

Initial Study

Murphy Villas Subdivision

File Numbers: PDC17-050, PD17-024, PT17-054



May 2018

MITIGATED NEGATIVE DECLARATION

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

PROJECT NAME: Murphy Villas Subdivision

PROJECT FILE NUMBER: PDC17-050, PD17-024, and PT17-054

PROJECT DESCRIPTION: The project includes a Planned Development Rezoning from the A Agricultural Zoning District to the R-M(PD) Planned Development Zoning District to allow up to five residential units; Planned Development Permit to demolish a single-family residence and construct five single-family detached residences; and Planned Development Tentative Map to subdivide one (1) lot into five (5) residential condominiums lots and one (1) common lot on an approximately 0.45 gross acre site.

PROJECT LOCATION: Southeast corner of Murphy Avenue and Ringwood Avenue, at 1508 Murphy Avenue in San José.

ASSESSORS PARCEL NO.: 241-23-053

COUNCIL DISTRICT: 4

APPLICANT CONTACT INFORMATION: Degan Development Corporation, Mack Mohsen – 2959 South Winchester Blvd Suite 200A, Campbell, CA. 95008

FINDING

The Director of Planning, Building and Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached Initial Study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

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

- A. **AESTHETICS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- B. **AGRICULTURAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- C. **AIR QUALITY** – The project will not have a significant impact on this resource, therefore no mitigation is required.

D. BIOLOGICAL RESOURCES

Impact BIO-1: Tree removal, demolition, grading, and other construction activities occur during breeding season could result in a significant impact to nesting raptors

Mitigation Measure BIO-1.1: The project applicant shall schedule demolition and construction activities to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st (inclusive). If it is not possible to schedule demolition and construction between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st inclusive). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests.

If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with the California Department of Fish and Wildlife, shall determine the extent of a construction free buffer zone to be established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests shall not be disturbed during project construction.

Prior to any tree removal, or approval of any grading or demolition permits (whichever occurs first), the ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the City's Supervising Environmental Planner.

- E. CULTURAL AND TRIBAL CULTURAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- F. GEOLOGY/SOILS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- G. GREENHOUSE GAS EMISSIONS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- H. HAZARDS AND HAZARDOUS MATERIALS**

Impact HAZ-1: Historic activities on the project site may have impacted subsurface soil from previous agricultural uses.

Mitigation Measure HAZ-1.1: The project applicant shall retain a qualified professional to prepare a Phase II Soil Contamination Investigation (Phase II) prior to issuance of any demolition or grading permits or site clearance activities. The Phase II investigation shall consist of collecting shallow soil samples and testing for organochloride pesticides and pesticide based metals, arsenic, and lead across the entire site to investigate historical agricultural use. The Phase II investigation shall also include shallow soil sampling around existing structures to test for lead that may have flaked off structures with lead-containing paint and for organochlorine pesticides that may have been applied for termite control.

The Phase II Soil Contamination Investigation report shall be provided to the City's Supervising Environmental Planner. If the soil testing results indicate residual contamination is not detected and/or found below regulatory environmental screening levels for public health and the environment and/or construction worker safety, no further mitigation is required.

Mitigation Measure HAZ-1.2: If the soil testing results indicate pesticides, arsenic and/or lead that exceed regulatory environmental screening levels for public health and the environment and/or construction worker safety, then the project applicant shall enter into the Santa Clara County Department of Environmental Health's (SCCDEH) Voluntary Cleanup Program to mitigate the contamination. Mitigation may include removal of the contaminated soil and/or capping the contaminated soil under hardscape or clean soil with deed restrictions. The SCCDEH will require a Health & Safety Plan to protect construction workers and will require a Remediation Work Plan, Site Management Plan (SMP), or other similar report to document the mitigation. The SCCDEH will issue a final No Further Action letter or equivalent after the remediation has been satisfactorily completed, which must be provided to the City's Supervising Environmental Planner prior to issuance of any grading permit.

- 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 AND VIBRATION** – 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, June 25, 2018** any person may:

