

INITIAL STUDY

for

**FOURTH and ST. JOHN GENERAL PLAN
AMENDMENT & REZONING**

City File Nos.: GP16-013 and C17-032



**CITY OF SAN JOSÉ
CALIFORNIA**

October 2017

NEGATIVE DECLARATION

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

NAME OF PROJECT: Fourth and St. John General Plan Amendment and Rezoning

PROJECT FILE NUMBER: GP16-013 & C17-032

PROJECT DESCRIPTION: The project proposes a General Plan Amendment to include the project site within the Downtown Growth Area and to change the General Plan Land Use Designation from Residential Neighborhood and Transit Residential to Downtown. The project also proposes a conventional rezoning of the site from CG Commercial General Zoning District to the Downtown Primary Commercial Zoning District.

PROJECT LOCATION: Northeast corner of Fourth Street and St. John Street in San José

ASSESSORS PARCEL NO.: 467-20-019, 020, 021, 022, and 040

COUNCIL DISTRICT: 3

APPLICANT CONTACT INFORMATION: Brent Lee, 152 N. 3rd Street, Suite M, San José, CA 95112

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 no significant effects on the environment.

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

- A. **AESTHETICS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- B. **AGRICULTURE AND FOREST RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- C. **AIR QUALITY** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- D. **BIOLOGICAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- E. **CULTURAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- F. **GEOLOGY AND SOILS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- G. **GREENHOUSE GAS EMISSIONS** – The project will not have a significant impact on this resource, therefore no mitigation is required.

- H. **HAZARDS AND HAZARDOUS MATERIALS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- I. **HYDROLOGY AND WATER QUALITY** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- J. **LAND USE AND PLANNING** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- K. **MINERAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- L. **NOISE** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- M. **POPULATION AND HOUSING** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- N. **PUBLIC SERVICES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- O. **RECREATION** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- P. **TRANSPORTATION / TRAFFIC** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- Q. **UTILITIES AND SERVICE SYSTEMS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- R. **MANDATORY FINDINGS OF SIGNIFICANCE** – The project will not substantially reduce the habitat of a fish or wildlife species, be cumulatively considerable, or have a substantial adverse effect on human beings, therefore no mitigation is required.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **Monday November 13, 2017** any person may:

1. Review the Draft Negative Declaration (ND) as an informational document only; or
2. Submit written comments regarding the information and analysis in the Draft ND. Before the ND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft ND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final ND.

Rosalynn Hughey, Interim Director
Planning, Building and Code Enforcement

Date

Deputy

Circulation period: Tuesday October 24, 2017 to Monday November 13, 2017

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Chapter 1. Background Information

PROJECT DATA

1. **Project Title:** Fourth and St. John General Plan Amendment and Rezoning
2. **Lead Agency Name and Address:** City of San José Planning, Building and Code Enforcement, 200 E. Santa Clara Street, San José, CA 95113
3. **Project Applicant:** Brent Lee, 152 N. 3rd Street, Suite M, San José, CA 95112 Project Representative: Erik E. Schoennauer, The Schoennauer Company, LLC, 90 Hawthorne Way, San José, CA 95110 (408) 947-7774
4. **Project Location:** The project is located on approximately 0.91 gross acre site at the northeast corner of Fourth Street and St. John Street. The project site is currently occupied by parking areas and two vacant single family homes.

Assessor's Parcel Numbers (APNs): 467-20-019, 020, 021, 022, and 040
City Council District: 3
5. **Project Description Summary:** The project proposes a General Plan Amendment to include the project site into the Downtown Growth Area and to change the General Plan land use designation on the site from *Residential Neighborhood* and *Transit Residential* to *Downtown*. The project also proposes rezoning of the site from General Commercial Zoning District to Downtown Primary Commercial Zoning District.
6. **Envision 2040 San José General Plan Designation:** *Residential Neighborhood* and *Transit Residential*
7. **Zoning Designation:** CG – Commercial General
8. **Habitat Conservation Plan Designations:**
Area 4: Urban Development Equal to or Greater than 2 Acres Covered
Land Cover: Urban-Suburban
Land Cover Fee Zone: Urban Areas (No Land Cover Fee)
9. **Surrounding Land Uses:**
 - North: Residential
 - South: Residential
 - East: Residential
 - West: Commercial, Residential

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Chapter 2. Project Description

PROJECT LOCATION

The project is proposed within the City limits of San José, in Santa Clara County (refer to Figure 1). The site is located on Assessor's Parcel Numbers (APNs) 467-20-019, 020, 021, 022, and 040 (refer to Figure 2). The project is proposed on an approximately 0.91 gross acre site located at the northeast corner of Fourth Street and St. John Street.

The project site is currently occupied by surface parking areas and two vacant single-family homes. The project site is located directly adjacent to the Downtown Growth Area to the west. An aerial photograph of the project site and surrounding area is presented in Figure 3.

PROJECT DESCRIPTION

The project proposes an Amendment to the Envision San José 2040 General Plan (General Plan) Land Use Transportation Diagram. This General Plan Amendment is proposed to incorporate the project site into the Downtown Growth Area and to change the General Plan land use designation on the site from *Residential Neighborhood* and *Transit Residential* to *Downtown*. The project also proposes rezoning of the site from General Commercial Zoning District to Downtown Primary Commercial Zoning District. No specific development is proposed at this time. Future development proposed on the site would be required to comply with the allowed land uses and goals of the General Plan Designation and Zoning District, and would require the issuance of appropriate development permits.

The proposed *Downtown* land use designation and expansion of the Downtown Growth Area boundary would allow up to 728 dwelling units on the project site or up to 1,189,200 square feet of commercial/office uses. This designation does not have a minimum residential density range (DU/AC) in order to facilitate mixed-use projects that may include small amounts of residential in combination with significant amounts of non-residential use. Such mixed-use projects should be developed within the identified FAR range of up to 30. While this land use designation allows up to 800 dwelling units to the acre, achievable densities may be much lower in a few identified areas to ensure consistency with the Santa Clara County Comprehensive Land Use Plan (CLUP) for Norman Y. Mineta San José International Airport.

PROJECT SCHEDULE

The project is a General Plan Amendment and rezoning; no specific development is proposed at this time.

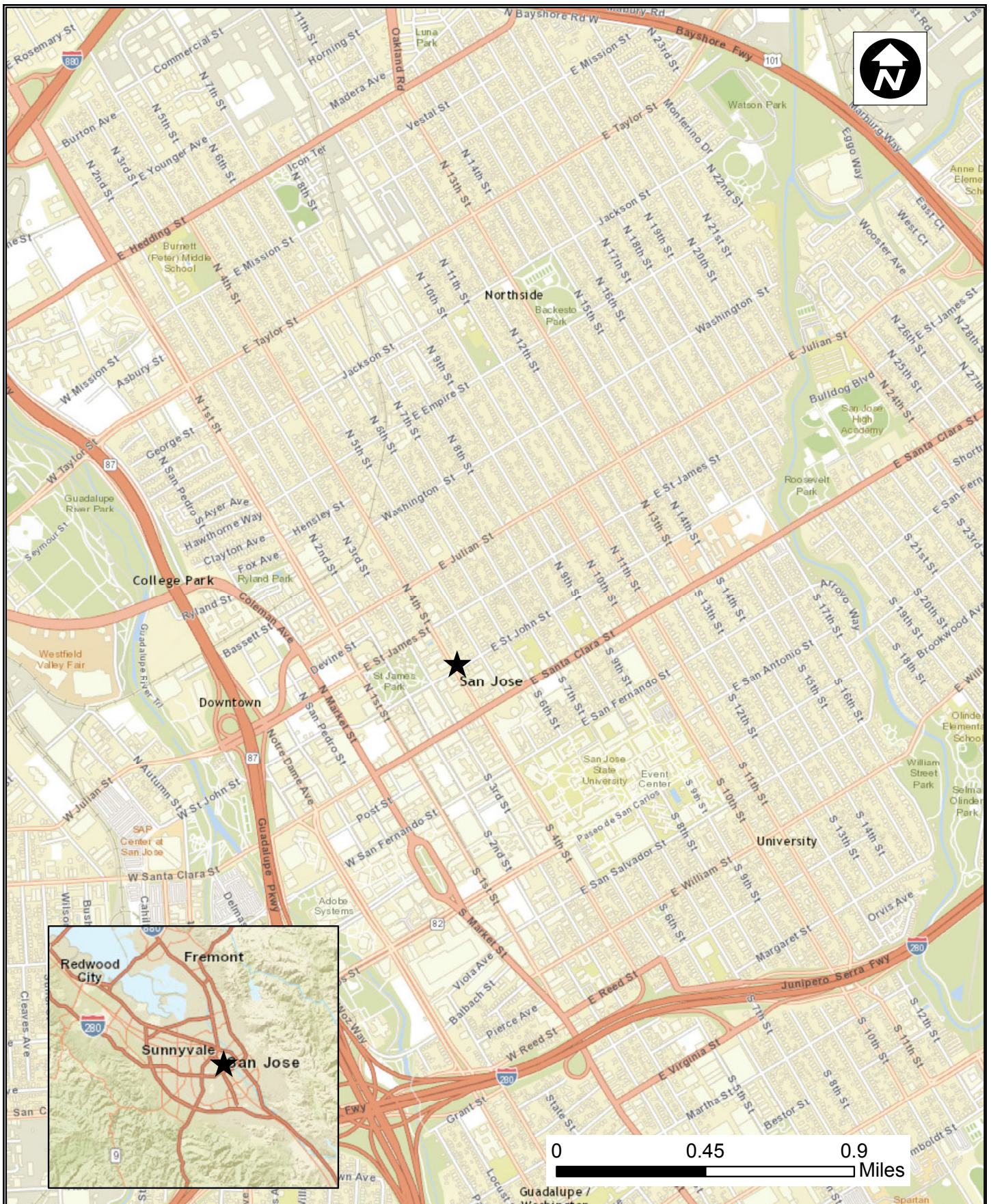
PROJECT OBJECTIVES

The objective of the project is to amend the City of San José Envision 2040 General Plan and rezone the site to allow increased development densities on the site in the future.

PROJECT APPROVALS

The project will require the following approvals:

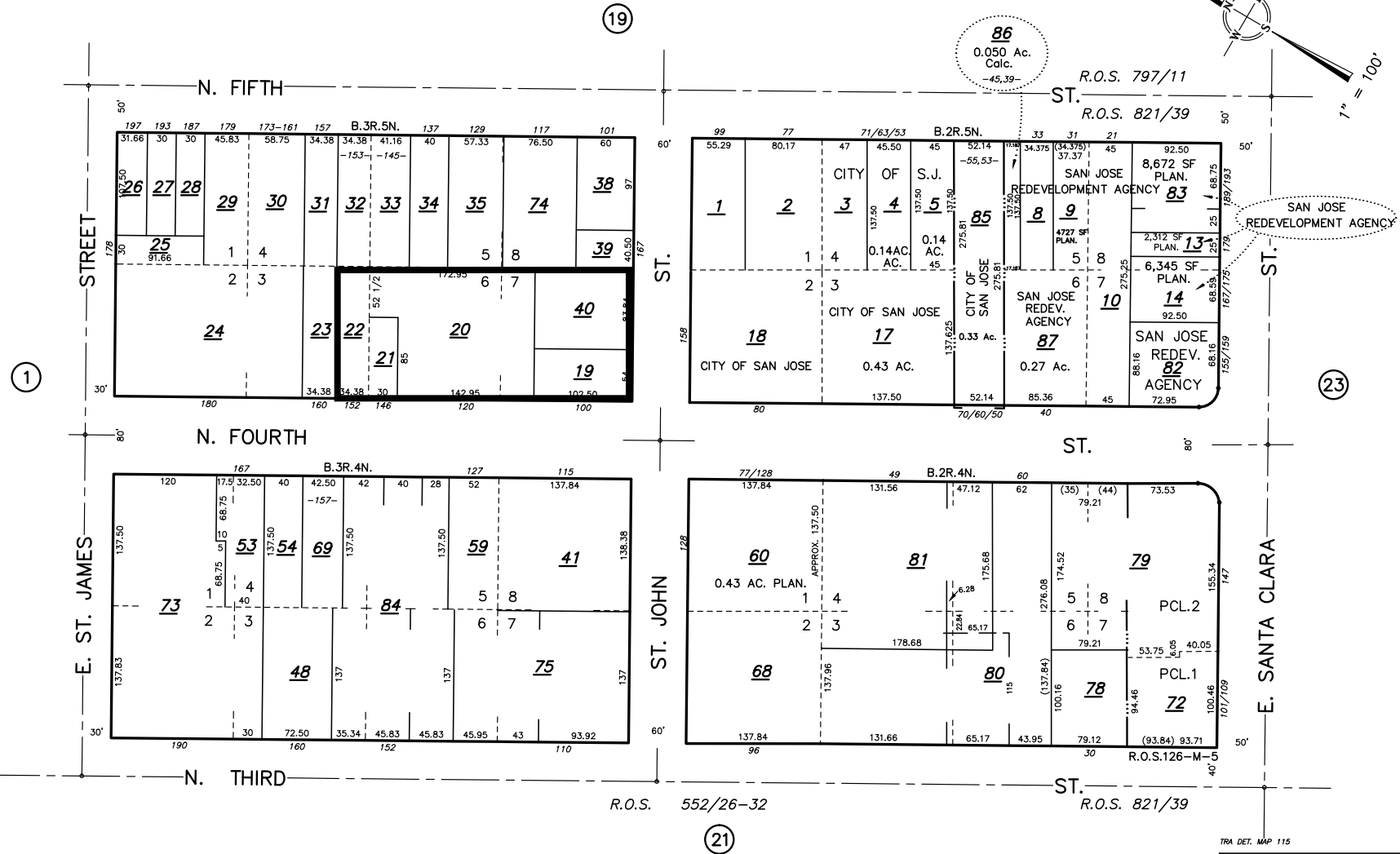
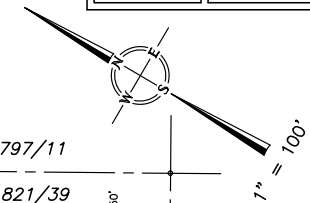
- City of San José – Environmental Clearance, General Plan Amendment, Rezoning



Location Map

Figure
1

Fourth/St. John
Initial Study



LAWRENCE E. STONE - ASSESSOR
Cadastral map for assessment purposes only.
Compiled under R. & T. Code, Sec. 327.
Effective Roll Year 2015-2016

Source: Office of the Assessor, County of Santa Clara, 2017

APN Map

Figure
2

Fourth/St. John
Initial Study



<p>Aerial Map</p> <p>Fourth/St. John Initial Study</p>	<p>Figure 3</p>
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Photo 1. Project site from 4th Street. Taken from the southwest corner of the site, facing northeast.



Photo 2. Project site from St. John Street. Taken from southeast corner of the site, facing northwest.



Photo 3. Project site from intersection of St. John Street and 4th Street. Taken from southern corner of the site, facing north.



Photo 4. View of the two vacant single-family residences on the northwest corner of the site.

Source: Google, 2017

Photos of Site and Surrounding Areas

Fourth/St. John
Initial Study

Figure
4a



Photo 5. View of development west of the project site, taken from 4th Street looking northwest.



Photo 6. View of development north of the project site, taken from 4th Street looking northeast.



Photo 7. View of development south of the project site, taken from the corner of 4th and St. John Streets looking southeast.



Photo 8. View of development east of the project site, taken from St. John Street looking northeast.

Source: Google, 2017

Photos of Site and Surrounding Areas

Fourth/St. John
Initial Study

Figure
4b

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Chapter 3. Environmental Evaluation

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The key environmental factors potentially impacted by the project are identified below and discussed within Chapter 3. Environmental Setting and Impacts. Sources used for analysis of environmental effects are cited in parenthesis after each discussion, and are listed in Chapter 4. References.

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

EVALUATION OF ENVIRONMENTAL IMPACTS

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

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

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

4. “Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level mitigation measures.

