection, is also provided access out to Silver Creek Valley Road via Hassler Parkway.
- The location of a potential fire would dictate the evacuation routes utilized by residents in nearby neighborhoods. It is likely that should the fire be located near Dove Hill Road, residents in the neighborhoods east of the project site would evacuate via Silver Creek Valley Road, rather than Dove Hill Road.
- The residential area east of the project site, with residents who use the Hassler Parkway/ Dove Hill Road intersection, consists of approximately 470 homes. Presuming a worst case scenario of a fire occurring during late evening hours and occupancy of all homes, approximately 500 vehicles would evacuate the neighborhoods, assuming the use of one vehicle by each residence. Conservatively assuming the flow of 20 vehicles per minute to Silver Creek Valley Road via Hassler Parkway, it would take approximately 25 minutes to evacuate the neighborhoods east of the project site via the one access point at Silver Creek Valley Road. The use of both Dove Hill Road and Silver Creek Valley Road would further reduce the time needed for evacuation.
- In the event of an emergency evacuation, shuttles would be provided for occupants of the proposed convalescent hospital, since some occupants would not have vehicles. This service would be extended to all occupants whether or not they have a vehicle so they could be quickly removed from the premises. Therefore, the number of vehicles associated with the project that would utilize the Dove Hill Road and Hassler Parkway intersection during an emergency evacuation would be lower than if each resident were to drive.
- Additionally, an emergency-vehicle-only access trail from Yerba Buena Road is provided to the residential neighborhood located east of the project site.

The evaluation of operations at the Dove Hill Road and Hassler Parkway intersection indicate that project traffic would not result in an increase in travel delay through the intersection nor degrade access to and from Hassler Parkway during the standard commute peak hours, when the intersection is most heavily congested. Since the proposed project would be evacuated with shuttles in the event of an emergency, it would not contribute substantially to congestion at the intersection during an evacuation. Therefore, even during a peak-hour emergency evacuation, the project would have little to no effect on vehicle travel through the Dove Hill Road and Hassler Parkway intersection.

The design of the project would be required to comply with the City's standards for emergency vehicle access (including providing adequate points of access, vertical clearance, and turning radius) and the project, therefore, would not result in inadequate emergency access. For these reasons, the

proposed project would not result in a significant conflict during emergency evacuation procedures and the impact would be less than significant.

Parking

According to the City of San José Parking Regulations, the project is required to provide one off-street parking space for every four beds plus one space per employee. The project proposes a total of 248 beds and a peak of 55 employees/staff on-site at any given time; thus, the project is required to provide a total of 117 parking spaces. The project proposes a total of 124 on-site parking stalls, which satisfies the City of San José parking requirements.

Vehicle Access and Circulation

Dove Hill Road would provide exclusive access to the project site via a loop driveway within the project site. The driveway would provide access to parking areas within Buildings A and B as well as parking along the internal loop road.

All garbage trucks and large delivery vehicles would perform their operations outside of each of the buildings along the project internal roadway which is common for multi-family development. Although the trash staging areas are not shown on the site plan, per typical operations for projects such as the one being proposed, the trash bins will be wheeled out to the project roadway for garbage truck pickup.

On-site vehicular circulation was reviewed in accordance with generally accepted traffic engineering standards. Circulation through the two parking areas would be continuous with the exception of dead-end drive aisles within Building B. In addition, vehicles would need to back down drive aisles when exiting parking stalls located adjacent to garage walls on each of the parking levels. The use of the parking garage in Building B would be restricted to occupants and staff. The dead-end drive aisles and parking adjacent to walls would be sufficient to serve occupants and staff who would be familiar with the garage layout.

The project roadway would be 26 feet wide. According to the City of San José Residential Design Guidelines, standard entry drives with two-way traffic should be at least 20 feet wide for residential developments. The proposed width of the project driveway would be adequate to serve the project. The connection from the project access roadway onto Dove Hill Road would not provide a 90-degree connection, however, which could limit the ability of drivers to see pedestrians, bicyclists, and other cars.