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

Krinjal Mathur
Environmental Project Manager

Rosalynn Hughey, Director
Planning, Building and Code Enforcement

_____ 5/31/18
Date

_____ 
Deputy

Circulation period: June 5, 2018 to June 25, 2018

TABLE OF CONTENTS

| | |
|--|-----|
| ACRONYMS AND ABBREVIATIONS..... | iii |
| Section 1.0 Project information | 1 |
| 1.1 PURPOSE OF THE INITIAL STUDY | 1 |
| Section 2.0 Project Information..... | 3 |
| 2.1 PROJECT TITLE | 3 |
| 2.2 LEAD AGENCY CONTACT | 3 |
| 2.3 PROJECT APPLICANT | 3 |
| 2.4 PROJECT LOCATION | 3 |
| 2.5 ASSESSOR’S PARCEL NUMBER..... | 4 |
| 2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT | 4 |
| 2.7 HABITAT PLAN DESIGNATION | 4 |
| 2.8 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS | 4 |
| Section 3.0 Project Description | 9 |
| 3.1 PROJECT OVERVIEW | 9 |
| 3.2 PROJECT DESCRIPTION | 9 |
| Section 4.0 Evaluation of Environmental Impacts | 13 |
| 4.1 AESTHETICS | 15 |
| 4.2 AGRICULTURAL RESOURCES | 17 |
| 4.3 AIR QUALITY..... | 19 |
| 4.4 BIOLOGICAL RESOURCES..... | 23 |
| 4.5 CULTURAL AND TRIBAL CULTURAL RESOURCES..... | 29 |
| 4.6 GEOLOGY/SOILS..... | 35 |
| 4.7 GREENHOUSE GAS EMISSIONS..... | 39 |
| 4.8 HAZARDS AND HAZARDOUS MATERIALS | 41 |
| 4.9 HYDROLOGY AND WATER QUALITY | 46 |
| 4.10 LAND USE AND PLANNING..... | 51 |
| 4.11 MINERAL RESOURCES | 53 |
| 4.12 NOISE AND VIBRATION..... | 54 |
| 4.13 POPULATION AND HOUSING..... | 59 |
| 4.14 PUBLIC SERVICES | 60 |
| 4.15 RECREATION..... | 62 |
| 4.16 TRANSPORTATION/TRAFFIC | 64 |

| | |
|---|----|
| 4.17 UTILITIES AND SERVICE SYSTEMS | 68 |
| 4.18 MANDATORY FINDINGS OF SIGNIFICANCE..... | 71 |
| Section 5.0 References..... | 73 |
| Section 6.0 Lead Agency and Consultants | 77 |
| 6.1 LEAD AGENCY | 77 |

FIGURES

| | |
|---|----|
| Figure 2.4-1 Location Map | 5 |
| Figure 2.4-2 Project Site | 7 |
| Figure 3.2-1 Vesting Tentative Tract Map..... | 11 |

TABLES

| | |
|---|----|
| Table 2.4-1 Surrounding Land Uses | 4 |
| Table 4.4-1 Tree Replacement Ratios..... | 27 |
| Table 4.16-1 Trip Generation ² | 65 |

APPENDICES

| | |
|------------|---------------------------------------|
| Appendix A | Historic Report |
| Appendix B | Phase I Environmental Site Assessment |

ACRONYMS AND ABBREVIATIONS

| | |
|----------|--|
| BAAQMD | Bay Area Air Quality Management District |
| CAP | Clean Air Plan |
| CALGREEN | California Green |
| CDFW | California Department of Fish and Wildlife |
| CEQA | California Environmental Quality Act |
| EIR | Environmental Impact Report |
| RWQCB | Regional Water Quality Control Board |
| USFWS | United States Fish and Wildlife Service |

SECTION 1.0 PROJECT INFORMATION

1.1 PURPOSE OF THE INITIAL STUDY

The City of San José (City), as the Lead Agency, has prepared this Initial Study for the 1508 Murphy Avenue Residential project in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 et. seq.) and the regulations and policies of the City of San José, California.

The project includes Planned Development Rezoning (PDC17-050), a Planned Development Permit (PD17-024), and a Tentative Map Permit (PT17-054) to rezone a 0.44-acre site located at the southeast corner of Murphy Avenue and Ringwood Avenue from A Agricultural Zoning District to R-M (PD) Multiple Residence Planning Development Zoning District to allow five single-family detached residences. The R-M (PD) zoning designation is consistent with the site’s General Plan designation of Residential Neighborhood (RN).

1.1.1 Public Review Period

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

Krinjal Mathur, Environmental Project Manager
City of San José
Department of Planning, Building, and Code Enforcement
200 East Santa Clara Street, Third Floor
San José, California 95113
(408) 535-7874
krinjal.mathur@sanjoseca.gov

1.1.2 Consideration of the Initial Study and Project

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

This side intentionally left blank.

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

Murphy Villas Subdivision

File Numbers: PDC17-050, PD17-024, and PT17-054

2.2 LEAD AGENCY CONTACT

City of San José
Department of Planning, Building and Code Enforcement
Planning Division
City Hall, Third Floor
200 East Santa Clara Street
San José, CA 95113

Environmental Review

Krinjal Mathur, Environmental Project Manager
Phone: 408-535-7874
Email: krinjal.mathur@sanjoseca.gov

Project Management

John Tu, Planning Project Manager
Phone: 408-535-6818
Email: john.tu@sanjoseca.gov

2.3 PROJECT APPLICANT

Mack Mohsen, President
Degan Homes
2959 S. Winchester Blvd, Suite 200A
Campbell, CA 95008
Phone: 408-628-0201
Email: mack@deganhomes.com

2.4 PROJECT LOCATION

The project site is located at 1508 Murphy Avenue in the City of San José, California on the southeastern corner of Murphy Avenue and Ringwood Avenue. The project site is bordered by residential uses in all directions. Figure 2.4-1, Location Map and Figure 2.4-2, Project Site illustrate the site location and surrounding area.

Surrounding land uses, General Plan designations, and zoning are summarized in Table 2.4-1, is presented on the following page.