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

- a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
- a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

ENVIRONMENTAL SETTING AND IMPACTS

The following section describes the environmental setting and identifies the environmental impacts anticipated from implementation of the proposed project. The criteria provided in the CEQA environmental checklist was used to identify potentially significant environmental impacts associated with the project. Sources used for the environmental analysis are cited in the checklist and listed in Chapter 4 of this Initial Study.

A. AESTHETICS

Setting

The project site is located on a developed parcel within an urbanized area of San José. The property is occupied by parking areas and two vacant single family homes. The project site is bordered by the following uses:

- North: Residential
- East: Residential
- West: Residential, commercial
- South: Residential

Photographs of the property and surrounding area are presented in Figure 4, and an aerial of the project area is provided in Figure 3. As shown in the photos, the project site contains parking areas and two vacant homes, one of which is boarded up. The site also contains eight trees scattered throughout the site.

The State Scenic Highways Program is designed to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. The project site is not located near any scenic highways. In addition, General Plan defines scenic vistas in the City of San José as views of and from the Santa Clara Valley, surrounding hillsides, and urban skyline. Scenic urban corridors, such as segments of major highways that provide gateways into the City, can also be defined as scenic resources by the City. The City of San José has many General Plan-designated scenic resources and routes. The designation of a scenic route applies to routes affording especially aesthetically pleasing views. The project property is not located along any scenic corridors per the City's Scenic Corridors Diagram.

The City of San José's Outdoor Lighting Policy (City Council Policy 4-3) promotes energy efficient outdoor lighting on private development to provide adequate light for nighttime activities while benefiting the continued enjoyment of the night sky and continuing operation of the Lick Observatory by reducing light pollution and sky glow.

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating aesthetic impacts from development projects. All future development allowed by the proposed land use designation would be subject to the aesthetic policies in the General Plan presented below.

Envision San José 2040 Relevant Aesthetic Policies	
Policy CD-1.1	Require the highest standards of architecture and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
Policy CD-1.13	Use design review to encourage creative, high-quality, innovative, and distinctive architecture that helps to create unique, vibrant places that are both desirable urban places to live, work, and play and that lead to competitive advantages over other regions.

Envision San José 2040 Relevant Aesthetic Policies	
Policy CD-1.17	Minimize the footprint and visibility of parking areas. Where parking areas are necessary, provide aesthetically pleasing and visually interesting parking garages with clearly identified pedestrian entrances and walkways. Encourage designs that encapsulate parking facilities behind active building space or screen parked vehicles from view from the public realm. Ensure that garage lighting does not impact adjacent uses, and to the extent feasible, avoid impacts of headlights on adjacent land uses.
Policy CD-1.23	Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.
Policy CD-4.5	For new development in transition areas between identified Growth Areas and non-growth areas, use a combination of building setbacks, building step-backs, materials, building orientation, landscaping, and other design techniques to provide a consistent streetscape that buffers lower-intensity areas from higher intensity areas and that reduces potential shade, shadow, massing, viewshed, or other land use compatibility concerns.
Policy CD-4.9	For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).
Policy CD-8.1	Ensure new development is consistent with specific height limits established within the City's Zoning Ordinance and applied through the zoning designation for properties throughout the City. Land use designations in the Land Use/Transportation Diagram provide an indication of the typical number of stories.

Impacts and Mitigation

Thresholds per CEQA Checklist

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

Explanation

- a) **Less Than Significant Impact.** The project site is located in an urbanized location near downtown. Future development is not expected to significantly impact any scenic vistas.
- b) **No Impact.** The project site is not located within any City or state-designated scenic routes.
- c) **Less Than Significant Impact.** The project is limited to a General Plan Amendment and rezoning, which would not alter the existing visual character or quality of the site and its surroundings. Future development of the project site would alter the existing visual character of the property and its surroundings by introducing more dense urban development than what currently exists on the property. The project site is surrounded by residential and commercial uses including one to two-story buildings. Future development on the site will be subject to the Downtown Design Guidelines, Zoning Ordinance, General Plan policies, Municipal Code standards, and other relevant regulations to assure high quality design. Thus, future development would not substantially degrade the existing visual character or quality of the site and its surroundings.
- d) **Less Than Significant Impact.** The project site is located in an area of existing ambient night lighting associated with the surrounding uses. Future development on the site could increase nighttime lighting in the area. However, this impact would be less-than-significant with compliance with the City's outdoor lighting policies, including the City's Outdoor Lighting Policy for Private Development (Council Policy 4-3).

Conclusion: Implementation of the General Plan Policies and City's development guidelines would ensure that future development on the site would have a less-than-significant impact on aesthetics.

B. AGRICULTURAL AND FOREST RESOURCES

Setting

The project site is currently occupied by two residences and parking areas. The site also contains eight scattered trees.

Regulatory Background

In California, agricultural land is given consideration under CEQA. According to Public Resources Code §21060.1, “agricultural land” is identified as prime farmland, farmland of statewide importance, or unique farmland, as defined by the U.S. Department of Agriculture land inventory and monitoring criteria, as modified for California. CEQA also requires consideration of impacts on lands that are under Williamson Act contracts. The project area is identified as “urban/built-up land” on the Santa Clara County Important Farmlands Map.

CEQA requires the evaluation of forest and timber resources where they are present. The site does not contain any forest land as defined in Public Resources Code section 12220(g), timberland as defined by Public Resources Code section 4526, or property zoned for Timberland Production as defined by Government Code section 51104(g).

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating agricultural impacts from development projects. All future development allowed by the proposed land use designation would be subject to the agricultural policies in the General Plan presented below.

Envision San José 2040 Relevant Agricultural Resources Policies	
Policy LU-12.3	<p>Protect and preserve the remaining farmlands within San José’s sphere of influence that are not planned for urbanization in the timeframe of the Envision General Plan through the following means:</p> <ul style="list-style-type: none">• Limit residential uses in agricultural areas to those which are incidental to agriculture.• Restrict and discourage subdivision of agricultural lands. Encourage contractual protection for agricultural lands, such as Williamson Act contracts, agricultural conservation easements, and transfers of development rights.• Prohibit land uses within or adjacent to agricultural lands that would compromise the viability of these lands for agricultural uses.• Strictly maintain the Urban Growth Boundary in accordance with other goals and policies in this Plan.
Policy LU-12.4	<p>Preserve agricultural lands and prime soils in non-urban areas in order to retain the aquifer recharge capacity of these lands.</p>

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
<p>2. AGRICULTURAL AND FOREST RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:</p>					
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?				X	4
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X	2
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))?				X	2
d) Result in the loss of forest land or conversion of forest land to non-forest uses?				X	2
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?				X	2

Explanation

- a) **No Impact.** The project site is an infill property designated as urban land on the Important Farmlands Map for Santa Clara County, and does not contain any prime farmland, unique farmland, or farmland of statewide importance. The project will not affect agricultural land.
- b) **No Impact.** The project site is an infill property and is not zoned for agricultural use and does not contain lands under Williamson Act contract; therefore, no conflicts with agricultural uses would occur from future development of the site.
- c) **No Impact.** The project would not impact forest resources since the site does not contain any forest land as defined in Public Resources Code section 12220(g), timberland as defined by Public Resources Code section 4526, or property zoned for Timberland Production as defined by Government Code section 51104(g).
- d) **No Impact.** See c) above. No other changes to the environment would occur from the project that would result in the loss of forest land or conversion of forest land to non-forest uses.

- e) **No Impact.** As per the discussion above, the proposed project would not involve changes in the existing environment which, due to their location or nature, could result in conversion of farmland or forest land, since none are present on this infill property.

Conclusion: The project and future development would have no impact on agricultural and forest resources.

C. AIR QUALITY

Setting

The project is located within the San Francisco Bay Area Air Basin. The Bay Area Air Quality Management District (BAAQMD) is the local agency authorized to regulate stationary air quality sources in the Bay Area. The Federal Clean Air Act and the California Clean Air Act mandate the control and reduction of specific air pollutants. Under these Acts, the U.S. Environmental Protection Agency and the California Air Resources Board have established ambient air quality standards for specific "criteria" pollutants, designed to protect public health and welfare. Primary criteria pollutants include carbon monoxide (CO), reactive organic gases (ROG), nitrogen oxides (NO_x), particulate matter (PM₁₀), sulfur dioxide (SO₂), and lead (Pb). Secondary criteria pollutants include ozone (O₃), and fine particulate matter (PM_{2.5}).

The U.S. EPA administers the National Ambient Air Quality Standards (NAAQS) under the Federal Clean Air Act. EPA sets the NAAQS and determines if areas meet those standards. Violations of ambient air quality standards are based on air pollutant monitoring data and judged for each air pollutant. Areas that do not violate ambient air quality standards are considered to have attained the standard. EPA has classified the region as a nonattainment area for the 8-hour O₃ standard and the 24-hour PM_{2.5} standard. The Bay Area has met the CO standards for over a decade and is classified as an attainment area by the U.S. EPA. The U.S. EPA has deemed the region as attainment/unclassified for all other air pollutants, which include PM₁₀. At the State level, the Bay Area is considered nonattainment for ozone, PM₁₀ and PM_{2.5}.

The BAAQMD is primarily responsible for assuring that the federal and state ambient air quality standards are attained and maintained in the Bay Area. The BAAQMD's May 2017 CEQA Air Quality Guidelines update the 2010 CEQA Air Quality Guidelines, addressing the California Supreme Court's 2015 opinion in the *California Building Industry Association vs. Bay Area Air Quality Management District* court case.

The BAAQMD, along with other regional agencies (e.g., ABAG and MTC), develop plans to reduce air pollutant emissions. The most recent clean air plan is the Bay Area 2017 Clean Air Plan: Spare the Air, Cool the Climate (2017 CAP), which was adopted by BAAQMD in April 2017. This is an update to the 2010 CAP, and centers on protecting public health and climate. The 2017 CAP identifies a broad range of control measures. These control measures include specific actions to reduce emissions of air and climate pollutants from the full range of emission sources and is based on the following four key priorities:

- Reduce emissions of criteria air pollutants and toxic air contaminants from all key sources.
- Reduce emissions of "super-GHGs" such as methane, black carbon, and fluorinated gases.
- Decrease demand for fossil fuels (gasoline, diesel, and natural gas).
- Decarbonize our energy system.

Toxic Air Contaminants

Toxic air contaminants (TACs) are a broad class of compounds known to cause morbidity or mortality (usually because they cause cancer). TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter near a freeway). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, state, and federal level.

Sensitive Receptors

The BAAQMD defines sensitive receptors as facilities where sensitive population groups are located, including residences, schools, childcare centers, convalescent homes, and medical facilities. Land uses such as schools and hospitals are considered to be more sensitive than the general public to poor air quality because of an increased susceptibility to respiratory distress within the populations associated with these uses. The closest sensitive receptors to the project site are multi-family apartments to the east and single-family residences immediately north, east, and south of the project site.

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating air quality impacts from development projects. All future development allowed by the proposed land use designation would be subject to the air quality policies in the General Plan presented below.

Envision San José 2040 Relevant Air Quality Policies	
Policy MS-10.1	Assess projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines and relative to state and federal standards. Identify and implement air emissions reduction measures.
Policy MS-10.2	Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region's Clean Air Plan and State law.
Policy MS-11.2	For projects that emit toxic air contaminants, require project proponents to prepare health risk assessments in accordance with BAAQMD-recommended procedures as part of environmental review and employ effective mitigation to reduce possible health risks to a less than significant level. Alternatively, require new projects (such as, but not limited to, industrial, manufacturing, and processing facilities) that are sources of TACs to be located an adequate distance from residential areas and other sensitive receptors.
Policy MS-11.5	Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.
Policy MS-13.1	Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.

Envision San José 2040 Relevant Air Quality Policies	
Policy CD-3.3	Within new development, create and maintain a pedestrian-friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
3. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?			X		2, 3
b) Violate any air quality standard or contribute to an existing or projected air quality violation?			X		2, 3
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?			X		2, 3
d) Expose sensitive receptors to substantial pollutant concentrations?			X		2, 3
e) Create objectionable odors affecting a substantial number of people?			X		2

Explanation

- a) **Less Than Significant Impact.** The project proposes a General Plan Amendment to change the land use designation from *Residential Neighborhood* and *Transit Residential* to *Downtown*, which would be consistent with the uses in the adjacent Downtown area. The project also proposes a rezoning from General Commercial Zoning District to Downtown Primary Commercial Zoning District. Using the BAAQMD's methodology, a determination of consistency with the 2017 CAP should demonstrate that a project: 1) supports the primary goals of the air quality plan; 2) includes applicable control measures from the air quality plan, and 3) does not disrupt or impede implementation of air quality plan control measures.

The project is a General Plan Amendment and rezoning that would allow for construction of additional residential and/or commercial/office uses within a developed area of San José near downtown. The General Plan Amendment proposes to incorporate the project site into the Downtown Growth Area and is well-served by public transit. The project would not result in a substantial increase in vehicle miles traveled by residents of San José and would be consistent with the 2017 CAP. Future development would incorporate applicable control measures consistent with the CAP.

- b) **Less Than Significant Impact.** The City of San José uses the thresholds of significance established by the BAAQMD to assess air quality impacts of proposed development. The BAAQMD CEQA Guidelines include screening levels and thresholds for evaluating air quality impacts in the Bay Area. The proposed land use designation change to *Downtown* and the expansion of the Downtown Growth Area boundary would allow up to 728 dwelling units or up to 1,189,200 square feet of commercial/office uses. No specific project is proposed at this time. When future development is proposed, a project-specific air quality assessment will be required to confirm conformance with the BAAQMD thresholds in compliance with General Plan Policy 10-1.

Construction of future development would temporarily generate fugitive dust in the form of PM₁₀ and PM_{2.5}. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soils. The BAAQMD CEQA Guidelines identify best management practices to minimize air pollutant emissions during construction. Future construction on the project site would implement these practices in accordance with General Plan Policies MS-13.1 and MS-13.2.

- c) **Less Than Significant Impact.** See discussion b) above. Non-attainment pollutants of concern for the San Francisco Bay Air Basin are ozone, PM₁₀, and PM_{2.5}. In developing thresholds of significance for air pollutants, BAAQMD considers the emission levels for which a project's individual emissions would be cumulatively considerable. If a project exceeds the significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions. Future construction on the site would be required to implement BAAQMD's Best Management Practices for dust control in accordance with the City's General Plan Policies MS-13.1 and MS-13.2.
- d) **Less Than Significant Impact.** Future development could introduce new sensitive receptors (residential uses) to the area. In addition, construction activity would generate dust and diesel equipment exhaust on a temporary basis that could adversely affect nearby sensitive receptors. A health risk assessment would be required for future development on the site in accordance with the City's General Plan Policy MS-11.2 to identify potential health risks and mitigation measures as needed.
- e) **Less Than Significant Impact.** Implementation of the proposed General Plan Amendment and rezoning would not create objectionable odors affecting a substantial number of other residential uses near the site. Future development on the site is not expected to create any permanent new sources of odor and would not be located in an area affected by existing or planned odor-generating sources. During future construction activities, use of diesel powered vehicles and equipment could temporarily generate localized odors; however these odors would be temporary and would cease upon project completion.

Conclusion: Implementation of General Plan policies and BAAQMD Guidelines would ensure that future development would have a less-than-significant impact on air quality.

D. BIOLOGICAL RESOURCES

Setting

The project site is located within an urbanized area adjacent to downtown San José. The existing property is developed with buildings and pavement and contains eight trees, six of which are ordinance size trees. Due to the disturbed and developed nature of the site, the property has a low habitat value.

The City of San José's Municipal Code (Title 13) regulates the removal of trees, including any live or dead woody perennial plant, having a main stem or trunk 56 inches or more in circumference (18 inches in diameter) at a height of 24 inches above the natural grade slope. In addition, City-designated heritage trees are considered sensitive resources. A heritage tree is any tree located on private property, which because of factors including (but not limited to) history, girth, height, species, or unique quality has been found by the City Council to have special significance to the community. It is unlawful to vandalize, mutilate, remove or destroy heritage trees. The project site does not contain any City-designated heritage trees.