Impact TRAN-1 The connection from the project access roadway onto Dove Hill Road would not provide a 90-degree connection, which could limit the ability of drivers to see pedestrians, bicyclists and other cars. **(Significant Impact)**

Mitigation Measure: The following measure shall be implemented to reduce transportation safety hazard impacts to a less than significant level.

MM TRAN-1.1 The project applicant shall ensure that the area from the project access roadway onto Dove Hill Road remain free and clear of obstructions to allow exiting vehicles to see pedestrians on the sidewalk and vehicles traveling on Dove Hill

Road. A reduced speed limit of 15 miles per hour shall be implemented along the on-site project private road. Prior to the issuance of a grading permit, all measures shall be printed on contracts and plans and a implementation plan shall be submitted to the Supervising Environmental Planner to identify, at a minimum:

- The methodologies are being proposed to meet the 15 miles per hour (e.g. speed bumps, signage, etc.)
- The methodologies are being proposed to clear any obstruction of exiting vehicles onto Dove Hill Road.

Proof of compliance to this implementation plan shall be submitted to the City prior to the issuance of Occupancy permit to ensure installation of appropriate structures and conformance to this measure has been met. **(Less than Significant Impact with Mitigation)**

4.15.3.4 *Pedestrian Bicycle and Transit Facilities (Checklist Question f)*

The project would improve pedestrian facilities by installing a sidewalk along the east side of Dove Hill Road, which would connect the project site to other sidewalks in the area including those on Hassler Parkway and Hellyer Avenue. Additionally, the project would install sidewalks throughout the project site. The project would not impact or conflict with existing or planned pedestrian facilities.

Bicyclists could use Dove Hill Road to access the site from the broader area. The project includes installation of six bicycle stalls in the parking garages for occupants, guests, and employees, consistent with City requirements of one space per 10 full-time employees. According to the San José Bike Plan 2020 Bikeway Network map, no bicycle facilities are planned in the area; therefore, the project would not impact or conflict with existing or planned bicycle facilities.

The project would not conflict with adopted policies, plans, or programs regarding public bicycle or pedestrian facilities, or otherwise decrease the performance or safety of these facilities. The project would not result in pedestrian or bicycle safety hazards and would not conflict with adopted plans, policies, or programs related to alternative transportation including General Plan policies TR-1.1, TR-2.8, and CD-2.3. **(Less than Significant Impact)**

4.15.4 Conclusion

With implementation of standard measures and MM TRAN-1.1, the project would not result in significant transportation impacts. **(Less than Significant Impact with Mitigation)**

4.16 UTILITIES AND SERVICE SYSTEMS

4.16.1 Environmental Setting

4.16.1.1 *Regulatory Framework*

Envision San José 2040 General Plan

The following General Plan policies are specific to utilities and service systems and are applicable to the proposed project.

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

California Green Building Standards Code

In 2017, the State of California adopted the 2016 California Green Building Standards Code (CALGreen) establishing green building standards for buildings in California. Components of CALGreen have been adopted by the City of San José and include mandatory guidelines, as well as more rigorous voluntary measures, for new construction projects in order to achieve the following green building performance levels:

- Reducing indoor water use by 20 percent;
- Reducing wastewater by 20 percent;
- Recycling/salvaging 50 percent of nonhazardous construction and demolition debris; and
- Providing readily accessible areas for recycling by occupant.

San José Zero Waste Strategic Plan/Green Vision

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

Private Sector Green Building Policy

The City of San José's Green Building Policy for private sector new construction encourages building owners, architects, developers, and contractors to incorporate meaningful sustainable building goals early in building design process. This policy establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. It is also intended to enhance the public health, safety and welfare of San José residents, workers, and visitors by fostering practices in the design, construction, and maintenance of buildings that will minimize the use and waste of energy, water, and other resources in the City of San José.