Table 2.4-1 Surrounding Land Uses

| | Land Use | General Plan Designation | Zoning |
|-------|-------------|-------------------------------|--------|
| North | Residential | UR (Urban Residential) | IP(PD) |
| South | Residential | RN (Residential Neighborhood) | A (PD) |
| East | Residential | RN (Residential Neighborhood) | A(PD) |
| West | Residential | RN (Residential Neighborhood) | A(PD) |

2.5 ASSESSOR'S PARCEL NUMBER

APN: 241-23-053

2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

The project site has an *Envision San José 2040 General Plan* (General Plan) land use designation of Residential Neighborhood (RN) and is located in the Agricultural District (A) zoning district.

2.7 HABITAT PLAN DESIGNATION

Development Zone: Urban Development Equal to or Greater Than Two Acres Covered

Land Cover Type: Urban-Suburban

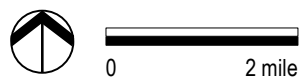
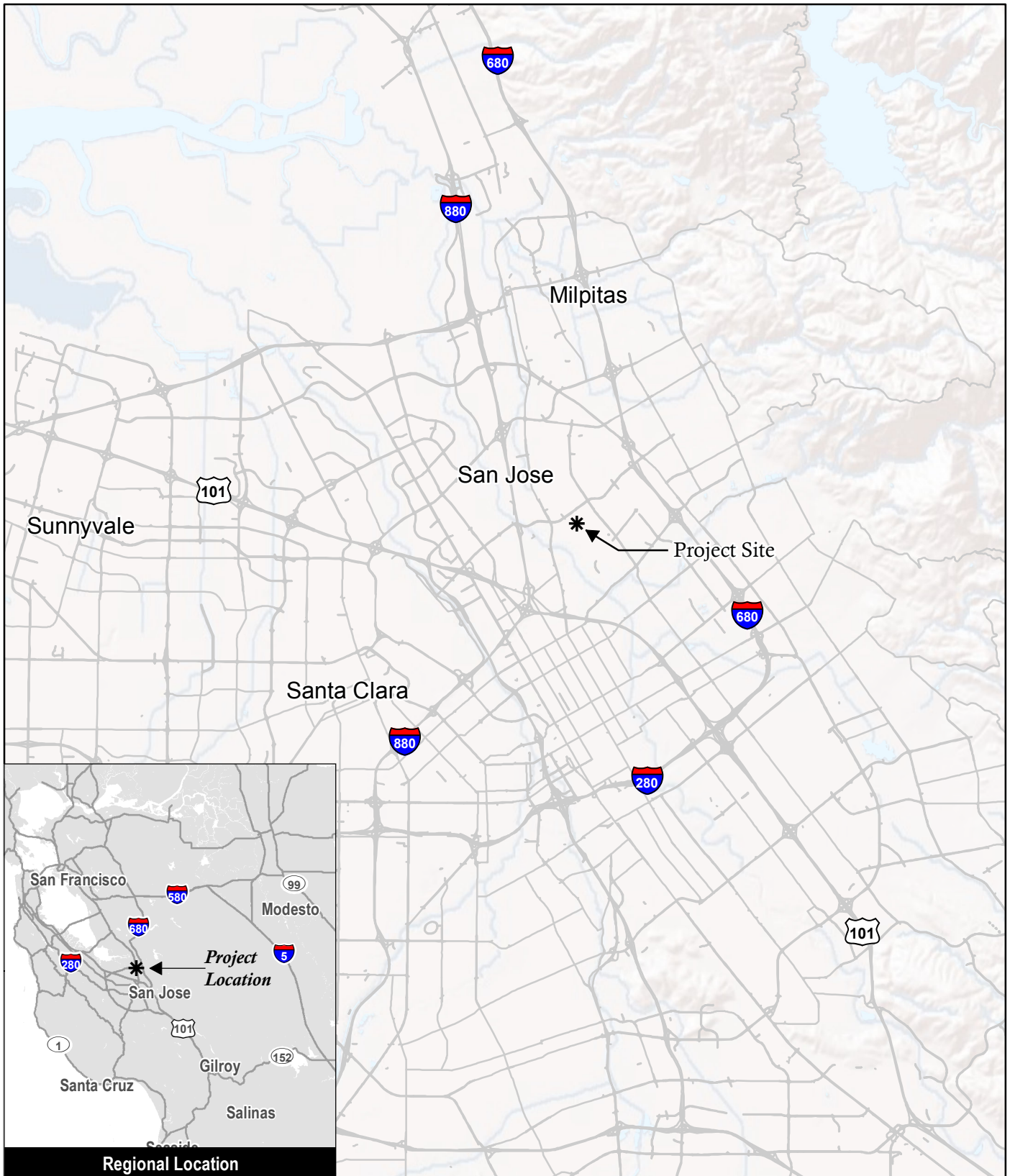
Land Cover Fee Zone: Urban Areas (No Land Cover Fee)

Burrowing Owl Survey and Fee Zone: N/A

2.8 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

The project would require:

- Planned Development Rezoning (PDC)
- Planned Development Permit (PD)
- Planned Development Tentative Map (PT)
- Final Map
- Tree Removal Permit
- Demolition Permit
- Grading Permit
- Building Permits
- Other Public Work Clearances