An arborist report was prepared for the project site by Jake Minnick, ISA Certified Arborist (March 24, 2017), and is provided in Appendix A. The results of the tree survey are presented in Table 1 below. The site contains eight trees, ranging in diameter from 10.2 to 27.7 inches. Of these, six trees exceed 18 inches in diameter and are considered to be ordinance size. There are no designated heritage trees on the site. A description of the trees by type, size, and general condition is provided in Table 1 below.

Table 1 Tree Survey Results				
No.	Common Name	Botanical Name	Diameter (Inches)	Ordinance Size (Y/N)
1	Mexican Fan Palm	<i>Washingtonia robusta</i>	27.7	Y
2	Mexican Fan Palm	<i>Washingtonia robusta</i>	23.0	Y
3	Mexican Fan Palm	<i>Washingtonia robusta</i>	18.8	Y
4	Jacaranda	<i>Jacaranda mimosifolia</i>	12.2	N
5	Mexican Fan Palm	<i>Washingtonia robusta</i>	22.1	Y
6	Angel's Trumpet	<i>Brugmansia "Charles Grimaldi"</i>	10.2	N
7	Tree of Heaven	<i>Ailanthus altissima</i>	27.1	Y
8	London Plane	<i>Platanus acerifolia</i>	21.7	Y
Source: Jake Minnick, ISA Certified Arborist #WE-11830A, March 24, 2017				

Santa Clara Valley Habitat Plan/Natural Communities Conservation Plan

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

Area 4: Urban Development Equal to or Greater than 2 Acres Covered
Land Cover: Urban-Suburban
Land Cover Fee Zone: Urban Areas (No Land Cover Fee)

Special Status Species

Special-status species are those plants and animals that have been formally listed or proposed for listing as Endangered or Threatened, or are Candidates for such listing under the federal Endangered Species Act (ESA) or the California Endangered Species Act (CESA). Listed species are afforded legal protection under the ESA and CESA. Species that meet the definition of Rare or Endangered under the CEQA Section 15380 are also considered special-status species. Animals on the CDFG's list of "species of special concern" (most of which are species whose breeding populations in California may face extirpation if current population trends continue) meet this definition and are typically provided management consideration through the CEQA process, although they are not legally protected under the ESA or CESA. Additionally, the CDFG includes some animal species that are not assigned any of the other status designations in the CNDDDB "Special Animals" list. The CDFG considers the taxa on this list to be those of greatest conservation need, regardless of their legal or protection status.

Plants listed as rare under the California Native Plant Protection Act (CNPPA) or on the California Native Plant Society (CNPS) lists are also treated as special-status species. In general, CDFG considers plant species on List 1 (List 1A [Plants Presumed Extinct in California] and List 1B [Plants Rare, Threatened, or Endangered in California and Elsewhere]), or List 2 (Plants Rare, Threatened, or Endangered in California, But More Common Elsewhere) of the CNPS Inventory of Rare and Endangered Vascular Plants of California (CNPS, 2010) as qualifying for legal protection under this CEQA provision. In addition, species of vascular plants, bryophytes, and lichens listed as having special-status by CDFG are considered special-status plant species.

Raptors (e.g., eagles, hawks, and owls) and their nests are protected under both federal and state laws and regulations. The federal Migratory Bird Treaty Act (MBTA) of 1918 and CDFG Code Section 3513 prohibit killing, possessing, or trading migratory birds except in accordance with regulation prescribed by the Secretary of the Interior. Birds of prey are protected in California under CDFG Code Section 3503.5. Section 3503.5 states that it is "unlawful to take, possess, or destroy the nest or eggs of any such bird except otherwise provided by this code or any regulation adopted pursuant thereto." In addition, fully protected species under the DFG Code Section 3511 (birds), Section 4700 (mammals), Section 5515 (fish), and Section 5050 (reptiles and amphibians) are also considered special-status animal species. Species with no formal special-status designation but thought by experts to be rare or in serious decline are also considered special-status animal species (DFG, 2012).

The project site is developed and does not contain special-status species, with the possible exception of nesting raptors and birds protected under the MBTA.

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating biological resource impacts from development projects. All future development allowed by the proposed land use designation would be subject to the biological resource policies in the General Plan presented below.

Envision San José 2040 Relevant Biological Resource Policies	
Policy CD-1.24	Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Avoid any adverse effect on the health and longevity of such trees through design measures, construction, and best maintenance practices. When tree preservation is not feasible, include replacements or alternative mitigation measures in the project to maintain and enhance our Community Forest.
Policy ER-5.1	Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.
Policy ER-5.2	Require that development projects incorporate measures to avoid impacts to nesting migratory birds.
Policy MS-21.4	Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.
Policy MS-21.5	As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.
Policy MS-21.6	As a condition of new development, require, where appropriate, the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.
Policy MS-21.8	For Capital Improvement Plan or other public development projects, or through the entitlement process for private development projects, require landscaping including the selection and planting of new trees to achieve the following goals: <ol style="list-style-type: none">1. Avoid conflicts with nearby power lines.2. Avoid potential conflicts between tree roots and developed areas.3. Avoid use of invasive, non-native trees.4. Remove existing invasive, non-native trees.5. Incorporate native trees into urban plantings in order to provide food and cover for native wildlife species.6. Plant native oak trees and native sycamores on sites which have adequately sized landscape areas and which historically supported these species.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
4. BIOLOGICAL RESOURCES. 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 or U.S. Fish and Wildlife Service?			X		1, 2
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				X	1, 2
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?				X	1, 2
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X		1, 2
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X		1, 2
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?			X		1, 2

Explanation

- a) **Less Than Significant Impact.** The project site is located in an urban area developed with buildings, pavement, and scattered trees. No sensitive habitats or habitats suitable for special-status plants or wildlife species occur within or adjacent to the project site. The project site is considered to have a low habitat value, due to the developed nature of the property and high human activity levels surrounding the property.

The site does, however, contain mature trees that could provide habitat for nesting raptors and other birds. Nesting birds are among the species protected under provisions of the Migratory Bird Treaty Act and California Fish and Game Code Sections 3503, 3503.5, and 2800. Future development of the site during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes abandonment and/or loss of reproductive effort is considered a taking. Future construction activities, such as tree removal and site grading, would be

required to avoid and/or reduce impacts to nesting birds (if present on or adjacent to the site) through completion of pre-construction bird surveys, consistent with General Plan Policies ER-5.1 and ER-5.2.

- b) **No Impact.** The project site is developed and highly disturbed, and does not contain any riparian or sensitive natural communities.
- c) **No Impact.** The project site does not contain any wetland resources; therefore, the proposed project and future development would not adversely affect federally protected wetlands as defined by Section 404 of the Clean Water Act.
- d) **Less Than Significant Impact.** Given the project site's location in a highly urban setting, and that the property does not contain any watercourse, river, or habitat that facilitates the movement of any native resident or migratory fish or wildlife species, the project and future development would not substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
- e) **Less Than Significant Impact.** The project site contains eight trees, ranging in diameter from 10.2 to 27.7 inches. Of these, six trees exceed 18 inches in diameter and are considered to be ordinance size. There are no designated heritage trees on the site. A description of the trees by type, size, and general condition is provided in Table 1 above. Future development on the site that would require tree removal would be subject to City Policies and the City's Tree Removal Ordinance. The species of trees to be planted shall be determined in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement at the development permit phase. Tree replacement would occur on-site in accordance with the City's tree replacement ratios presented below, or the applicant will pay an in-lieu fee to Our City Forest to compensate for the loss of trees on-site.

Diameter of Tree to be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
18 inches or greater	5:1	4:1	3:1	24-inch box
12-17 inches	3:1	2:1	none	24-inch box
Less than 12 inches	1:1	1:1	none	15-gallon container
x:x = tree replacement to tree loss ratio Note: Trees greater than 18" diameter shall not be removed unless a tree removal permit, or equivalent, has been approved for the removal of such trees. Replacement trees are to be above and beyond standard landscaping; required street trees do not count as replacement trees.				

- f) **Less Than Significant Impact.** The project is located within the boundaries of the Santa Clara Valley HCP. No covered species are known or expected to occur within the project site. Future development on the site will be subject to relevant HCP fees, including the nitrogen deposition fee, and conditions as applicable.

Conclusion: Implementation of General Plan policies, HCP requirements, and state and federal laws would ensure that future development would have a less-than-significant impact on biological impacts.

E. CULTURAL RESOURCES

Setting

Archaeological Resources

An archaeological literature review was completed for the project site by Holman & Associates (March 9, 2017), which included a search of the Northwest Information Center (NWIC) at Sonoma State University.

No cultural resources are recorded within the project site, nor are any cultural resources listed in federal, state, or local listings. No nearby archaeological sites are recorded. In this portion of San José, Native American sites have been identified within a half mile of the Guadalupe River. Other archaeological sites in San José have been recorded close proximity to springs and wetlands, with isolated burials also encountered. Approximately 60% of these Native American cultural resources were buried under alluvium or historical/recent layers. The project site is located about 0.65 miles from the Guadalupe River on part of large valley terrace. In addition, recent archaeological monitoring conducted for a nearby property suggests that there is a moderate to high potential for Native American archaeological resources on the project site.

Native American Heritage Commission (NAHC)

The NAHC was created by statute in 1976, is a nine-member body appointed by the Governor to identify and catalog cultural resources (i.e., places of special religious or social significance to Native Americans, and known graves and cemeteries of Native Americans on private lands) in California. The Commission is responsible for preserving and ensuring accessibility of sacred sites and burials, the disposition of Native American human remains and burial items, maintaining an inventory of Native American sacred sites located on public lands, and reviewing current administrative and statutory protections related to these sacred sites.

California Assembly Bill (AB) 52

AB 52 went into effect on July 1, 2015, and establishes a new category of CEQA resources for “tribal cultural resources” (Public Resources Code §21074). The intent of AB 52 is to provide a process and scope that clarifies California tribal government’s involvement in the CEQA process, including specific requirements and timing for lead agencies to consult with tribes on avoiding or mitigating impacts to tribal cultural resources. AB 52 also creates a process for consultation with California Native American Tribes in the CEQA process. Tribal Governments can request consultation with a lead agency and give input into potential impacts to tribal cultural resources before the agency decides what kind of environmental assessment is appropriate for a proposed project. The Public Resources Code requires avoiding damage to tribal cultural resources, if feasible. If not, lead agencies must mitigate impacts to tribal cultural resources to the extent feasible. The City of San José sent notification letters to a list of Native American contacts provided by the NAHC in compliance with AB 52 and Senate Bill (SB) 18.¹ At the time of preparation of this Initial Study, the City of San José had yet to receive any requests for notification from tribes.

¹ SB 18 requires local governments to consult with tribes prior to making certain planning decisions and to provide notice to tribes at certain key points in the planning process. These consultation and notice requirements apply to approvals and amendments of both general plans and specific plans.

Historical Resources

The project site contains two homes that are over 45 years in age. These homes have not been recorded in the National Register of Historic Places, the California National Register of Historic Resources, or the San José Historic Resources Inventory.

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating cultural resource impacts from development projects. All future development allowed by the proposed land use designation would be subject to the cultural resource policies in the General Plan presented below.

Envision San José 2040 Relevant Cultural Resource Policies	
Policy LU-13.22	Require the submittal of historic reports and surveys prepared as part of the environmental review process. Materials shall be provided to the City in electronic form once they are considered complete and acceptable.
Policy LU-14.4	Discourage demolition of any building or structure listed on or eligible for the Historic Resources Inventory as a Structure of Merit by pursuing the alternatives of rehabilitation, re-use on the subject site, and/or relocation of the resource.
Policy ER-10.1	For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.
Policy ER-10.2	Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.
Policy ER-10.3	Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS		Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
5. CULTURAL RESOURCES. Would the project:						
a)	Cause a substantial adverse change in the significance of a historical resource as defined in CEQA 15064.5?			X		1, 2
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA 15064.5?			X		1, 2, 6

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X		1, 2
d) Disturb any human remains, including those interred outside of formal cemeteries?			X		1, 2
TRIBAL CULTURAL RESOURCES: Would the project:					
e) Cause a substantial adverse change in the significance of a tribal cultural resources, 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 Historic Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or			X		1, 2, 6
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 the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.			X		1, 2, 6

Explanation

- a) **Less Than Significant Impact.** The project site contains two vacant residential buildings that are over 45 years of age. These structures have not been recorded in the National Register of Historic Places, the California National Register of Historic Resources, or the San José Historic Resources Inventory. Future development of the site would be subject to General Plan Policy LU-13.22, which requires the submittal of historic reports and surveys as part of the environmental review process.
- b) **Less Than Significant Impact.** The archaeological study for the project site indicates that there is moderate to high potential for Native American archaeological resources on the project site. Future development on the site would be subject to General Plan Policies ER-10.2 and ER-10.3, to reduce or avoid impacts to subsurface cultural resources. Future development would be required to comply with the following conditions in accordance with the City's General Plan Policies ER-10.2 and ER-10.3.
- 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 Director of Planning, Building and Code Enforcement shall be notified, and the archaeologist will examine the find and make appropriate recommendations prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings

documenting any data recovery during monitoring would be submitted to the Director of Planning, Building and Code Enforcement.

- In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped. The Santa Clara County Coroner shall be notified and make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC) immediately. Once the NAHC identifies the most likely descendants, the descendants will make recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.
- c) **Less Than Significant Impact.** The project site is disturbed and not known to contain any paleontological resources. Future development of the project site has a low potential to impact undiscovered paleontological resources, based on the age and type of surface soils. However, future development on the site would comply with General Plan Policy ER-10.3 to reduce and avoid impacts to as yet unidentified paleontological resources.
- d) **Less Than Significant Impact.** Though unlikely, human remains may be encountered during construction activities for future development. See b) above.
- e) **Less Than Significant Impact.** Tribal cultural resources consider the value of a resource to tribal cultural tradition, heritage, and identity in order to establish potential mitigation, and to recognize that California Native American tribes have expertise concerning their tribal history and practices. No tribal cultural resources have been listed or determined eligible for listing in the California Register or a local register of historical resources. Further, notification as part of SB 18 requirements was conducted by the City with applicable Santa Clara County tribal representatives identified by the NAHC in compliance with AB 52 and SB 18. At the time of preparation of this Initial Study, no Native American tribes that are or have been traditionally culturally affiliated with the project vicinity have requested notification from the City of San José.

The archaeological report for the project site concluded that the property has a moderate to high potential for prehistoric archaeological deposits. Future development on the site would be subject to General Plan Policies, permit conditions, and mitigation measures to minimize effects on tribal cultural resources.

Conclusion: Implementation of General Plan policies and regulations would ensure that future development would have a less-than-significant impact on cultural and tribal resources.

F. GEOLOGY AND SOILS

Setting

The City of San José is located in the Santa Clara Valley, a broad alluvial-covered plain lying between the Santa Cruz Mountains to the west and the Diablo Range to the east. The project site is located at an elevation of approximately 80 feet above mean sea level.

The project is located in the seismically-active San Francisco Bay Area region. Major active fault systems in the area are the San Andreas, Calaveras, Hayward, and Monte Vista-Shannon. The probability of a magnitude 6.7 or greater earthquake occurring in the Bay Area by 2030 is approximately 70% (USGS and California Division of Mines & Geology, 1999). The project site will be subject to strong ground shaking in the event of a large magnitude earthquake on any of the regional fault systems.

California Building Code

The 2016 California Building Standards Code (CBC) was published July 1, 2016, with an effective date of January 1, 2017. The CBC is a compilation of three types of building criteria from three different origins:

- Building standards that have been adopted by state agencies without change from building standards contained in national model codes;
- Building standards that have been adopted and adapted from the national model code standards to meet California conditions; and
- Building standards, authorized by the California legislature, that constitute extensive additions not covered by the model codes that have been adopted to address particular California concerns.

The CBC identifies acceptable design criteria for construction that addresses seismic design and loadbearing capacity, including specific requirements for seismic safety; excavation, foundation and retaining wall design, site demolition, excavation, and construction, and; drainage and erosion control.