4.16.1.2 *Existing Conditions*

Water Service and Supply

The project site is not currently connected to a municipal water service; rather, water is provided by on-site wells. It is estimated the existing residences on the site use approximately 1,213 gallons of water per day.[36] Water in the general project area is provided by the San José Municipal Water Service via the Evergreen service area, which obtains its water supply from the Santa Clara Valley Water District. Water lines in the project area include an eight-inch diameter water line in Thornbury Lane east of the project site, and a 12-inch water line in Hassler Parkway to the south of the project site.[37]

Wastewater/Sanitary Sewer System

The project site is not connected to a municipal sanitary sewer system. Wastewater from the site is currently treated and disposed of through three on-site septic systems. It is estimated the existing residences on the site generate approximately 1,031 gallons of wastewater per day.[38]

Sanitary sewer lines in the area are owned and maintained by the City of San José. Wastewater from the project area is treated at the San José/Santa Clara Regional Wastewater Facility (RWF) in Alviso. The RWF has a capacity to treat 167 million gpd of sewage during dry weather flow.[39] In 2015, the RWF's average dry weather influent flow was 108 millions of gallons per day (mgd).[40] The resulting

[36] Based on a daily water use rate of 294 gallons per unit per day for single family residential, and 3.5 acre-feet per acre for landscaped areas. Todd Engineers. *Water Supply Assessment for Envision San Jose 2040 General Plan Update.* 2010.
[37] City of San Jose. *Dovehill Senior Assisted Living Facility Initial; Study/Mitigated Negative Declaration General Plan Amendment.* 2008.
[38] Assumes wastewater generated is 85 percent of the total water demand.
[39] City of San José. Water Pollution Control Capital Program 2016-2020 - Adopted Capital Improvement Program. Accessed March 3, 2017. http://www.sanJoséca.gov/DocumentCenter/View/46177.
[40] City of San José. Clean Bay Strategy Reports. Accessed March 3, 2017. http://www.sanJoséca.gov/ArchiveCenter/ViewFile/Item/1629.

fresh water from the RWF is discharged to the South San Francisco Bay or delivered to the South Bay Water Recycling Project for distribution. The City's share of the RWF's treatment capacity is 108.6 mgd, which leaves the City with approximately 38.8 mgd of excess treatment capacity.[41]

Storm Drainage

The nearest storm drain line serving the area is a 24-inch line in Hassler Parkway, however, storm drainage from the project site does not currently flow into the City's storm drainage system. The site is mostly impervious and storm drainage sheet flows off the site towards US 101.

Solid Waste

Waste collection and recycling services are available to businesses from private companies franchised by the City of San José. The total permitted landfill capacity of the five operating landfills in the City is approximately 5.3 million tons per year with disposal capacity through 2022. It is estimated the existing residences on the site generate approximately 20 pounds of solid waste per day.[42]

4.16.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☒	☐	1,2
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐	1,2
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐	1,2,23
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐	1,2
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐	1,2

[41] City of San José. General Plan EIR. September 2011. Page 648.
[42] Based on a waste generation rate of 10 pounds per unit per day. California Integrated Waste Management Board. "Residential Developments: Estimated Solid Waste Generation Rates." Accessed October 19, 2017. https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐	1,2,24
g) Comply with federal, state, and local statutes and regulations related to solid waste.	☐	☐	☒	☐	1,2,24

4.16.3 Impact Discussion

4.16.3.1 *Wastewater/Sanitary Sewer System (Checklist Questions a, b, and e)*

It is estimated that the project would generate approximately 24,110 gpd of wastewater from indoor water use.[43] Given the City's remaining treatment capacity at the RWF (38.8 mgd), there is sufficient capacity to accommodate project wastewater flows.

The project would require a connection to the existing sewer line in Yerba Buena Road. The project includes installation of a sanitary sewer pump station and a six-inch sanitary sewer to an existing six-inch line in Yerba Buena Road. The sewer line would be installed within the existing right-of-way, and would not affect biological resources. Per City requirements, a sanitary sewer capacity analysis would be completed to determine whether there is sufficient capacity in existing sanitary sewer facilities to accommodate projected flows from the project. For these reasons, the proposed project would not result in significant impacts to the sanitary sewer system. **(Less than Significant Impact)**

4.16.3.2 *Water Service and Supply (Checklist Questions b and d)*

It is estimated the project would have a water demand of approximately 931,258 gallons of water per day (gpd), 28,365 gallons of which would be for indoor use.[44] The project includes construction of new water main connected at the existing water main at the intersection of Dove Road and Hassler Parkway and extend to the site along Dove Road. The point of connection could be at the existing 12" stub located at the intersection of Dove Road and Hassler Parkway. The site is located at the westerly end of Muni Water service area. To ensure good water qualify at this site, the project may be required to install flushing ports off site or an on-site filtration system. The project may also be required to install a pressure regulating valve inside a vault at the intersection of Hassler Parkway and Dove. In addition, as discussed in Section 4.8 Hazards and Hazardous Materials, any and all wells within the site shall be abandoned in accordance with Santa Clara Valley Water District regulations prior to receiving water services from Muni Water.