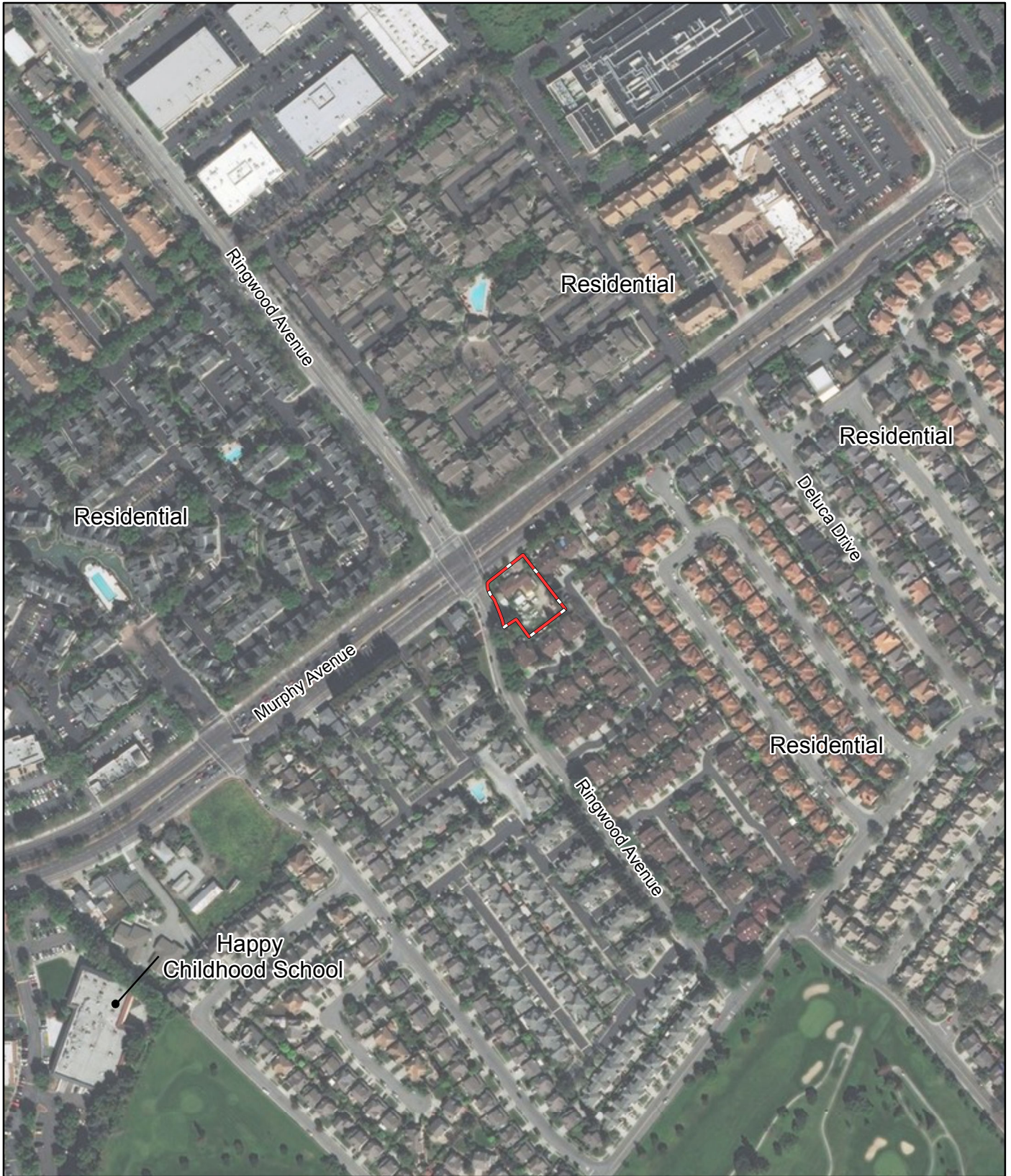
Source: ESRI 2017



Figure 2.4-1
Location Map

Murphy Villas Subdivision IS

This side intentionally left blank.



0 400 feet



Project Site

Source: ESRI 2017

Figure 2.4-2

Project Site



Murphy Villas Subdivision IS

This side intentionally left blank.

SECTION 3.0 PROJECT DESCRIPTION

3.1 PROJECT OVERVIEW

The proposed project includes Planned Development Rezoning, Planned Development Permit, and Tentative Map Permit to rezone a 0.44-acre site located on Murphy Street from A Agricultural Zoning District to RM (PD) Multiple Residence Planned Development Zoning District to allow construction of five single-family detached residences and to subdivide one (1) lot into five (5) residential condominium lots and one (1) common lot.

3.1.1 Existing Setting

The 0.44-acre project site is within an existing residential neighborhood, with one home currently present on the site. The project site is bordered by Murphy Avenue and Ringwood Avenue to the north and west, respectively, and by two-story residences to the east and south.

The project site has a General Plan land use designation of RN Residential Neighborhood and is currently in the A Agricultural Zoning District.