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating geology and soils impacts from development projects. All future development allowed by the proposed land use designation would be subject to the geology and soils policies in the General Plan presented below.

Envision San José 2040 Relevant Geology and Soil Policies	
Policy EC-3.1	Design all new or remodeled habitable structures in accordance with the most recent California Building Code and California Fire Code as amended locally and adopted by the City of San José, including provisions regarding lateral forces.
Policy EC-4.1	Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.
Policy EC-4.2	Development in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process. [The City Geologist will issue a Geologic Clearance for approved geotechnical reports.]
Policy EC-4.4	Require all new development to conform to the City of San José's Geologic Hazard Ordinance.
Policy EC-4.5	Ensure that any development activity that requires grading does not impact adjacent properties, local creeks, and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 1 and April 30.
Action EC-4.11	Require the preparation of geotechnical and geological investigation reports for projects within areas subject to soils and geologic hazards, and require review and implementation of mitigation measures as part of the project approval process.
Action EC-4.12	Require review and approval of grading plans and erosion control plans prior to issuance of grading permits by the Director of Public Works.
Policy ES-4.9	Permit development only in those areas where potential danger to health, safety, and welfare of the persons in that area can be mitigated to an acceptable level.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
6. GEOLOGY AND SOILS. Would the project:					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X	1, 2
ii) Strong seismic ground shaking?			X		1, 2
iii) Seismic-related ground failure, including liquefaction?			X		1, 2
iv) Landslides?				X	1, 2
b) Result in substantial soil erosion or the loss of topsoil?			X		1, 2
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X		1, 2
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			X		1, 2
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?				X	1, 2

Explanation

- ai) **No Impact.** The project site is not located within a State of California Earthquake Fault Hazard Zone and no known active faults cross the site. The project is not mapped within an Alquist-Priolo Earthquake Fault Zone. The risk of ground rupture within the site is considered low.
- aii) **Less Than Significant Impact.** Due to its location in a seismically active region, future development may be subject to strong seismic ground shaking during its design life in the event of a major earthquake on any of the region's active faults. Compliance with General Plan Policies, as discussed in aiii) below, would ensure future development on the project site minimizes seismic-related hazards.
- aiii) **Less Than Significant Impact.** The site is located in a seismically active region subject to strong shaking and seismic-related hazards, including liquefaction. In accordance with the City's General Plan Policies and the Municipal Code, future development on the project site would be constructed using standard engineering and seismic safety design techniques.

Building design and construction at the site would be completed in conformance with the recommendations of a design-level geotechnical investigation, which will be included in a report subject to review and approval by the City.

- aiv) **No Impact.** The project site has virtually no vertical relief and is not subject to landslides.
- b) **Less Than Significant Impact.** The project would not result in soil erosion or the loss of topsoil. Construction of future development on the project site could result in a temporary increase in erosion. Future development of the site would be required to comply with General Plan Policies and Municipal Code regulations pertaining to erosion and protection of water quality.
- c) **Less Than Significant Impact.** The project site is not subject to landslides. The potential for lateral spreading to affect the site is not known at this time. Future development of the site would be required to comply with General Plan Policies and Municipal Code regulations to avoid geotechnical hazards. In accordance with the City's General Plan and Municipal Code, future development on the project site must be constructed using standard engineering and seismic safety design techniques. Future building design and construction at the site will be conducted in conformance with the recommendations of a design-level geotechnical investigation, which will be included in a report to the City. Additionally, future buildings must meet the requirements of applicable Building and Fire Codes.
- d) **Less Than Significant Impact.** Future development of the site would be required to comply with General Plan Policies and Municipal Code regulations to avoid geotechnical hazards, including expansive soils. Future development must 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 practices would ensure that future buildings on the site are designed properly to account for the presence of expansive soils on the site. Conformance with the standard engineering practices required by the Municipal Code would ensure that the effects of soil-related hazards would be addressed through building design at the time of future development of the site.
- e) **No Impact.** The project site has access to public services and utilities and future development would not involve the use of septic tanks or alternative wastewater disposal systems.

Conclusion: Implementation of General Plan policies and regulations would ensure that future development on the site would have a less-than-significant impact related to geology and soils.

G. GREENHOUSE GAS EMISSIONS

Setting

Various gases in the earth's atmosphere, classified as atmospheric greenhouse gases (GHGs), play a critical role in determining the earth's surface temperature. Solar radiation enters the atmosphere from space and a portion of the radiation is absorbed by the earth's surface. The earth emits this radiation back toward space, but the properties of the radiation change from high-frequency solar radiation to lower-frequency infrared radiation. Greenhouse gases, which are transparent to solar radiation, are effective in absorbing infrared radiation. As a result, this radiation that otherwise would have escaped back into space is retained, resulting in a warming of the atmosphere. This phenomenon is known as the greenhouse effect. Among the prominent GHGs contributing to the greenhouse effect, or climate change, are carbon dioxide (CO₂), methane (CH₄), ozone (O₃), water vapor, nitrous oxide (N₂O), and chlorofluorocarbons (CFCs). Human-caused emissions of these GHGs in excess of natural ambient concentrations are responsible for enhancing the greenhouse effect. In California, the transportation sector is the largest emitter of GHGs, followed by electricity generation.

Regulatory Background

Assembly Bill (AB) 1493

In 2002, Assembly Bill (AB) 1493 was passed requiring that the California Air Resources Board (CARB) develop and adopt, by January 1, 2005, regulations that achieve "the maximum feasible reduction of greenhouse gases emitted by passenger vehicles and light-duty truck and other vehicles determined by the ARB to be vehicles whose primary use is noncommercial personal transportation in the state."

Executive Order S-3-05

Executive Order S-3-05, signed by Governor Schwarzenegger in 2005, proclaims that California is vulnerable to the impacts of climate change. It declares that increased temperatures could reduce the Sierra's snow pack, further exacerbate California's air quality problems, and potentially cause a rise in sea levels. To combat those concerns, the Executive Order established total greenhouse gas emission targets. Specifically, emissions are to be reduced to the 2000 level by 2010, the 1990 level by 2020, and to 80% below the 1990 level by 2050. The Executive Order directed the Secretary of the California Environmental Protection Agency (CalEPA) to coordinate a multi-agency effort to reduce greenhouse gas emissions to the target levels. The Secretary must also submit biannual reports to the governor and state legislature describing: 1) progress made toward reaching the emission targets; 2) impacts of global warming on California's resources; and 3) mitigation and adaptation plans to combat these impacts. To comply with the Executive Order, the Secretary of the CalEPA created a Climate Act Team (CAT) made up of members from various state agencies and commission.

Assembly Bill (AB) 32

AB 32, the Global Warming Solutions Act of 2006, codifies the State of California's GHG emissions target by directing CARB to reduce the state's global warming emissions to 1990 levels by 2020. AB 32 was signed and passed into law by Governor Schwarzenegger on September 27, 2006. Since that time, CARB, CEC, the California Public Utilities Commission (CPUC), and the Building Standards Commission have all been developing regulations that will help meet the goals of AB 32 and Executive Order S-3-05.²

A Scoping Plan for AB 32 was adopted by CARB in December 2008. It contains the State of California's main strategies to reduce GHGs from BAU emissions projected in 2020 back down to 1990 levels. BAU is the projected emissions in 2020, including increases in emissions caused by growth, without any GHG reduction measures. The Scoping Plan has a range of GHG reduction actions, including direct regulations, alternative compliance mechanisms, monetary and non-monetary incentives, voluntary actions, and market-based mechanisms such as a cap-and-trade system. It required CARB and other state agencies to develop and adopt regulations and other initiatives reducing GHGs by 2012.

As directed by AB 32, CARB has also approved a statewide GHG emissions limit. On December 6, 2007, CARB staff resolved an amount of 427 MMT of CO₂e as the total statewide GHG 1990 emissions level and 2020 emissions limit. The limit is a cumulative statewide limit, not a sector-or facility-specific limit. CARB updated the future 2020 BAU annual emissions forecast, in light of the economic downturn, to 545 MMT of CO₂e. Two GHG emissions reduction measures currently enacted that were not previously included in the 2008 Scoping Plan baseline inventory were included, further reducing the baseline inventory to 507 MMT of CO₂e. Thus, an estimated reduction of 80 MMT of CO₂e is necessary to reduce statewide emissions to meet the AB 32 target by 2020.

Senate Bill (SB) 1368

SB 1368 is the companion bill of AB 32 and was signed by Governor Schwarzenegger in September 2006. SB 1368 required the California Public Utilities Commission (PUC) to establish a greenhouse gas emission performance standard. Therefore, on January 25, 2007, the PUC adopted an interim GHG Emissions Performance Standard in an effort to help mitigate climate change. The Emissions Performance Standard is a facility-based emissions standard requiring that all new long-term commitments for baseload generation to serve California consumers be with power plants that have emissions no greater than a combined cycle gas turbine plant. That level is established at 1,100 pounds of CO₂ per megawatt-hour. "New long-term commitment" refers to new plant investments (new construction), new or renewal contracts with a term of five years or more, or major investments by the utility in its existing baseload power plants. In addition, the California Energy Commission (CEC) established a similar standard for local publicly owned utilities that cannot exceed the greenhouse gas emission rate from a baseload combined-cycle natural gas fired plant. On July 29, 2007, the Office of Administrative Law disapproved the Energy Commission's proposed Greenhouse Gases Emission Performance Standard rulemaking action and subsequently, the CEC revised the proposed regulations. SB 1368 further requires that all electricity provided to California, including imported electricity, must be generated from plants that meet the standards set by the PUC and CEC.

² Note that Assembly Bill (AB) 197 was adopted in September 2016 to provide more legislative oversight of CARB.

Senate Bill 375

Senate Bill 375, signed in August 2008, requires sustainable community strategies (SCS) to be included in regional transportation plans (RTPs) to reduce emissions of GHGs. The Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) adopted an SCS in July 2013 that meets GHG reduction targets. The Plan Bay Area is the SCS document for the Bay Area, which is a long-range plan that addresses climate protection, housing, healthy and safe communities, open space and agricultural preservation, equitable access, economic vitality, and transportation system effectiveness within the San Francisco Bay region (MTC 2013). The document is updated every four years so the MTC and ABAG are currently developing the Plan Bay Area 2040.

City of San José Municipal Code

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

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

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

In October 2008, the City adopted the Private Sector Green Building Policy (6-32), which identifies baseline green building standards for new private 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.

City of San José Greenhouse Gas Reduction Strategy

The City's General Plan includes a GHG Reduction Strategy that was originally adopted in November 2011. Following litigation, the San José City Council certified a Supplemental Program Environmental Impact Report to the Envision San José 2040 Final Program Environmental Impact Report in December 2015 and re-adopted the City's GHG Reduction Strategy in the General Plan. The GHG Reduction Strategy identifies specific General Plan policies and action items intended to reduce GHG emissions, which center around five strategies: energy, waste, water, transportation, and carbon sequestration. Projects that are consistent with the GHG Reduction Strategy are considered to have a less-than-significant impact related to GHG emissions through 2020. The Envision San José 2040 Final Program Environmental Impact Report identified significant unavoidable GHG emissions impacts for development and the built environment in the 2035 timeframe, and the City Council adopted overriding considerations for those impacts in 2015.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
7. GREENHOUSE GAS EMISSIONS. Would the project:					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X		1, 3, 7
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X		1, 3, 7

Explanation

Less Than Significant Impact. Since the project includes a General Plan Amendment, it is not covered by the City’s GHG Reduction Strategy. However, once the Amendment is approved, future projects would be evaluated for consistency with the GHG Reduction Strategy. Illingworth & Rodkin prepared a GHG evaluation of the proposed GPA (see Appendix B). This evaluation applied the development assumptions for the project site consistent with the long-range cumulative traffic analysis for the 2017 General Plan Amendments. This study assumed an average development density on the project site of 337 units and commercial square footage to support 22 new jobs, after subtracting out the units/jobs generated by the existing General Plan land use designations on the site.

To determine if a project may have a significant impact from GHG emissions, the BAAQMD established three criteria for evaluating operational GHG emissions in their CEQA Guidelines. A project is considered to have less-than-significant GHG emissions if it complies with one of three following criteria: 1) the project is consistent with an adopted qualified Climate Action Plan or adopted GHG Reduction Strategy; 2) the operational emissions from the project do not exceed a “bright-line” threshold of 1,100 metric tons (MT) of carbon dioxide equivalent per year (CO₂e/year); or 3) the annual project emissions do not exceed an efficiency threshold of 4.6 MT per project service population (residents plus employees).

To assess GHG emissions, the CalEEMod model was used with the following inputs: 337 dwelling units entered as “Apartment High Rise,” 8,800 square feet of retail as “Strip Mall,” and 400 spaces as “Enclosed Parking with Elevator.”³ Emissions in 2020 from the GPA were computed as 2,474 metric tons of CO₂e per year. The per-capita emissions were computed by dividing the project annual emissions by the number of residents and workers. For the proposed project, the total service population considering future residents and employees was calculated as 1,104 people⁴. The per-capita emissions would, therefore, be 2.24 metric tons of CO₂e per year. This is well below the BAAQMD 2020 per-capita threshold of 4.6 metric

³ The square footage associated with 22 workers was computed assuming 2.5 employees per 1,000 square feet of commercial space or 22 employees divided by 2.5. The number of parking spaces conservatively assumed 1.5 spaces per dwelling unit and 95 spaces for the commercial use.

⁴ Assumes 1,082 new residents, based on 337 units and 3.21 persons per household, and 22 workers.

tons per year and likely to be below any 2030 threshold that may be identified based on current AB 32 scoping plan targets. The low per capita emissions reflect the lower emission rate that results from infill or urban multi-family residential uses. The GHG emissions from the project, therefore, would be less-than-significant.

No specific project is proposed at this time. GHG emissions will be generated during construction of future development. Neither the City nor BAAQMD have adopted thresholds of significance for construction-related GHG emissions, although BAAQMD recommends quantifying emissions and disclosing GHG construction emissions. The BAAQMD also encourages the incorporation of best management practices to reduce GHG emissions during construction where feasible.

The following discussion is provided to determine if the GHG emissions from the project would represent a cumulatively considerable contribution to climate change based on its consistency with City of San José and statewide efforts to decrease GHG emissions. While future emission reductions are anticipated due to energy efficiency of equipment and reduced GHG emissions associated with energy production, the City of San José and CARB have not identified or adopted feasible enforceable measures to reduce projected GHG emissions citywide in the mid or long-term (by 2030 or 2035) to meet the aggressive mid and long-term GHG reduction goals of SB 32 (2030 targets) and Executive Order S-3-05 (2050 targets). These goals include an aggressive target of 40 percent reduction in GHG emissions by 2030.

As described in the General Plan Final Supplemental Program EIR, the information needed to estimate a second mid-term or interim efficiency target (statewide emissions, population and employment in 2030) is being reviewed by CARB. Under SB 32 and AB 197, CARB is also charged with identifying and adopting rules and regulations to achieve the maximum technologically feasible and cost-effective GHG emissions reductions to meet this new interim statewide GHG target. The draft 2017 Climate Change Scoping Plan Update identifies local actions, although these actions have not been adopted and the City of San José has not updated its GHG Reduction Strategy to address the interim, mid-term 2030 target. The City's GHG Reduction Strategy, in addition to local and state regulations for low carbon and no carbon fueled transportation, energy, and efficiency are some of the measures that would minimize cumulative GHG impacts.

The proposed General Plan Amendment and rezoning would not result in any new or greater impacts than were previously identified in the General Plan Final Supplemental Program EIR. Future development of the project site consistent with the City's GHG Reduction Strategy would not result in a significant operational GHG emissions impact.

- a) **Less Than Significant Impact.** Development projects in San José that comply with the City's GHG Reduction Strategy are considered to reduce that project's contribution to cumulative GHG emission impacts to a less-than-significant level through 2020. However, future development of the project site after 2020 would be required to conform to San José's GHG Reduction Strategy to reduce GHG emissions to a less-than-significant level, including relevant mandatory measures for all projects and other measures that are considered voluntary, at the City's discretion.