The General Plan FPEIR found that under buildout conditions (including the proposed project), water demand in the City of San José could exceed water supply during dry and multiple dry years after 2025. The certified General Plan FPEIR concluded that with the implementation of existing regulations and General Plan policies, water demand would not exceed water supply. Additionally,

[43] Assumes 85 percent of the total water demand.

[44] Based on a daily water use rate of 183 gallons per unit per day for multi-family residential, and 3.5 acre-feet per acre for landscaped areas. Todd Engineers. *Water Supply Assessment for Envision San Jose 2040 General Plan Update.* 2010.

The project would comply with CalGreen and the City's Private Sector Green Building Policy. Per the City's Private Sector Green Building Policy, the proposed project is required to be LEED Certified, which requires incorporation of a variety of design features including water conservation measures such as planting drought tolerant landscaping.

The proposed project is consistent with the General plan land use designation for the site and the scale of development assumed for the site as part of the General Plan FPEIR water supply assessment. There is adequate water supply to serve the project, and the project would not result in significant impacts to the City's water service or supply systems. **(Less than Significant Impact)**

4.16.3.3 *Storm Drainage (Checklist Question c)*

Implementation of the project would increase the area of impervious surfaces on the site by 49,432 square feet, resulting in a total of 105,141 square feet of impervious surfaces on the site (with 10 acres remaining as pervious open space). The increase in impervious surfaces would increase the volume of stormwater runoff from the site during rainstorms, which could affect local waterways and drainage systems. However, the project is subject to hydromodification requirements for stormwater retention on site (as described in detail in Section 4.9 Hydrology and Water Quality). The project also includes bioretention planters and at-grade planters with a total storage capacity of 7,169 cubic feet for stormwater, with a depth of ponding up to 10 inches. Excess flow would discharge to a stormwater detention basin located north of Building A, where it would be released at the same rate as under existing conditions.

The project's stormwater control plan is subject to review and approval by the City of San José Public Works Department to ensure consistency with the requirements of the NPDES permit and hydromodification requirements. With implementation of an approved stormwater control plan and construction of adequately sized bio-retention features, the proposed project would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems. **(Less than Significant Impact)**

4.16.3.4 *Solid Waste (Checklist Questions f and g)*

The project would intensify the uses on the site and increase the amount of solid waste generation compared to existing conditions. It is estimated the project would generate approximately 810 pounds of solid waste per day.[45] The General Plan FPEIR concluded the increase in waste generated from buildout of the General Plan would not exceed the capacity of existing landfills that serve the City. The project is consistent with the development assumed for the site in the General Plan and General Plan FPEIR. Further, uses on the site would be subject to the City's San José Zero Waste Strategic Plan/Green Vision, with its aggressive waste and recycling goals, including zero waste by 2022. For these reasons, the proposed project would not result in significant impacts on solid waste disposal capacity. **(Less than Significant Impact)**

[45] Based on a waste generation rate of four pounds per unit per day and 3.45 pounds per employee per day. CalRecycle. "Disposal and Diversion Rates for Business Groups." 2013. Accessed October 10, 2017. https://www2.calrecycle.ca.gov/WasteCharacterization/BusinessGroupRates.