3.2 PROJECT DESCRIPTION

3.2.1 Site Design

The proposed Vesting Tentative Tract Map (JMH Weiss 2017) identifies six lots: five residential lots ranging in size from 2,148 to 3,223 square feet; and one common lot driveway (private street) 6,381 square feet in size, which would provide access from Ringwood Avenue. No access is proposed from Murphy Avenue. Therefore, the proposed project would result in a total of five residential units on the project site.

Utilities would be provided by San José Water Company, City of San José for sanitary sewer and storm drain, and Pacific Gas and Electric, AT&T, and Comcast. The project proposes to connect to existing storm drainage system, water, and sanitary sewer facilities along Ringwood Avenue.

Sidewalks and curbs would be extended adjacent to the project site. The existing street light, traffic signal, and traffic sign at the intersection of Ringwood and Murphy Avenues may be required to be relocated. The Vesting Tentative Map is presented as Figure 3.2-1, Vesting Tentative Tract Map.

In addition, the Planned Development Permit (PD17-024) proposes the residences to be three stories with two or three car garages. Limited on-site guest parking would be provided.

The proposed storm water control plan illustrates two bio-retention basins at the entrance of the private street, fronting Ringwood Avenue, where the new storm drains would connect to the City’s storm drain system.

The landscape planting plan illustrates trees, shrubs, vines and ground covers planted along Murphy and Ringwood avenues, and along the northern end of the private street.

The plan set also includes floor plans and elevations, project materials, and color samples for the proposed homes.

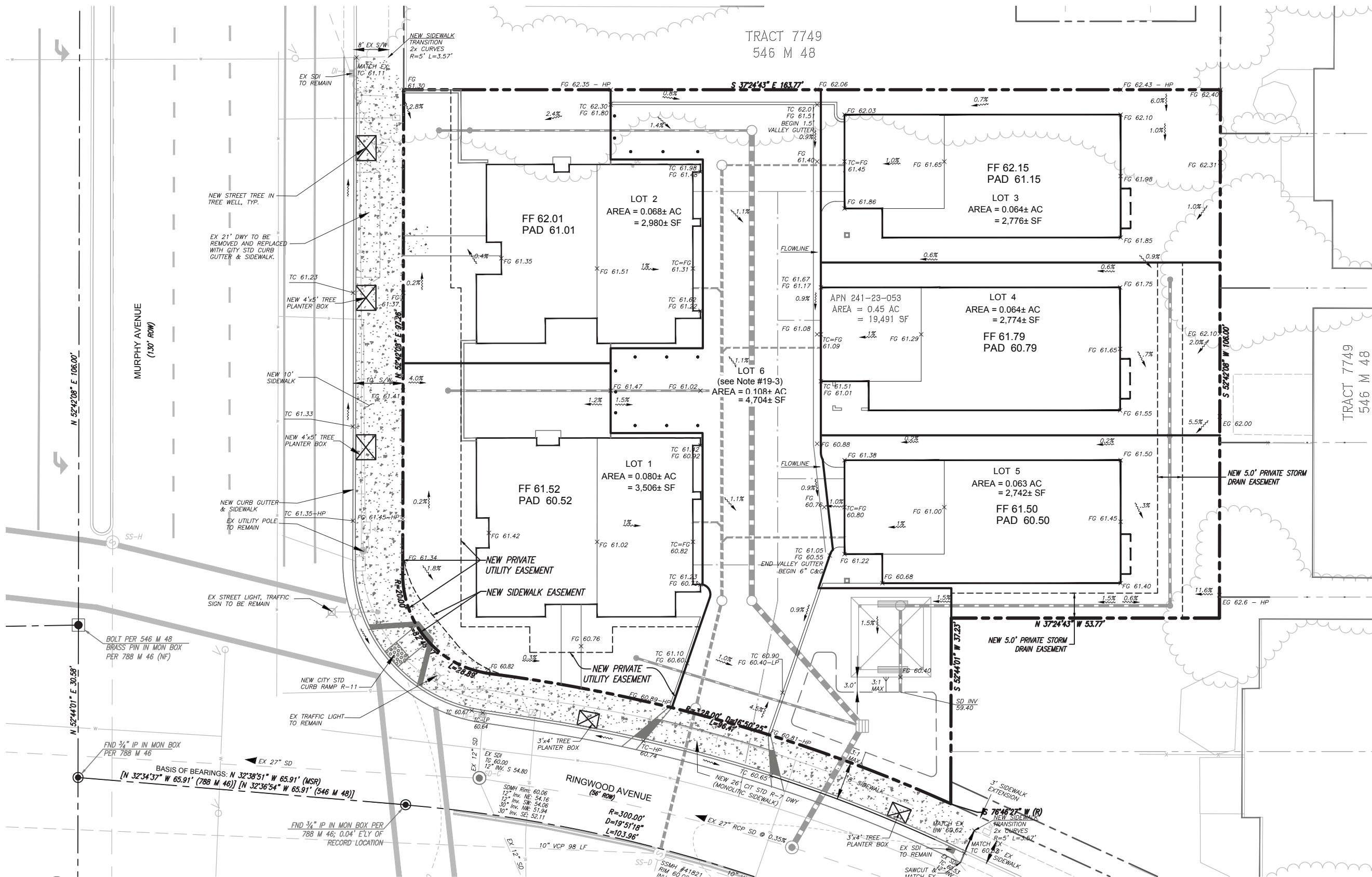
3.2.2 Demolition and Construction

The project site currently has one residence with an asphalt pathway that connects Murphy Avenue to the back of the home. The proposed project includes site preparation that would require the removal of the existing residence and the existing 16 trees on site. The project site is relatively flat; therefore, only minor grading is required.