The City's projected 2020 GHG emissions, in total and compared to emissions in 2008, would not prevent California from meeting its 2020 targets for reducing statewide GHG emissions under AB 32. However, significant cumulative GHG emissions projected for 2035 could prevent California from maintaining a statewide path toward achieving Executive Order S-3-05 emission levels in 2050. Mitigation measures, in the form of additional policies to be implemented by the City, were identified in the Envision San José 2040 Final Program Environmental Impact Report; however, given the uncertainties of achieving the needed emission reductions, the impacts were determined to be significant and unavoidable and the City Council adopted overriding considerations for the impacts.

Conclusion: Future development of the project site would have a less-than-significant impact on GHG emissions through 2020.

H. HAZARDS AND HAZARDOUS MATERIALS

Setting

A Phase I Environmental Assessment was prepared for the project site by ACS Associates (October 4, 2017) to determine the potential for hazardous materials contamination on the property. This report is contained in Appendix C. The Phase I Assessment included the following: 1) review of local agency files, 2) examination of historic aerials and maps of the area, 3) a regulatory database search, 4) interview with the property owner(s), and 5) inspection of the site. The purpose of the Phase I assessment is to identify any recognized environmental conditions (RECs). An REC is defined as the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water of the property.

The project site contains vacant lots used for parking and two vacant residences. The site inspection did not identify any evidence of hazardous waste or storage containers or other sources of onsite contamination. The neighboring, mostly residential properties are well maintained with no evidence of hazardous material contamination (ACS, March 2017).

The Phase I included a review of topographic maps dated 2012, 1980, 1973, 1968, 1961, 1953, 1899, 1897, and 1889. The maps showed that the neighboring properties to the site were not yet developed around the early 1900s. A review of the aerial photographs was also completed for the years 2012, 2010, 2009, 2006, 2005, 1998, 1993, 1982, 1974, 1968, 1963, 1956, 1950, 1948, and 1939. These indicated that the site was developed with a gas/service station at the corner of Fourth and St. John Streets in the 1960s. The gas/service station was not shown in the photographs in the 1980s. The area surrounding the site was developed as early as the 1930s, mostly as residential and minor commercial uses. The map and photograph review did not indicate any significant environmentally hazardous land usage in the past, with the exception of the gas station on the project site.

A database search was conducted to identify recorded hazardous materials incidents in the project area. This review included federal, state, and/or local lists of known or suspected contamination sites; known generators/handlers of hazardous waste; known waste treatment, storage, and disposal facilities; and permitted underground storage tank sites. Review of environmental regulatory databases and agency records with the exception of a former gas station on the site, described below. The database search did not identify any other on-site or off-site sources of contamination with the potential to impact the project site.

Based on the government and other available records, the project site was previously occupied by residential development and a gas service station. A gas station occupied the corner of Fourth and St. John Streets (100 N. Fourth Street) between about 1949 and 1969. This site was a recorded Leaking Underground Storage Tank (LUST) case. The case was closed by the County of Santa Clara as documented in a letter dated March 3, 2006 from the Department of Environmental Health, Environmental Resources Agency. This represents a historic recognized environmental condition.

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating hazardous materials impacts from development projects. All future development allowed by the proposed land use designation would be subject to the hazardous materials policies in the General Plan presented below.

Envision San José 2040 Relevant Hazardous Material Policies	
Policy EC-7.1	For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.
Policy EC-7.2	Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, state and federal laws, regulations, guidelines and standards.
Policy EC-7.5	In development and redevelopment sites, require all sources of imported fill to have adequate documentation that it is clean and free of contamination and/or acceptable for the proposed land use considering appropriate environmental screening levels for contaminants. Disposal of groundwater from excavations on construction sites shall comply with local, regional, and State requirements.
Action EC-7.11	Require sampling for residual agricultural chemicals, based on the history of land use, on sites to be used for any new development or redevelopment to account for worker and community safety during construction. Mitigation to meet appropriate end use such as residential or commercial/industrial shall be provided.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS		Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
7. HAZARDS AND HAZARDOUS MATERIALS. Would the project:						
a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X		1, 2, 8
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?			X		1, 2, 8
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school?			X		1, 2, 8

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X		1, 2, 8
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			X		1, 2
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X	1, 2
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X		1, 2
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?				X	1, 2

Explanation

- a) **Less Than Significant Impact.** The proposed project and future development is not expected to involve the routine transport, use, or disposal of hazardous materials.
- b) **Less Than Significant Impact.** A gas station occupied the corner of Fourth and St. John Streets (100 N. Fourth Street) between about 1949 and 1969. This site was a recorded Leaking Underground Storage Tank (LUST) case. The case was closed by the County of Santa Clara as documented in a letter dated March 3, 2006 from the Department of Environmental Health, Environmental Resources Agency. This represents a historic recognized environmental condition.

The project site could contain hazardous materials in soils related to the previous gas station. Future development of the project site could disturb soils and could expose construction workers and future site occupants to hazardous materials if present. In addition, future development could require the demolition of two existing residential structures on the site. Due to their age, these structures likely contain asbestos building materials and/or lead-based paint.

In accordance with General Plan Policy EC-7.2, future development of the project site would be required to implement mitigation measures for contamination to adverse human health or environmental risk, in conformance with regional, state and federal laws, regulations, guidelines and standards. In addition, demolition of existing structures by future development must be conducted in conformance with federal, state and local regulations to avoid exposure of construction workers and/or the public to asbestos and lead-based paint.

In addition, future development would be required to comply with policies and standard permit conditions that would include a Site Management Plan (SMP)⁵ and standard abatement measures for proper management and disposal of asbestos and/or lead-based paint during any future demolition of existing structures on the property.

- c) **Less Than Significant Impact.** The project site is located within ¼ mile of a school (Horace Mann Elementary School lies approximately ¼ mile to the east); however, the future development is not anticipated to routinely emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste. See also b) above.
- d) **Less Than Significant Impact.** The project site is not located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (i.e., Cortese List).
- e) **Less Than Significant Impact.** The Mineta San José International Airport is located approximately two miles northwest of the project site. The project site is not located within the Santa Clara County Airport Land Use Commission's adopted Airport Influence Area for the airport, nor is it located within an Airport Safety Zone. However, Federal Aviation Regulations, Part 77, "Objects Affecting Navigable Airspace" (referred to as FAR Part 77) set forth standards and review requirements for protecting the airspace for safe aircraft operation, particularly by restricting the height of potential structures and minimizing other potential hazards to aircraft such as reflective surfaces, flashing lights, and electronic interference. These regulations require that the Federal Aviation Administration (FAA) be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways, or which would otherwise stand at least 200 feet in height above ground. City General Plan Policy would require FAA issuance of "no hazard" determinations prior to any future development permit approval on the site.
- f) **No Impact.** The project site is not located within the vicinity of a private airstrip.
- g) **Less Than Significant Impact.** Future development on the site is not expected to interfere with any emergency response or evacuation plans since it would be required to comply with all Fire Department codes and regulations.
- h) **No Impact.** The project site will not expose people or structures to risk of loss, injury or death from wildland fires as it is located in a highly urbanized area that is not prone to such events.

Conclusion: Implementation of General Plan policies and regulations would ensure that future development on the site would result in less-than-significant impacts related to hazards and hazardous materials.

⁵ An SMP establishes management practices for handling contaminated soil or other hazardous materials encountered during construction activities.

I. HYDROLOGY AND WATER QUALITY

Setting

The project site is essentially flat and lies at an elevation of about 80 feet above mean sea level. The 0.91 acre site is currently occupied by parking areas and two vacant residences. The current runoff from the site is directed into existing inlets that discharge to drainage facilities in Fourth and St. John Streets. Local groundwater is located about 14 feet below ground surface, according to a CalEPA monitoring well 0.5 miles south of the site (ACS, March 2017).

The project site does not contain any natural drainages or waterways. The nearest waterway is the Guadalupe River located about 0.65 miles from the site. The Flood Insurance Rate Maps issued by the Federal Emergency Management Agency (FEMA) indicate that the project site is located within Zone D. Zone D is defined as an area of undetermined but possible flood hazard outside the 100-year floodplain. The City does not have any floodplain restrictions for development in Zone D.

Regulatory Background

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 State Water Resources Control Board (SWRCB). The CGP requires the installation and maintenance of Best Management Practices (BMPs) to protect water quality until the site is stabilized. Prior to the commencement of construction or demolition, the project must file a Notice of Intent (NOI) with the SWRCB and develop, implement and maintain a Storm Water Pollution Prevention Plan (SWPPP) to control the discharge of stormwater pollutants associated with construction activities.

All development projects, whether subject to the CGP or not, shall comply with the City of San José's Grading Ordinance, which requires the use of erosion and sediment controls to protect water quality while the site is under construction. Prior to the issuance of a permit for grading activity occurring during the rainy season, the project will submit to the Director of Public Works an Erosion Control Plan detailing BMPs that will prevent the discharge of stormwater pollutants.

The City of San José is required to operate under a Municipal Stormwater NPDES Permit to discharge stormwater from the City's storm drain system to surface waters. On October 14, 2009, the San Francisco Bay Regional Water Quality Control Board adopted the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit (MRP) for 76 Bay Area municipalities, including the City of San José. The Municipal Regional Permit mandates the City of San José use its planning and development review authority to require that stormwater management measures are included in new and redevelopment projects to minimize and properly treat stormwater runoff. Provision C.3 of the MRP regulates the following types of development projects:

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

The MRP requires regulated projects to include Low Impact Development (LID) practices, such as site design measures, pollutant source control measures, and stormwater treatment features aimed to

maintain or restore the site's natural hydrologic functions. The MRP requires that stormwater treatment measures are properly installed, operated, and maintained.

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. The policy also allows certain projects that are located within special district or priority development areas in transit-oriented locations within the City to utilize LID treatment reduction credits ("Special Projects"). These Special Projects may use alternatives to the exclusive use of LID measures for the treatment of all or a portion of a project's runoff. The project would also need to demonstrate, through a narrative discussion, the limiting factors of the site and the reasons why the project would not be able to implement 100% LID measures on the site and must be approved by the City. The allowed LID reduction credits would also be to the extent to which a project qualified for LID treatment reduction credits in accordance with the approved Special Projects provisions of the Municipal Regional Stormwater Permit.

The City's Post-Construction Hydromodification Management Policy (8-14) establishes an implementation framework for incorporating measures to control hydromodification impacts from development projects.

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating hydrology and water quality impacts from development projects. All future development allowed by the proposed land use designation would be subject to the hydrology and water quality policies in the General Plan presented below.

Envision San José 2040 Relevant Hydrology and Water Quality Policies	
Policy IN-3.7	Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.
Policy IN-3.9	Require developers to prepare drainage plans for proposed developments that define needed drainage improvements per City standards.
Policy MS-3.4	Promote the use of green roofs (i.e., roofs with vegetated cover), landscape-based treatment measures, pervious materials for hardscape, and other stormwater management practices to reduce water pollution.
Policy ER-8.1	Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.
Policy ER-8.3	Ensure that private development in San José includes adequate measures to treat stormwater runoff.
Policy EC-4.1	Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and stormwater controls.
Policy EC-5.7	Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risks elsewhere.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
8. HYDROLOGY AND WATER QUALITY. Would the project:					
a) Violate any water quality standards or waste discharge requirements?			X		1, 2
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local ground water table level (for example, the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X	1, 2
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site.			X		1, 2
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?			X		1, 2
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?			X		1, 2
f) Otherwise substantially degrade water quality?			X		1, 2
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?				X	1, 2
h) Place within a 100-year flood-hazard area structures which would impede or redirect flood flows?			X		1, 2
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?			X		1, 2
j) Inundation by seiche, tsunami, or mudflow?				X	1, 2

Explanation

- a) **Less Than Significant Impact.** The project would not violate any water quality standards or waste discharge requirements. Grading, excavation, and other site disturbance activities for future development would result in erosion and temporary impacts to surface water quality during construction. Runoff may contain sediments that would be discharged into surface waters. All new development projects in San José must comply with the City's Grading Ordinance whether or not the projects are subject to the NPDES General Permit for Construction Activities. The City of San José Grading Ordinance requires the use of erosion and sediment controls to protect water quality while a site is under construction.

- b) **No Impact.** Future development would not deplete or otherwise affect groundwater supplies or recharge, since the site is not located within a groundwater recharge area.
- c) **Less Than Significant Impact.** There are no watercourses on or adjacent to the project site and future development on the project site would not substantially alter existing drainage patterns or cause alteration of streams or rivers.
- d) **Less Than Significant Impact.** Future development on the project site would not significantly alter the drainage pattern of the site and surrounding area. Future development would be required to develop and implement a Stormwater Control Plan to retain and control runoff in accordance with City and RWQCB requirements. Therefore, future development would not result in an increase in flooding on or off-site.
- e) **Less Than Significant Impact.** See a) and d) above. Future development of the site is not expected to result in runoff that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.
- f) **Less Than Significant Impact.** See a) and d) above.
- g) **No Impact.** The project site is located in Zone D, and is not located within a 100-year floodplain or flood hazard zone as mapped by FEMA.
- h) **Less Than Significant Impact.** See g) above.
- i) **Less Than Significant Impact.** See g) and h) above. The project site is not subject to flooding from failure of a dam.
- j) **No Impact.** The project site is not located in an area subject to significant seiche, tsunami, or mudflow risk.

Conclusion: Implementation of General Plan policies and regulations would ensure that future development on the site would result in less-than-significant impacts related to hydrology and water quality.

J. LAND USE

Setting

The project site is designated *Residential Neighborhood* and *Transit Residential* in the City's Envision San José 2040 General Plan Land Use/Transportation Diagram. The project proposes a General Plan Amendment to change the land use designation on the site to *Downtown* to increase the residential and commercial density allowed on the site. The project also proposes inclusion into the Downtown Growth Area Boundary, which lies just west of the site, and rezoning from General Commercial Zoning District to Downtown Primary Commercial Zoning District.

Surrounding uses include residential to the north, commercial and residential to the west, and residential to the south and east. The site is currently occupied by parking areas and two vacant residences.

The project is located about two miles southeast of the Mineta San José International Airport. The project is located within the Santa Clara County Airport Land Use Commission's adopted Airport Influence Area for the airport. For the project site, any proposed structure exceeding approximately 65 feet in height above ground would be required under FAA Part 77 to be submitted to the FAA for airspace safety review.

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating land use impacts from development projects. All future development allowed by the proposed land use designation would be subject to the land use policies in the General Plan presented below.

Envision San José 2040 Relevant Land Use Policies	
Policy CD-4.5	For new development in transition areas between identified Growth Areas and non-growth areas, use a combination of building setbacks, building step-backs, materials, building orientation, landscaping, and other design techniques to provide a consistent streetscape that buffers lower-intensity areas from higher intensity areas and that reduces potential shade, shadow, massing, viewshed, or other land use compatibility concerns.
Policy LU-2.1	Provide significant job and housing growth capacity within strategically identified "Growth Areas" in order to maximize use of existing or planned infrastructure (including fixed transit facilities), minimize the environmental impacts of new development, provide for more efficient delivery of City services, and foster the development of more vibrant, walkable urban settings.
Policy LU-9.8	When changes in residential densities in established neighborhoods are proposed, the City shall consider such factors as neighborhood character and identity; historic preservation; compatibility of land uses and impacts on livability; impacts on services and facilities, including schools, to the extent permitted by law; accessibility to transit facilities; and impacts on traffic levels on both neighborhood streets and major thoroughfares.
Policy LU-10.2	Distribute higher residential densities throughout our city in identified growth areas and facilitate the development of residences in mixed-use development within these growth areas.