4.16.4 Conclusion

The project would not require result in significant utility and service systems impacts. **(Less than Significant Impact)**

4.17 MANDATORY FINDINGS OF SIGNIFICANCE

4.17.1 Environmental Checklist

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a)	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐	1-22
b)	Does the project have impacts that are individually limited, but cumulatively considerable (cumulatively considerable means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐	1-22
c)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐	1-22

4.17.2 Project Impacts (Checklist Question a)

As discussed within this Initial Study, the proposed project would not degrade the quality of the environment with the implementation of identified standard permit conditions and mitigation measures. As discussed in Section 4.4, Biological Resources, the project includes measures to avoid impacts to bats, migratory birds, serpentine habitat, and the Santa Clara Valley dudleya (which is a special-status plant species). With implementation of mitigation measures and payment of fees under the Habitat Plan, the project would not impact sensitive habitat or species. While there may be historic archaeological resources near the on-site residences, implementation of the identified mitigation measures and standard permit conditions in Section 4.5 Cultural Resources, would avoid or reduce impacts to cultural resources to a less than significant level. **(Less than Significant Impact with Mitigation)**

4.17.3 Cumulative Impacts (Checklist Question b)

The project would not impact agricultural, forestry, or mineral resources. Therefore, the project would not contribute to cumulative impacts to these resources.

There are no planned or proposed developments in the immediate project site vicinity that could contribute to cumulative aesthetic and noise and vibration impacts.

The project's geology and soils, hazardous materials, hydrology and water quality, and noise impacts are specific to the project site and would not contribute to cumulative impacts elsewhere. A minor increase in the number of jobs at the site (with the proposed approximately 55 employees) would not result in a contribution to a cumulative impact. The project would not add significant trips to the local roadways such that, when considered in combination with other projects, would result in a significant impact.

The project would emit criteria air pollutants and GHG emissions and contribute to the overall regional and global emissions of such pollutants. By its very nature, air pollution and GHG emissions are largely a cumulative impact. The project-level air quality thresholds identified by BAAQMD (which the project's impacts were compared to in Section 3.3) are the basis for determining whether a project's individual impact is cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions. As discussed in Section 3.3, the project would have a less than significant impact on air quality. For this reason, the project would have a less than significant cumulative impact on air quality overall.

As discussed in Section 3.7 Greenhouse Gas Emissions, near-term development at the site would not conflict with 2020 GHG reduction target; however, as disclosed within the Final Supplemental Program EIR, development in San José in the 2030 to 2035 mid-term timeframe could contribute to projected GHG emissions impacts. **(Less than Significant Cumulative Impact)**

4.17.4 Direct or Indirect Adverse Effects on Human Beings (Checklist Question c)

With the implementation of the mitigation measures described in the specific sections of this Initial Study, the proposed project would not result in substantial adverse effects on human beings. **(Less than Significant Impact)**

4.17.5 Conclusion

With the implementation of the mitigation measures and standard permit conditions included in the project, the proposed project would not result in significant environmental impacts. **(Less than Significant Impact with Mitigation)**

Checklist Sources

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SECTION 6.0 LEAD AGENCY AND CONSULTANTS

6.1 LEAD AGENCY

City of San José
Department of Planning, Building, and Code Enforcement
Rosalynn Hughey, Acting Director
John Tu, Supervising Planner
David Keyon, Supervising Environmental Planner
Thai-Chau Le, Environmental Planner

6.2 CONSULTANTS

David J. Powers & Associates, Inc.
Environmental Consultants and Planners
Judy Shanley, Principal
Amie Ashton, Project Manager
Zachary Dill, Graphics Artist

Archaeological Resource Management
Cultural Resources Consultant
Dr. Robert R. Cartier, Principal Investigator

Cornerstone Earth Group
Hazardous Materials Consultant
Kurt Soenen, Principal Engineer
Stason Foster, Senior Project Engineer
Ron Helm, Senior Principal Geologist

Hexagon Transportation Consultants, Inc.
Transportation Engineers & Consultants
Robert Del Rio, Transportation Engineer

HortScience, Inc.
Arborist
John Leffingwell, Arborist

H.T. Harvey & Associates
Ecological Consultants
Stephen Rottenborn, Principal Wildlife Ecologist

Illingworth & Rodkin,
Acoustics and Air Quality
James A. Reyff, Principal Air Quality
William Popenuck, Project Manager
Michael Thill, Principal Acoustics

Langan Treadwell Rollo
Geotechnical and Geologic Investigation
John Gouchon, G.E., Principal
Joshua MacCallister, Staff Engineer