The proposed project would be constructed in one phase. The anticipated date for construction is September 2018. As development plans are still in the preliminary stages, details regarding construction dates/duration and equipment is not available. There will be necessary utility hookups and access improvements to Murphy Avenue. Off-site improvements will be required including a wheelchair ramp, sidewalk and driveway along the project frontage.

3.2.3 Project Approval Process

The project would require a Planned Development Rezoning from the A Agricultural Zoning District to the R-M (PD) Planned Development Zoning District to allow up to five residential units on a 0.45 gross acre site. The project would also require a Planned Development Permit to demolish a single-family residence and construct five single-family detached residences on an approximately 0.45-gross acre site and Tentative Map permit which would subdivide the site into a total of six lots.



LEGEND/ABBREVIATIONS

| | |
|--|--------------------------------------|
| | PROPERTY LINE - SUBJECT PARCEL |
| | PROPERTY LINE - ADJACENT PARCEL |
| | NEW PROPERTY LINE |
| | CENTERLINE / MONUMENT LINE, AS NOTED |
| | EXISTING EASEMENT LINE |
| | NEW EASEMENT LINE |
| | BUILDING LINE |
| | BIORETENTION AREA BOUNDARY |
| | CONCRETE |
| | CURB GUTTER |
| | EDGE OF PAVEMENT |
| | FENCELINE |
| | UNDERGROUND COMMUNICATIONS |
| | UNDERGROUND ELECTRICAL |
| | UNDERGROUND GAS |
| | UNDERGROUND SANITARY SEWER |
| | UNDERGROUND STORM DRAIN |
| | UNDERGROUND STREET LIGHTING |
| | UNDERGROUND WATER |
| | WALL |
| | COMMUNICATIONS BOX |
| | CATCH BASIN |
| | ELECTRIC UTILITY BOX |
| | ELECTRIC VAULT |
| | ELECTROLIER |
| | FIRE HYDRANT |
| | GAS METER |
| | IRRIGATION BOX |
| | SANITARY SEWER CLEANOUT |
| | SANITARY SEWER MANHOLE |
| | SIGN |
| | SPOT ELEVATION |
| | STORM DRAIN MANHOLE |
| | STREET LIGHT BOX |
| | TRAFFIC SIGNAL |
| | TRAFFIC SIGNAL W/ARMLIGHT |
| | TRANSFORMER |
| | TREE TRUNK / SIZE |
| | UTILITY CONDUIT |
| | UTILITY PEDESTAL |
| | UTILITY POLE |
| | WATER METER |
| | WATER SERVICE |
| | WATER VALVE |

BASIS OF BEARINGS:

THE BEARING OF A LINE BETWEEN TWO FOUND MONUMENTS IN RINGWOOD AVENUE, AS SHOWN ON THAT CERTAIN PARCEL MAP RECORDED ON JULY 1, 2005 IN BOOK 788 OF MAPS, AT PAGES 46-47, SANTA CLARA COUNTY OFFICIAL RECORDS. SAID BEARING TAKEN AS NORTH 32°38'51" WEST.

VERTICAL BENCHMARK:

CITY OF SAN JOSE BENCHMARK 225-B: A BRASS PIN IN A MONUMENT WELL AT THE INTERSECTION OF MURPHY AVENUE AND RINGWOOD AVENUE.

ELEVATION TAKEN AS 61.29', NGVD 29.

GENERAL NOTE:

1) ALL FEATURES SHOWN HEREON REPRESENT SURFACE CONDITIONS OF THE PROJECT AREA AS COMPILED FROM A GROUND SURVEY CONDUCTED IN MAY OF 2017. UNDERGROUND UTILITIES WHERE SHOWN ARE BASED UPON USA SURFACE MARKINGS BY OTHERS. NO OTHER ATTEMPTS HAVE BEEN MADE BY SURVEYOR TO DETERMINE THE EXTENT OR EXISTENCE OF UNDERGROUND UTILITIES OR OTHER FEATURES NOT SURFACE VISIBLE.

Source: JMH Weiss, Inc. 2017

Figure 2.4-3
Vesting Tentative Map
Murphy Villas Subdivision IS



This side intentionally left blank.