Envision San José 2040 Relevant Land Use Policies	
Policy IE-1.5	Promote the intensification of employment activities on sites in close proximity to transit facilities and other existing infrastructure, in particular within the Downtown, North San José, the Berryessa International Business Park and Edenvale.
Policy TR-8.4,	Discourage, as part of the entitlement process, the provision of parking spaces significantly above the number of spaces required by code for a given use.
Policy VN-1.11	Protect residential neighborhoods from the encroachment of incompatible activities or land uses which may have a negative impact on the residential living environment.
Policy VN1.12	Design new public and private development to build upon the vital character and desirable qualities of existing neighborhoods

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
9. LAND USE AND PLANNING. Would the project:					
a) Physically divide an established community?				X	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?			X		1, 2, 3
c) Conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?			X		1

Explanation

- a) **No Impact.** The project is proposed on an infill site in an urban area that is currently developed and future development would not physically divide an established community.
- b) **Less Than Significant Impact.** The project's consistency with the City's General Plan is evaluated below.

Envision San José 2040 General Plan

The project is designated in the City's 2040 General Plan as *Residential Neighborhood* and *Transit Residential*. The *Residential Neighborhood* designation is applied broadly throughout the City to encompass most of the established, single-family residential neighborhoods, including both the suburban and traditional residential neighborhood areas which comprise the majority of its developed land. The intent of this designation is to preserve the existing character of these neighborhoods and to strictly limit new development to infill projects which closely conform to the prevailing existing neighborhood character as defined by density, lot size and shape, massing and neighborhood form and pattern. New infill

development should improve and/or enhance existing neighborhood conditions by completing the existing neighborhood pattern and bringing infill properties into general conformance with the quality and character of the surrounding neighborhood. This designation allows a density of typically 8 DU/AC (to match existing neighborhood character) at a height of one to 2.5 stories, and an FAR up to 0.7.

The *Transit Residential* designation is the primary designation for new high-density, mixed-use residential development sites that are located in close proximity to transit, jobs, amenities and services. This designation also supports intensive commercial employment uses, such as office, retail, hotels, hospitals, and private community gathering facilities. The allowable density for residential development is 50-250 DU/AC and for mixed-use development will be determined using an FAR 2.0 to 12.0 to better address the urban form and potentially allow fewer units per acre if in combination with other uses such as commercial or office.

The project proposes a General Plan Amendment to change the land use designation to *Downtown*. The *Downtown* designation includes office, retail, service, residential, and entertainment uses in the Downtown. Redevelopment should be at very high intensities, unless incompatibility with other major policies within the Envision General Plan (such as Historic Preservation Policies) indicates otherwise. Where single-family detached homes are adjacent to the perimeter of the area designated as Downtown, new development should serve as a transition to the lower-intensity use while still achieving urban densities appropriate for the perimeter of downtown in a major metropolitan city. All development within this designation should enhance the “complete community” in downtown, support pedestrian and bicycle circulation, and increase transit ridership.

Residential projects within the *Downtown* designation should generally incorporate ground floor commercial uses. This designation does not have a minimum residential density range (DU/AC) in order to facilitate mixed-use projects that may include small amounts of residential in combination with significant amounts of non-residential use. Such mixed use projects should be developed within the identified FAR range of up to 15.0. The broad range of uses allowed in Downtown could also facilitate medical office uses or full-service hospitals.

The Downtown Urban Design Policies speak to the urban, pedestrian-oriented nature of this area. As such, uses that serve the automobile should be carefully controlled in accordance with the Downtown Land Use Policies. This designation allows a density of up to 800 DU/AC and an FAR up to 30.0.

The proposed General Plan land use change to *Downtown* is intended to increase the allowable densities on the site compared to those permitted by the current land use designations. The project also proposes a General Plan Amendment to include the project site in the Downtown Growth Area and rezoning of the site from General Commercial Zoning District to Downtown Primary Commercial Zoning District. Including the project site within the Downtown Growth Area would allow the site to be eligible for the Downtown land use designation and Downtown Primary Commercial Zoning District. No specific development is proposed at this time. However, future development on the project site would be required to conform to the City’s General Plan policies.

Downtown Design Guidelines

The City has developed the *Downtown Design Guidelines* (July 2004) to provide direction for new development in the downtown area. The Guidelines are divided into three sections that address: 1) context (site), 2) architecture, and 3) scale. The Guidelines take into account tall, mid-rise and low-rise buildings, with adjustments made to achieve design excellence. Below is a summary of the Guidelines.

Context/Site: Address the development context. Develop an architectural concept and compose the building's massing in response to geographic conditions and patterns of urban form found nearby or beyond the immediate context of the building site; design of building tops will give identity to the skyline.

Architecture: Integrate the holistic architectural form. Consider the predominant attributes of the immediate neighborhood and reinforce desirable siting patterns, massing arrangements, and streetscape characteristics of nearby development. Design of middle portions of buildings will integrate the tops and the bottoms, as well as define the proportion and reduce the bulkiness of the massing.

Street Wall: Focus where the building meets the ground. Spaces for street level uses should be designed to engage pedestrians with the activities occurring within them. Sidewalk-related spaces should appear safe, welcoming, and open to the general public. Design of the base of buildings will allow for lasting social interaction at the ground through transparency and durable materials.

Future development on the project site would be required to conform to the City's Downtown Design Guidelines.

Conclusion

The proposed *Downtown* land use designation and expansion of the Downtown Growth Area boundary would allow up to 728 dwelling units on the project site or up to 1,189,200 square feet of commercial/office uses. This designation does not have a minimum residential density range (DU/AC) in order to facilitate mixed-use projects that may include small amounts of residential in combination with significant amounts of non-residential use. Such mixed-use projects should be developed within the identified FAR range of up to 30. While this land use designation allows up to 800 dwelling units to the acre, achievable densities may be much lower in a few identified areas to ensure consistency with the Santa Clara County Comprehensive Land Use Plan (CLUP) for Norman Y. Mineta San José International Airport.

With implementation of the Downtown Design Guidelines, General Plan policies, and other applicable regulations, future development allowed by the General Plan Amendment and rezoning would not result in significant land use impacts or conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

- c) **Less Than Significant Impact.** Please refer to D. Biological Resources for a discussion of the Santa Clara Valley Habitat Conservation Plan.

Conclusion: Implementation of General Plan policies related to land use compatibility and environmental effects would ensure that future development on the site would have less-than-significant impacts related to land use and planning.

K. MINERAL RESOURCES

Setting

Under the Surface Mining and Reclamation Act of 1975 (SMARA), the State Mining and Geology Board has designated only the Communications Hill Area of San José as containing mineral deposits of regional significance for aggregate (Sector EE). There are no mineral resources in the project area. Neither the State Geologist nor the State Mining and Geology Board has classified any other areas in San José as containing mineral deposits that are of statewide significance or for which the significance requires further evaluation. Other than the Communications Hill area cited above, San José does not have mineral deposits subject to SMARA. The project site lies outside of the Communications Hill area.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS		Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
10. MINERAL RESOURCES. Would the project:						
a)	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X	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?				X	1, 2

Explanation

- a), b) **No Impact.** The project site is located outside the Communications Hill area, the only area in San José containing mineral deposits subject to SMARA; therefore, the project will not result in a significant impact from the loss of availability of a known mineral resource.

Conclusion: The project would have no impact on mineral resources.

L. NOISE & VIBRATION

Setting

Noise is defined as unwanted or objectionable sound. State and local regulations define objectionable noise levels and identify land use compatibility standards. Sound is comprised of three variables: magnitude, frequency, and duration. The magnitude of air pressure changes associated with sound waves results in the quality commonly referred to as "loudness." Variations in loudness are measured on the "decibel" (dB) scale. On this scale, noise at zero decibels is barely audible, while noise at 120-140 decibels is painful and may cause hearing damage. These extremes are not encountered in commonplace environments.




Noise is typically characterized using the A-weighted sound level or dBA. This scale gives greater weight to those frequencies that the human ear is most sensitive. For evaluating noise over extended periods, the "Day-Night Noise Level" scale (DNL or Ldn) or "Community Noise Equivalent Level" (CNEL) are measures of the average equivalent sound level during a 24-hour period. The City's Envision San José 2040 General Plan applies the Day-Night Level (DNL) descriptor in evaluating noise conditions. The DNL represents the average noise level over a 24-hour period and penalizes noise occurring between the hours of 10 PM and 7 AM by 10 dB.

The noise environment at the project site is dominated by vehicular traffic along Fourth Street and St. John Street. Aircraft associated with the Mineta San José International Airport also contribute to the noise environment in the area.

San José General Plan Noise Compatibility Guidelines

The City's Envision San José 2040 General Plan includes goals and policies pertaining to noise and vibration. Community Noise Levels and Land Use Compatibility (commonly referred to as the Noise Element) of the General Plan utilizes the DNL descriptor and identifies interior and exterior noise standards for residential uses. The Envision San José 2040 General Plan and the San José Municipal Code include the following criteria for land use compatibility and acceptable noise levels in the City.

EXTERIOR NOISE EXPOSURE (DNL IN DECIBELS DBA) FROM GENERAL PLAN TABLE EC-1: Land Use Compatibility Guidelines for Community Noise in San José						
Land Use Category	Exterior DNL Value In Decibels					
	55	60	65	70	75	80
1. Residential, Hotels and Motels, Hospitals and Residential Care						
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 Arenas, Outdoor Spectator Sports						
6. Public and Quasi-Public Auditoriums, Concert Halls, and Amphitheaters						

EXTERIOR NOISE EXPOSURE (DNL IN DECIBELS DBA) FROM GENERAL PLAN TABLE EC-1: Land Use Compatibility Guidelines for Community Noise in San José	
	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.)

San José Municipal Code

Per the San José Municipal Code Title 20 (Zoning Ordinance) Noise Performance Standards, the sound pressure level generated by any use or combination of uses on a property shall not exceed the decibel levels indicated in the table below at any property line, except upon issuance and in compliance with a Special Use permit as provided in Chapter 20.100.

City of San José Zoning Ordinance Noise Standards	
Land Use Types	Maximum Noise Levels in Decibels at Property Line
Residential, open space, industrial or commercial uses adjacent to a property used or zoned for residential purposes	55
Open space, commercial, or industrial use adjacent to a property used for zoned for commercial purposes or other non-residential uses	60
Industrial use adjacent to a property used or zoned for industrial use or other use other than commercial or residential purposes	70

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating noise impacts from development projects. All future development allowed by the proposed land use designation would be subject to the noise policies in the General Plan presented below.

Envision San José 2040 Relevant Noise Policies	
Policy EC-1.1	<p>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:</p> <p>Interior Noise Levels</p> <ul style="list-style-type: none"> 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 <i>Envision General Plan</i> traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan.

Envision San José 2040 Relevant Noise Policies	
	<p>Exterior Noise Levels</p> <ul style="list-style-type: none"> The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (refer to Table EC-1 in the General Plan. Residential uses are considered "normally acceptable" with exterior noise exposures of up to 60 dBA DNL and "conditionally compatible" where the exterior noise exposure is between 60 and 75 dBA DNL such that the specified land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features are included in the design.
Policy EC-1.2	<p>Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Land Use Categories 1, 2, 3 and 6 in Table EC-1 in the General Plan 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:</p> <ul style="list-style-type: none"> Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable"; or Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.
Policy EC-1.3	<p>Mitigate noise generation of new nonresidential land uses to 55 dBA DNL at the property line when located adjacent to uses through noise standards in the City's Municipal Code.</p>
Policy EC-1.6	<p>Regulate the effects of operational noise from existing and new industrial and commercial development on adjacent uses through noise standards in the City's Municipal Code.</p>
Policy EC-1.7	<p>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:</p> <ul style="list-style-type: none"> 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. <p>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.</p>
Policy EC-2.3	<p>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.</p>

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
11. NOISE. 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?			X		1, 2, 3
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?			X		1, 2, 3
c) Substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X		1, 2, 3
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X		1, 2, 3
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			X		1, 2, 3
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?			X		1, 2, 3

Explanation

- a) **Less Than Significant Impact.** The City's Land Use Compatibility Guidelines for Community Noise are presented in the setting above. Potential noise sources from future development could include outdoor mechanical equipment and operation, traffic noise, and truck deliveries/docking. Future development on the site would be required to comply with the City's noise standards and General Plan policies for adjacent sensitive uses (e.g., residential uses, historic resources). Specifically, future development would be required to provide a noise assessment as part of its environmental review to address potential noise impacts.
- b) **Less Than Significant Impact.** The project site is not subject to groundborne vibration; however, construction of future development on the project site could generate temporary vibration that could affect adjacent uses. Future development would be subject to General Plan Policy EC-2.3, which requires new development to minimize vibration impacts to adjacent uses during demolition and construction.
- c) **Less Than Significant Impact.** Future development could result in permanent ambient noise increases above existing levels. Noise will be generated on the site in the short-term during construction activities as described in d) below. Future development on the site would be required to comply with the City's noise standards and General Plan policies for adjacent sensitive uses (e.g., residential uses) to minimize temporary construction noise impacts.

- d) **Less Than Significant Impact.** Construction of future development would result in short-term noise impacts on nearby sensitive uses (e.g., residential uses). Noise sensitive land uses located near the project site consist of residential uses surrounding the site; the nearest are located adjacent to the property to the north and east. Future development would be subject to the City's Municipal Code, which limits construction hours near residential land uses. General Plan Policy EC-1.7 identifies requirements for limiting construction noise.
- e), f) **Less Than Significant Impact** The project site is located outside the 2027 60 dBA CNEL noise contour for the San José International Airport and is not within the vicinity of a private airstrip.

Conclusion: Implementation of General Plan policies and regulations would ensure that future development on the site would result in less-than-significant impacts related to noise and vibration.

M. POPULATION AND HOUSING

Setting

Current census data indicates that the population of San José is approximately 1,026,908 (U.S. Census Bureau, 2015).

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
12. POPULATION AND HOUSING. 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)?			X		1, 2
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X	1, 2
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X	1, 2

Explanation

- a) **Less Than Significant Impact.** The project proposes a General Plan Amendment to change the land use designation on the project site to *Downtown* and include the site within the Downtown Growth Area. The proposed *Downtown* designation allows a density of up to 800 DU/AC and an FAR up to 30.0. The *Downtown* designation and expansion of the Downtown Growth Area boundary would allow up to 728 dwelling units on the project site or up to 1,189,200 square feet of commercial/office uses. This designation does not have a minimum residential density range (DU/AC) in order to facilitate mixed-use projects that may include small amounts of residential in combination with significant amounts of non-residential use.

Future development on the site based on the proposed General Plan Amendment and rezoning would increase in population and/or employment opportunities on the site; however, it is consistent with the City's policies to increase development densities in the downtown area. Future development on the site would be required to conform to the City's General Plan policies related to land use development.

- b) **Less Than Significant Impact.** The project site contains two vacant residences that could be removed by future development. This does not represent a substantial number of displaced housing units.

- c) **Less Than Significant Impact.** See b) above. The project would not displace substantial numbers of people.

Conclusion: Future development of the project site would have a less-than-significant impact on population and housing.

N. PUBLIC SERVICES

Setting

Fire Protection: Fire protection services are provided to the project site by the San José Fire Department (SJFD). The closest fire station to the project site is Station #1, located 0.4 miles west of the site at 225 N. Market Street.

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

Parks: There are several parks in downtown San José. The nearest park to the project site is St. James Park, located within walking distance less than a ¼ mile west of the site. The City of San José has adopted the Parkland Dedication Ordinance and Park Impact Ordinance, which require residential developers to dedicate public park land or pay in-lieu fees (or both) to compensate for the increase in demand for neighborhood parks.

Schools: The project site is located in the San José Unified School District. Schools in the project area are listed below.

Schools in Project Area		
Elementary	Middle	High
Horace Mann Elementary 55 North 7th Street San José, CA 95112	Peter Burnett Middle School 850 North 2nd Street San José, CA 95112	San José High School 275 North 24th Street San José, CA 95116

State law (Government Code §65996) identifies the payment of school impact fees as an acceptable method for offsetting a project's impact on school facilities. In San José, developers can either negotiate directly with the affected school district or make a payment per square foot of new residential units and/or new commercial uses. The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code.

Libraries: The San José Public Library System consists of one main library and 18 branch libraries. The nearest branches to the project site are the Dr. Martin Luther King Jr. Library (0.3 miles southeast of the site) and the Joyce Ellington Branch Library (0.8 miles north of the site).

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating public service impacts from development projects. All future development allowed by the proposed land use designation would be subject to the public services policies in the General Plan presented below.

Envision San José 2040 Relevant Public Service Policies	
Policy 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 SF of space per capita in library facilities.
Policy 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.
Policy 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.
Policy ES-3.11	Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects. PR-1.1 Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.
Policy PR-1.2	Provide 7.5 acres per 1,000 population of citywide /regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS		Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
13. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or 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:						
a)	Fire protection?			X		1, 2
b)	Police protection?			X		1, 2
c)	Schools?			X		1, 2
d)	Parks?			X		1, 2
e)	Other public facilities?			X		1, 2

Explanation

- a) **Less Than Significant Impact.** Future development would result in an incremental increase in the demand for fire protection services, but is not expected to significantly impact fire protection services or require the construction of new or remodeled facilities since it represents infill development. In addition, future development would be constructed in accordance with current building and fire codes and would be required to be maintained in accordance with applicable City policies such as General Plan Policy ES-3.9 and ES-3.11 to promote public and property safety.
- b) **Less Than Significant Impact.** Future development would result in an incremental increase in the demand for police protection services, but is not expected to significantly impact police protection services or require the construction of new or remodeled police facilities since it represents infill development.
- c) **Less Than Significant Impact.** Future development that includes residential uses could incrementally increase demands on school services. State law (Government Code §65996) identifies the payment of school impact fees as an acceptable method of offsetting a project's impact on school facilities.
- d) **Less Than Significant Impact.** Future development that includes residential uses could incrementally increase demands on park services, but is not expected to significant impact park facilities or require the construction of new or remodeled recreational facilities since it represents infill development. See discussion under Setting above and Section O. Recreation of this Initial Study.
- e) **Less Than Significant Impact.** Future development that includes residential uses could incrementally increase demands on library services, but is not expected to significant impact libraries or require the construction of new or remodeled library facilities since it represents infill development.

Conclusion: Implementation of General Plan policies and regulations would ensure that future development on the site would result in less-than-significant impacts to public services or facilities.

O. RECREATION

Setting

There are several parks near downtown San José. The nearest park to the project site is St. James Park, located within walking distance less than a ¼ mile west of the site. The City of San José has adopted the Parkland Dedication Ordinance and Park Impact Ordinance, which require residential developers to dedicate public park land or pay in-lieu fees (or both) to compensate for increases in the demand for neighborhood park services.

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating recreation impacts from development projects. All future development allowed by the proposed land use designation would be subject to the recreation policies in the General Plan presented below.

Envision San José 2040 Relevant Recreation Policies	
Policy PR-1.1	Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.
Policy PR-1.2	Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.
Policy PR-1.3	Provide 500 SF per 1,000 population of community center space.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS		Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
14. RECREATION. Would the project:						
a)	Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X		1, 2
b)	Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?			X		1, 2

Explanation

a), b) **Less Than Significant Impact.** Future development would be required to conform to the City's Parkland Dedication and Park Impact Ordinances would ensure that the increase in residential population on the project site would result in less-than-significant impacts to neighborhood and regional park facilities.

Conclusion: Implementation of General Plan policies and regulations would ensure that future development on the site would result in less-than-significant impacts to recreational facilities.

P. TRANSPORTATION

Setting

The proposed project is located at the northeast corner of Fourth and St. John Streets. Regional access to the project site is provided by SR 87. Local site access is provided by Market Street, First Street, Second Street, Third Street, Fourth Street, Fifth Street, St. James Street, St. John Street, and Santa Clara Street.

Bicycle and Pedestrian Facilities

Pedestrian facilities consist mostly of sidewalks along the streets in the study area. Crosswalks with pedestrian signal heads are located at all the signalized intersections in the study area. Overall, the existing network of sidewalks and crosswalks in the immediate vicinity of the project site has good connectivity and provides pedestrians with safe routes to transit services and other points of interest in the study area. The Guadalupe River multi-use trail system runs through the City of San José along the Guadalupe River and is shared between pedestrians and bicyclists and separated from motor vehicle traffic. This trail system can be accessed via W. St John Street, 0.6 miles west of the project site.

The following segments of roadway in the immediate vicinity of the project site include Class II county-designated bike lanes:

- Third Street, between Jackson Street and I-280
- Fourth Street, between Jackson Street and I-280

Within the larger study area, the following roadways also contain bike lanes:

- Coleman Avenue, west of SR 87
- N. Almaden Boulevard, south of W. St. John Street
- San Fernando Street, between Bird Avenue and Tenth Street

Shared bike routes, or Sharrows, are present on St. John Street for its entirety.⁶ The City of San José participates in the Bay Area Bike Share program, which allows users to rent and return bicycles at various locations around the downtown area. There are currently 16 Bike Share stations in downtown San José, with one station located on Third Street just 400 feet west of the project site. The Diridon Station also has a bike share station and is located about 1¼ miles from the project site. The Guadalupe River multi-use trail system is also available. The Guadalupe River trail is an 11-mile continuous Class I bikeway from Curtner Avenue in south San José to Alviso in the north.

⁶ Sharrows are painted shared lane markings on a road that indicate to motorists that bicyclists may use the full travel lane.

Public Transit Facilities

Existing public transit services to the project area are provided by the Santa Clara Valley Transportation Authority (VTA), Caltrain, Altamont Commuter Express (ACE), and Amtrak. Several VTA bus lines operate within the project area. The majority of these bus lines operate along either First, Second, or Santa Clara Streets; many bus stops are located within walking distance of the project site. The Alum Rock/Santa Clara Bus Rapid Transit (BRT) line provides limited-stop service from the Eastridge Transit Center to the Arena Station in downtown San José via the Santa Clara-Alum Rock corridor. The closest BRT stop, the Downtown San José station, is located less than ¼ mile from the project site on Santa Clara Street between First and Second Streets. The Stevens Creek BRT and El Camino Real BRT lines are also planned.

The VTA currently operates the VTA light rail line system extending from south San José through downtown to the northern areas of San José, Santa Clara, Milpitas, Mountain View and Sunnyvale. The service operates nearly 24-hours a day with 15-minute headways during much of the day. The Mountain View-Winchester LRT line (route 902) and Santa Teresa-Alum Rock LRT line (route 901) operate within walking distance of the project site. The St. James LRT station is located two blocks west of the project site.

The San José Diridon station is located approximately 1¼ miles from the project site and is served by Caltrain, ACE, and Amtrak. Commuter rail service between San Francisco and Gilroy is provided by Caltrain, which currently operates 92 weekday trains. The Diridon Station provides 581 parking spaces, as well as 16 bike racks and 48 bike lockers. Caltrain provides passenger train service seven days a week, and provides extended service to Morgan Hill and Gilroy during weekday commute hours. Altamont Commuter Express (ACE) service provides passenger train service across the Altamont between Stockton and San José, with stops in Tracy and Pleasanton, during the weekday commute periods. Amtrak provides daily commuter passenger train service along the 170-mile Capitol Corridor between the Sacramento region and the Bay Area.

Regulatory Background

The City of San José's Council Policy 5-3 "Transportation Level of Service" acts as a guide to analyze and make determinations regarding the overall conformance of a proposed development with the City's various General Plan multi-modal transportation policies, which together seek to provide a safe, efficient, and environmentally sensitive transportation system for the movement of people and goods. It also establishes thresholds to determine environmental impacts and requires new development to mitigate for significant impacts.

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating transportation impacts from development projects. All future development allowed by the proposed land use designation would be subject to the transportation policies in the General Plan presented below.

Envision San José 2040 Relevant Transportation Policies	
Policy TR-1.1	Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).
Policy TR-1.2	Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
Policy TR-1.4	Through the entitlement process for new development, fund needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand.
Policy TR-1.5	Design, construct, operate, and maintain public streets to enable safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.
Policy TR-1.6	Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.
Policy TR-2.8	Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.
Policy TR-3.3	As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute towards transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.
Policy TR-5.3	The minimum overall roadway performance during peak travel periods should be level of service "D" except for designated areas and specified exceptions identified in the General Plan including the Downtown Core Area. Mitigation measures for vehicular traffic should not compromise or minimize community livability by removing mature street trees, significantly reducing front or side yards, or creating other adverse neighborhood impacts.
Policy TR-8.4	Discourage, as part of the entitlement process, the provision of parking spaces significantly above the number of spaces required by code for a given use.
Policy TR-9.1	Enhance, expand and maintain facilities for walking and bicycling, particularly to connect with and ensure access to transit and to provide a safe and complete alternative transportation network that facilitates non-automobile trips.
Policy CD-3.3	Within new development, create a pedestrian friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
15. TRANSPORTATION/TRAFFIC. 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?			X		1, 2
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?			X		1, 2, 9
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?			X		1, 2
d) Substantially increase hazards due to a design feature (for example, sharp curves or dangerous intersections) or incompatible uses (for example, farm equipment)?			X		1, 2
e) Result in inadequate emergency access?			X		1, 2
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?			X		1, 2

Explanation

Less Than Significant Impact. The City of San José's General Plan Amendment procedures require an analysis of proposed General Plan Amendments when they would result in more than 250 peak hour trips. A cumulative long-range traffic study was prepared for the 2017 General Plan Amendments, described in b) below. This study assumed an average development density on the project site of 337 units and commercial square footage to support 22 new jobs, after subtracting out the units/jobs generated by the existing General Plan land use designations on the site.⁷

The City of San José has determined that the proposed project would not meet the threshold required for a long-term General Plan traffic analysis, since the increase in traffic volume for the project would not exceed 250 peak hour trips. Therefore, the proposed General Plan amendment does not require a project-specific General Plan traffic analysis, and future residential development on the project site under the proposed land use designation is not expected to conflict with an adopted plan, ordinance, or policy related to the effectiveness of the circulation system.

⁷ 2017 land use data for the City of San José 2017 General Plan Amendments Long-Range Traffic Impact Analysis, Hexagon Transportation Consultants, Inc. in collaboration with City of San José, August 2017.

No specific development is proposed at this time. Future development on the site would be required to meet the City's Transportation LOS Policy, which establishes an acceptable standard of LOS D at affected intersections.

- a) **Less Than Significant Impact.** The cumulative long-range traffic impacts of all of the proposed 2017 General Plan Amendments were evaluated in a Long-Range Traffic Impact Analysis model forecast prepared by Hexagon Transportation Consultants (see Appendix D). This analysis evaluated the cumulative impacts of 10 proposed General Plan Amendments, listed in Table 2. Each of the proposed General Plan Amendments would result in changes to the assumed number of households and/or jobs on each site when compared to the Envision San José 2040 General Plan assumptions for each site. However, the total number of jobs and households citywide would not change as a result of these Amendments. Table 2 summarizes the existing (adopted 2040 General Plan) and proposed land uses and density for each of the 10 sites under each General Plan Amendment.

The City of San José has adopted policy goals in the Envision San José 2040 General Plan to reduce the drive alone mode share to no more than 40 percent of all daily commute trips, and to reduce the Vehicle Miles Traveled (VMT) per service population by 40 percent from 2008 conditions. To meet these goals by the General Plan horizon year of 2040, and to satisfy CEQA requirements, three Measures of Effectiveness (MOE) thresholds are used to evaluate long-range transportation impacts resulting from implementation of the General Plan Amendments. The General Plan Amendments would be considered to have a significant cumulative long-range traffic impact if one or more of the following occurs: 1) the Amendments result in an increase in daily VMT per service population, 2) the Amendments result in an increase in the percentage of journey-to-work drive alone trips; and/or 3) the Amendments result in a 7.5 percent decrease in average vehicle speeds on designated transit priority corridors (summarized in Table 3). In addition to the three MOEs, the cumulative traffic analysis evaluated potential cumulative effects on adjacent jurisdictions.

Table 2 2017 General Plan Land Use Amendments – Existing and Proposed Land Use								
					Existing General Plan		Proposed General Plan Amendment	
Site No.	Project Name	Location	APN	Size (acres)	Land Use	Max. Density	Land Use	Max. Density
1	GP16-011 (Oakland Rd.)	1202 Oakland Rd.	241-11-014, 020, 021, 022	1.54	Heavy Industrial	FAR up to 1.5	Combined Industrial/Commercial	FAR up to 12.0
2	GP16-012 (Booksin Ave.)	2720 Booksin Ave.	446-33-040	1.65	Public/Quasi-Public	N/A	Residential Neighborhood	8 DU per AC; FAR up to 0.7
3	GP16-013 (N. 4 th St.)	120 N. 4 th St.	467-20-019, 020, 021, 022, 040	0.91	Residential Neighborhood & Transit Residential	8 DU/AC; FAR up to 0.7; 50-250 DU/AC; FAR 2.0 to 12.0	Downtown	50-800 DU/AC; FAR 2.0 to 12.0
4	GP17-001 (Capitol Ave.)	100 S. Capitol Avenue	484-23-039	0.35	Neighborhood/Community Commercial	FAR up to 3.5	Residential Neighborhood	8 DU/AC; FAR up to 0.7
5	GP17-002 (Moorpark Ave.)	2323 Moorpark Avenue	282-01-014, 015, 016, 020, 021, 022	1.07	Residential Neighborhood	8 DU/AC; FAR up to 0.7	Mixed-Use Neighborhood	up to 30 DU/AC; FAR 0.25 to 2.0
6	GP17-003 (Branham LR Park & Ride)	4746 Narvaez Road	462-02-022, 024, 026, 027, 028, 021, 023, 025	3.14	Mixed-Use Neighborhood	up to 30 DU/AC; FAR 0.25 to 2.0	Transit Residential	50-250 DU/AC; FAR 2.0 to 12.0
7	GP17-004 (Cottle LR Park & Ride)	272 International Circle	706-05-038	4.48	Neighborhood/Community Commercial Public/Quasi-Public	FAR up to 3.5; N/A	Transit Residential	50-250 DU/AC; FAR 2.0 to 12.0
8	GP17-005 (Lincoln Ave.)	2119 Lincoln Avenue	439-08-059	0.28	Neighborhood/Community Commercial	FAR up to 3.5	Urban Residential	30-95 DU/AC; FAR 1.0 to 4.0
9	GP17-006 (W. Julian St.)	715 W. Julian Street	261-01-030, 094	1.22	Mixed-Use Commercial	up to 50 DU/AC FAR 0.5 to 4.5	Urban Village	up to 250 DU/AC; FAR up to 10.0
10	GP17-007 (Trimble Road)	370 W. Trimble Road	101-02-013, 014	19.4	Industrial Park	FAR up to 10.0	Combined Industrial/Commercial	FAR up to 12.0
Notes: FAR = floor-to-area ratio; DU = dwelling units; AC = acre; APN = assessor's parcel number; N/A = not applicable. Source: City of San José Planning Department (June 2017)								

Table 3 MOE Significance Thresholds	
Measure of Effectiveness (MOE)	Citywide Threshold
Daily VMT/Service Population	Any increase over current 2040 General Plan conditions.
Journey-to-Work Mode Share (Drive Alone %)	Any increase in journey-to-work drive alone mode share over current 2040 General Plan conditions.
Transit Corridor Travel Speeds	Decrease in average travel speed on a transit corridor below current 2040 General Plan conditions in the AM peak one-hour period when: 1. The average speed drops below 15 mph or decreases by 25% or more, or 2. The average speed drops by one mph or more for a transit corridor with average speed below 15 mph under current 2040 General Plan conditions.
Adjacent Jurisdiction	When 25% or more of total deficient lane miles on streets in an adjacent jurisdiction are attributable to the City of San José during the AM peak-4-hour period: 1. Total deficient lane miles are total lane miles of street segments with V/C ratios of 1.0 or greater. 2. A deficient roadway segment is attributed to San José when trips from the City are 10% or more on the deficient segment.
Source: Envision San José 2040 General Plan TIA, October 2010.	

The results of the cumulative Long-Range traffic analysis for all of the 2017 General Plan Amendments are discussed below and summarized in Tables 4 through 7.