Section 4.0 Evaluation of Environmental Impacts

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

| | | | |
|-----|---------------------------------|------|------------------------------------|
| 3.1 | Aesthetics | 3.10 | Land Use |
| 3.2 | Agricultural Resources | 3.11 | Mineral Resources |
| 3.3 | Air Quality | 3.12 | Noise and Vibration |
| 3.4 | Biological Resources | 3.13 | Population and Housing |
| 3.5 | Cultural Resources | 3.14 | Public Services |
| 3.6 | Geology/Soils | 3.15 | Recreation |
| 3.7 | Greenhouse Gas Emissions | 3.16 | Transportation/Traffic |
| 3.8 | Hazards and Hazardous Materials | 3.17 | Utilities and Service Systems |
| 3.9 | Hydrology and Water Quality | 3.18 | Mandatory Findings of Significance |

The discussion for each environmental subject includes the following subsections:

- **Environmental Checklist** – The environmental checklist, as recommended by CEQA, identifies environmental impacts that could occur if the proposed project is implemented. The right-hand column of the checklist lists the source(s) for the answer to each question. The sources are identified at the end of this section. The environmental checklist is included in the discussion of topics 3.1 – 3.18 listed above.
- **Impact Discussion** – This subsection discusses the project’s impact as it relates to the environmental checklist questions. Mitigation measures are identified for all significant project impacts. Mitigation Measures are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guideline 15370).
- **Other Environmental Topics** – This subsection discusses the project’s impacts on the environment for the following topics: aesthetic resource, agricultural and forestry resources, geology and soils, greenhouse gas emissions, mineral resources, population and housing and recreation.

Important Note to the Reader

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

The City of San José’s currently has policies that address existing conditions (e.g., air quality, noise, and hazards) affecting a proposed project, which are also addressed in this section. This is consistent with one of the primary objectives of CEQA and this document, which is to provide objective information to decision-makers and the public regarding a project as a whole. The CEQA Guidelines and the courts are clear that a CEQA document (e.g., EIR or Initial Study) can include information of interest even if such information is not an “environmental impact” as defined by CEQA.

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

4.1 AESTHETICS

4.1.1 Environmental Setting

The project site is located within an urbanized area of north San José on Murphy Avenue between Ringwood Avenue and Deluca Drive. The area is residential with a mix of single-family homes and apartments.

The 0.44-acre site currently has one residential home with patches of landscape and a driveway that connects Murphy Avenue to the back of the home (refer to Figure 2.4-2, Project Site). The project site is relatively flat and within a developed residential area; therefore, the project site does not have any elevated or expansive views.

The City’s General Plan identifies goals to enhance and protect views along scenic routes and gateways. For policies on access to scenic resources and attractive gateways, see General Plan Goal CD-9 and Policies CD-9.1 through CD-10.7 and the City’s scenic corridors diagram.

The project is not located along any State scenic highways or routes (Department of Transportation 2018). The project site is not located adjacent to a designated scenic route, scenic vista, or General Plan scenic corridor, gateway, or urban corridor.

4.1.2 Aesthetics Environmental Checklist

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact | Checklist Source(s) |
|--|--------------------------------|--|-------------------------------------|--------------------------|---------------------|
| Would the project: | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1 |
| a) Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 4 |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock out-cropping, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3 |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2,3 |
| d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |

4.1.3 Impact Discussion

a) Have a substantial adverse effect on a scenic vista?

(Less Than Significant Impact) The City of San José classifies views of the Santa Clara Valley, the hills and mountains that frame the Valley floor, the baylands, and urban skyline as important scenic vistas to be maintained. The project is not located in the area of scenic vistas, or General Plan scenic corridor, gateway, or urban corridor; therefore, the proposed project would have a less than significant impact on a scenic vista.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

(Less Than Significant Impact) The project site is not located within any City or State-designated scenic routes (California Department of Transportation 2018), and, therefore, would not damage scenic resources within a State or other scenic highway. The project includes tree removals, which will comply with the City's Tree Replacement Ratios as discussed in Section 3.4 Biological Resources. This impact would be less than significant.

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

(Less Than Significant Impact) The proposed project would alter the existing visual character of the project site through development of five new single family houses on a site that currently has only one home. However, the project site is within a developed residential area and the scale and massing of the proposed homes are consistent with the homes in the existing residential neighborhood. The project will be required to undergo architectural and site design review by the City's planning staff for compatibility with the residential design guidelines and surrounding neighborhood would not substantially degrade the existing visual character or quality of the site or the neighborhood, resulting in a less than significant impact.

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

(Less Than Significant Impact) The proposed project would not include the addition of major sources of light and glare. The exterior lighting of the five residential units, including the driveways/parking area, would be necessary for the purpose of security and access to the project site, consistent with lighting used in the surrounding neighborhood. The design of the project will be compatible with the City's Residential Design Guidelines and the lighting on the site will be consistent with the City's Outdoor Lighting Policy (City Council Policy 4-3).

This would minimize light and glare impacts and ensure that lighting impacts would be less than significant.

4.2 AGRICULTURAL RESOURCES

4.2.1 Environmental Setting

The project site is not located in an area that is identified as prime farmland, nor is the site being used for agricultural use. The project site is within a residential area and is not near any designated and/or active farmland. Further, the project site is not under Williamson Act Contract (California Department of Conservation 2016a).

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

4.2.2 Agricultural Resources Environmental Checklist

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact | Checklist Source(s) |
|--|--------------------------------|--|------------------------------|-------------------------------------|---------------------|
| Would the project: | | | | | |
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 5 |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,2,6 |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,2,3 |
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,2,3 |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,2,5,6 |

4.2.3 Impact Discussion

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland)?