Daily Vehicle Miles Traveled per Service Population. Compared to the current General Plan, the proposed General Plan Amendments (GPAs) would not result in an increase in VMT per service population, as shown in Table 4 below. Therefore, cumulatively, the 2017 GPAs would result in a less-than-significant impact on citywide daily VMT per service population. It is important to note that the VMT per service population is based on raw model output and does not reflect the implementation of adopted General Plan policies and goals that would further reduce VMT by increased use of non-auto modes of travel.

Table 4 Daily Vehicle Miles Traveled per Service Population			
	Base Year (2015)	Existing General Plan	Existing General Plan plus GPAs
Citywide Daily VMT	20,588,249	31,251,446	31,290,755
Citywide Service Population	1,385,030	2,065,461	2,065,461
Daily VMT Per Service Population	14.9	15.1	15.1
Increase in VMT/Service Population over General Plan	--	--	0.0
Significant Impact?			No
Note: Service Population = Residents + Jobs Source: City of San José 2017 General Plan Amendments: Long-Range Traffic Impact Analysis, Hexagon Transportation Consultants, Inc., August 18, 2017.			

Journey-to-Work Mode Share. The proposed General Plan Amendments will not result in an increase of drive alone journey-to-work mode share when compared to the current General Plan, as shown in Table 5. Therefore, cumulatively, the 2017 GPAs would result in a less-than-significant impact on citywide journey-to-work mode share.

Table 5 Journey-to-Work Mode Share Percentages						
	Base Year (2015)		Existing General Plan		Existing General Plan plus GPAs	
Mode	Trips	%	Trips	%	Trips	%
Drive Alone	724,530	78.3	1,061,730	72.5	1,062,180	72.4
Carpool 2	112,030	12.1	178,190	12.2	178,670	12.2
Carpool 3+	42,310	4.6	79,220	5.4	79,660	5.4
Transit	26,820	2.9	99,570	6.8	100,580	6.9
Bicycle	7,060	0.8	19,610	1.3	19,770	1.3
Walk	12,130	1.3	26,260	1.8	26,470	1.8
Increase in Drive Alone Percentage over General Plan Conditions						-0.1
Significant Impact?					No	
Source: City of San José 2017 General Plan Amendments: Long-Range Traffic Impact Analysis; Hexagon Transportation Consultants, Inc.; dated August 18, 2017.						

Average Vehicle Speeds in Transit Priority Corridors. The proposed General Plan Amendments will not result in a decrease in travel speeds of greater than one mph or 25 percent on any of the 14 transit priority corridors when compared to current General Plan conditions as shown in Table 6. Therefore, cumulatively, the 2017 GPAs would result in a less than significant impact on the AM peak-hour average vehicle speeds on the transit priority corridors.

Table 6 AM Peak-Hour Vehicle Speeds (mph) in Transit Priority Corridors					
Transit Priority Corridor	Base Year (2015)	Existing General Plan	Existing General Plan plus GPAs	% Change (Existing General Plan plus GPAs – Existing GP)	Absolute Change (Existing General Plan plus GPAs – Existing GP)
2nd St from San Carlos St to St. James St	11.4	11.4	11.4	0	0.0
Alum Rock Av from Capitol Av to US 101	21.2	15.3	15.1	-2	-0.3
Camden Av from SR 17 to Meridian Av	22.2	14.6	15.2	4	0.6
Capitol Av from S. Milpitas Bl to Capitol Expwy	23.9	20.8	20.5	-1	-0.2
Capitol Expwy from Capitol Av to Meridian Av	25.8	24.5	25.0	2	0.5
E. Santa Clara St from US 101 to Delmas Av	20.3	16.9	16.7	-1	-0.2
Meridian Av from Park Av to Blossom Hill Rd	22.7	19.1	18.7	-3	-0.5
Monterey Rd from Keyes St to Metcalf Rd	24.2	17.2	17.3	1	0.1

Table 6 AM Peak-Hour Vehicle Speeds (mph) in Transit Priority Corridors					
N. 1st St from SR 237 to Keyes St	19.8	12.7	13.4	5	0.7
San Carlos St from Bascom Av to SR 87	22.1	21.0	20.7	-2	-0.3
Stevens Creek Bl from Bascom Av to Tantau Av	21.3	17.2	17.2	0	0.0
Tasman Dr from Lick Mill Bl to McCarthy Bl	24.0	13.5	13.5	0	0.0
The Alameda from Alameda Wy to Delmas Av	19.7	14.1	13.7	-3	-0.5
W. San Carlos St from SR 87 to 2nd St	19.3	18.3	18.2	0	0.0
Source: City of San José 2017 General Plan Amendments: Long-Range Traffic Impact Analysis; Hexagon Transportation Consultants, Inc.; dated August 18, 2017.					

Adjacent Jurisdictions. The current General Plan land use designations and proposed General Plan Amendment land use adjustments result in the same impacts to roadway segments within the same 14 adjacent jurisdictions identified in the Envision San José 2040 General Plan, as shown in Table 7. Therefore, the proposed General Plan Amendment land use adjustments would not result in further impact on roadways in adjacent jurisdictions than that identified for the current General Plan land uses in the adopted Envision San José 2040 General Plan EIR.

Table 7 AM 4-Hour Traffic Impacts in Adjacent Jurisdictions									
City	Base Year (2015)			Existing General Plan			Existing General Plan plus GPAs		
	Total Deficient Lane Miles (1)	Total Deficient Lane Miles Attributed to San José (2)	% of Deficient Lane Miles Attributed to San José	Total Deficient Lane Miles (1)	Total Deficient Lane Miles Attributed to San José (2)	% of Deficient Lane Miles Attributed to San José	Total Deficient Lane Miles (1)	Total Deficient Lane Miles Attributed to San José (2)	% of Deficient Lane Miles Attributed to San José
Campbell	0.14	0.14	100	0.86	0.86	100	0.86	0.86	100
Cupertino	3.76	2.96	79	1.01	0.79	78	1.01	0.79	78
Gilroy	0.00	0.00	0	1.13	1.13	100	1.13	1.13	100
Los Altos	1.21	0.25	21	1.63	0.25	15	1.24	0.25	20
Los Altos Hills	0.65	0.00	0	1.71	0.93	54	1.71	0.93	54
Los Gatos	0.70	0.70	100	1.02	1.02	100	0.82	0.82	100
Milpitas	1.08	0.87	81	10.56	10.56	100	10.8	10.8	100
Monte Serenio	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0
Morgan Hill	0.46	0.46	100	0.56	0.56	100	0.24	0.24	100
Mountain View	1.69	1.51	89	1.91	1.63	85	1.96	1.67	85
Palo Alto	0.64	0.16	25	2.81	0.16	6	2.81	0.16	6
Santa Clara	0.04	0.04	100	1.06	0.99	93	1.06	0.99	93
Saratoga	1.86	1.57	85	3.22	3.22	100	3.22	3.22	100
Sunnyvale	0.95	0.46	49	1.01	1.1	100	1.01	1.01	100

Table 7 AM 4-Hour Traffic Impacts in Adjacent Jurisdictions									
Caltrans Facilities	5,311	4,131	78	5,234	4,402	84	5,236	4,402	84
SC Co. Expressways	2.75	2.75	100	13.03	12.83	98	11.84	11.64	98
Notes: (1) Total deficient lane miles are total lane miles of street segments with V/C ratios of 1.0 or greater. (2) A deficient roadway segment is attributed to San José when trips from the City are 10% or more on the deficient segment. Bold: Indicates Significant Impacts Source: City of San José 2017 General Plan Amendments: Long-Range Traffic Impact Analysis; Hexagon Transportation Consultants, Inc.; dated August 18, 2017.									

Conclusion. Compared to the Envision San José 2040 General Plan, the 2017 General Plan Amendments Long-Range Traffic Analysis found that the General Plan Amendments: 1) would not result in an increase citywide daily VMT per service population; 2) would reduce the percentage of journey-to-work drive alone trips; and 3) would increase average vehicle speeds on the transit priority corridors consistent with the cumulative traffic threshold criteria established. Future development on each of the General Plan Amendment project sites will be required to evaluate near-term traffic for project-level CEQA clearance for each planning permit.

- b) **Less Than Significant Impact.** Future development would not result in any changes to air traffic patterns. See discussion in Section H. Hazards and Hazardous Materials regarding compliance with FAA review requirements.
- c) **Less Than Significant Impact.** The project is not expected to substantially increase hazards due to a design feature or incompatible uses since it does not propose any roadway modifications. Future development in accordance with City design standards will ensure that hazards due to a design feature would be avoided.
- e) **Less Than Significant Impact.** Future development would not result in inadequate emergency access since it would be required to comply with all police and fire department codes and regulations.
- f) **Less Than Significant Impact.** Future development is not expected to conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. Future development could encourage the use of multi-modal transportation given its location near downtown with good accessibility to public transit and pedestrian and bicycle facilities.

Conclusion: Implementation of General Plan policies will ensure that future development on the site would result in less-than-significant impacts on the transportation system.

Q. UTILITIES AND SERVICE SYSTEMS

Setting

Utilities and services are furnished to the project site by the following providers:

- Wastewater Treatment: treatment and disposal provided by the San José/Santa Clara Water Regional Wastewater Facility (RWF); sanitary sewer lines maintained by the City of San José
- Water Service: San Jose Water Company (SJWC)
- Storm Drainage: City of San José
- Solid Waste: Republic Services
- Natural Gas & Electricity: PG&E

Regulatory Background

Assembly Bill (AB) 939

California AB 939 established the California Integrated Waste Management Board (CalRecycle), which required all California counties to prepare Integrated Waste Management Plans. In addition, AB 939 required all municipalities to divert 50 percent of their waste stream by the year 2000.

California Green Building Standards Code

In January 2017, California adopted the most recent version of the California Green Building Standards Code, which establishes mandatory green building standards for new and remodeled structures in California. These standards include a mandatory set of guidelines and more stringent voluntary measures for new construction projects, in order to achieve specific green building performance levels as follows:

- Reduce indoor water use by 20 percent;
- Reduce wastewater by 20 percent;
- Recycle and/or salvage 50 percent of nonhazardous construction and demolition debris; and
- Provide readily accessible areas for recycling by occupant.

San José Zero Waste Strategic Plan/Green Vision

The City's Green Vision provides a comprehensive approach to achieving sustainability through technology and innovation. The Zero Waste Strategic Plan outlines policies to help the City of San José facilitate a healthier community and achieve its Green Vision goals, including 75 percent waste diversion by 2013, which has been achieved, and zero waste by 2022.

Private Sector Green Building Policy

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

Policy is also intended to enhance the public health, safety, and welfare of the City’s residents, workers, and visitors by encouraging design, construction, and maintenance practices that minimize the use and waste of energy, water, and other resources in the City.

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating utilities and service system impacts from development projects. All future development allowed by the proposed land use designation would be subject to the utilities and service system policies in the General Plan presented below.

Envision San José 2040 Relevant Utilities and Service System Policies	
Policy MS-3.1	Require water-efficient landscaping, which conforms to the State’s Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation needs or other area functions.
Policy MS-3.2	Promote use of green building technology or techniques that can help to reduce the depletion of the City’s potable water supply as building codes permit.
Policy MS-3.3	Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.
Action EC-5.16	Implement the Post-Construction Urban Runoff Management requirements of the City’s Municipal NPDES Permit to reduce urban runoff from project sites.
Policy IN-3.3	Meet the water supply, sanitary sewer and storm drainage level of service objectives through an orderly process of ensuring that, before development occurs, there is adequate capacity. Coordinate with water and sewer providers to prioritize service needs for approved affordable housing projects.
Policy IN-3.5	Require development which will have the potential to reduce downstream LOS to lower than “D”, or development which would be served by downstream lines already operating at a LOS lower than “D”, to provide mitigation measures to improve the LOS to “D” or better, either acting independently or jointly with other developments in the same area or in coordination with the City’s Sanitary Sewer Capital Improvement Program.
Policy IN-3.7	Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.
Policy IN-3.9	Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.
Policy IN-3.10	Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City’s National Pollutant Discharge Elimination System (NPDES) permit.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
16. UTILITIES AND SERVICE SYSTEMS. Would the project:					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X	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?			X		1, 2
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X		1, 2
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X		1
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?			X		1
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X		1
g) Comply with federal, state, and local statutes and regulations related to solid waste?			X		1

Explanation

- a) **No Impact.** Future development is not expected to exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board. Wastewater from the project site would be transported to the Regional Wastewater Facility (RWF) for treatment. The RWF is currently operating under a 120 million gallon per day dry weather effluent flow constraint. Future development would not substantially increase wastewater from the site that could cause an exceedance of the RWQCB's treatment requirements for the RWF.
- b) **Less Than Significant Impact.** An existing 18-inch sanitary sewer line is located in Fourth Street and a 30-inch sanitary sewer line is located in St. John Street. Existing 12-inch water mains are located in both Fourth and St. John Streets. Future development on the project site would incrementally increase water demands and wastewater generation; however, this increase is not expected to require or result in the construction of new water or wastewater treatment facilities or any substantial expansion of existing facilities for this infill site.
- c) **Less Than Significant Impact.** Future development would be required to provide a drainage system to manage stormwater runoff. Implementation of local and regional regulations would minimize the amount of runoff entering the City's storm drainage system.

- d) **Less Than Significant Impact.** See b) above. Sufficient water supplies are available to serve future development on this infill site from existing entitlements and resources.
- e) **Less Than Significant Impact.** The wastewater treatment provider, RWF, has adequate capacity to serve incremental demand from future development on the proposed infill site. The City currently has excess wastewater treatment capacity. Future development on the site would not exceed the City's allocated capacity at the City's wastewater treatment facility.
- f) **Less Than Significant Impact.** Future development would not generate substantial solid waste that would adversely affect any landfills. The total permitted landfill capacity of the five operating landfills in the City is approximately 5.3 million tons per year; therefore, sufficient landfill capacity is available to serve the project. Additionally, any future development project at the site would be subject to ongoing implementation of the City's Zero Waste Strategic Plan, including the 75 percent diversion goal.
- g) **Less Than Significant Impact.** Future development would comply with all federal, state, and local statutes and regulations related to solid waste.

Conclusion: Implementation of General Plan policies and regulations would ensure that future development of the project site would result in less-than-significant impacts on utilities and service systems.

R. MANDATORY FINDINGS OF SIGNIFICANCE

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
17. MANDATORY FINDINGS OF SIGNIFICANCE. Does the project:					
a) 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?			X		1-9
b) 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 the past projects, the effects of other current projects, and the effects of probable future projects.			X		1-9
c) Have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?			X		1-9

Explanation

- a) **Less Than Significant Impact.** Based on the analysis provided in this Initial Study, future development allowed by the proposed General Plan Amendment and rezoning would not substantially degrade or reduce wildlife species or habitat, or impact historic or other cultural resources with implementation of the General Plan policies and other applicable regulations.
- b) **Less Than Significant Impact.** Ten General Plan Amendments are proposed within the City for 2017. Each of the proposed General Plan Amendments would result in changes to the assumed number of households and/or jobs on each site when compared to the Envision San José 2040 General Plan assumptions for each site. However, the total number of jobs and households citywide would not change as a result of these Amendments. Table 2 summarizes the existing (adopted 2040 General Plan) and proposed land uses and density for each of the 10 sites under each General Plan Amendment. The primary environmental concern from the 10 General Plan Amendments is traffic. The cumulative long-range traffic impacts of the proposed 2017 General Plan Amendments were evaluated in a Long-Range Traffic Impact Analysis model, as discussed in Section P. Transportation. The study concluded that compared to the Envision San José 2040 General Plan, the 2017 General Plan Amendments: 1) would not result in an increase citywide daily VMT per service population, 2) would reduce the percentage of journey-to-work drive alone trips, and 3) would increase average vehicle speeds on the transit priority corridors. Based on these findings, the cumulative long-range traffic effects of the 2017 General Plan Amendments would be less-than-significant based on the City’s significance criteria.

- c) **Less Than Significant Impact.** Based on the analysis provided in this Initial Study, future development allowed by the proposed General Plan Amendment and rezoning would not result in environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly with implementation of the General Plan policies, Downtown Design Guidelines, and other applicable regulations.

Chapter 4. References

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