(No Impact) The proposed project would be located in an area designated as Urban and Built-Up Land on the Important Farmland Map for Santa Clara County (California Department of

Conservation 2016b). Because the project site is not located in an area identified as prime farmland and is not being used for agricultural use, the development of the project site would not result in the conversion of farmland to non-agricultural use.

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

(No Impact) Although the project site is currently zoned “Agricultural” the proposed project includes a rezone to R-M (PD) Multiple Residence Planned Development Zoning District to be consistent with the City’s General Plan designation of RN Residential Neighborhood. The project site is not in a Williamson Act contract. Therefore, the proposed project would not conflict with existing zoning or a Williamson Act contract.

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))?

(No Impact) The project site and surrounding properties are zoned and developed for residential uses; therefore, the proposed residential development would not conflict with land zoned or used for forestland or timberland.

d) Result in the loss of forest land or conversion of forest land to non-forest use?

(No Impact) The project site and surrounding properties are zoned and developed for residential uses; therefore, the proposed residential development would not result in the loss or conversion of existing forest land.

e) Involve other changes which could result in conversion of Farmland, to non-agricultural use?

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

4.3 AIR QUALITY

4.3.1 Environmental Setting

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

The air district has published comprehensive guidance on evaluating, determining significance of, and mitigating air quality impacts of projects and plans in *CEQA Air Quality Guidelines* (“CEQA guidelines”), which were initially adopted in 1999 and subsequently updated in 2010, 2011, 2012, and 2017.

The 2017 air district CEQA guidelines, Table 3-1 Criteria Air Pollutants and Precursors and GHG Screening Level Sizes, identifies land uses by size that are typically not expected to result in criteria pollutant emissions that would exceed the air district’s thresholds. Table 3-1 provides an indication of when a project’s construction and operational emissions should be quantified based on identified size criteria.

Regional air quality management districts must prepare air quality plans specifying how state air quality standards would be met. The air district’s most recent adopted plan is the *Bay Area 2017 Clean Air Plan: Spare the Air, Cool the Climate* (2017 CAP).

The 2017 CAP includes feasible measures to minimize ozone precursor emissions and halt the movement of these ozone and its precursors into nearby air basins builds upon the air district’s determination to minimize the emissions of fine particulate matter and toxic air contaminants (Bay Area Air Quality Management District 2017b).

4.3.1.1 *Criteria Air Pollutants*

Major criteria pollutants, listed in “criteria” documents by the U.S. Environmental Protection Agency and the California Air Resources Board include ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, and suspended particulate matter (PM). These pollutants can have health effects such as respiratory impairment and heart/lung disease symptoms.

The City of San José is within the San Francisco Bay Area Air Basin (“air basin”), which is currently in non-attainment for ozone, PM₁₀, and PM_{2.5}.

In addition to criteria air pollutants, another group of substances found in ambient air are referred to as Toxic Air Contaminants (TACs). Generally, these contaminants are localized and found in low concentrations in ambient air. However, exposure to low concentrations over a long period of time can have a serious impact on one’s health. Common stationary sources of TACs include, but are not limited to, chemical plants and petroleum refineries.

4.3.1.3 *Sensitive Receptors*

The air district defines sensitive receptors as facilities where sensitive receptor population groups are likely to be located including residences, schools, childcare centers, convalescent homes, and

medical facilities. The project site is located in a residential area and is adjacent to residential uses in all directions; therefore, the nearest sensitive receptors, the existing residences, are located within one hundred feet of the project site.

4.3.2 Air Quality Environmental Checklist

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact | Checklist Source(s) |
|---|--------------------------------|--|-------------------------------------|--------------------------|---------------------|
| Would the project: | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,7,8 |
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2,8 |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2,8 |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2,8 |
| d) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2,8 |
| e) Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2,8 |

4.3.3 Impact Discussion

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

(Less Than Significant Impact) The proposed project would include the construction of five single-family residences to a location within a developed residential neighborhood. The proposed project would not conflict with the implementation of the 2017 CAP because the minimal addition of residents would not significantly increase the regional population growth nor would it cause significant changes in vehicle travel. Further, the proposed project is consistent with the City’s General Plan, which is consistent with the 2017 CAP; therefore, the proposed project would not conflict with the air district’s clean air planning efforts.

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

(Less Than Significant Impact) Ambient air quality is monitored by the air district at eight locations in Santa Clara County. Air pollutants of concern in the air basin are ozone, PM₁₀ and PM_{2.5}, and toxic air contaminants (Bay Area Air Quality Management District 2017a). The ozone status is currently “non-attainment” and the suspended and fine particulate matter (PM₁₀ and PM_{2.5}, respectively) attainment status is currently “non-attainment” for both state and federal standards.

The air district CEQA guidelines contain screening criteria for determining whether a project is of a type and size that its operational, criteria air emissions impacts (focused on nitrogen oxides as an ozone precursor) would be less than significant. Table 3-1, “Operational-Related Criteria Air Pollutant and Precursor Screening Level Sizes” on page 3-2 of the 2017 air district CEQA guidelines contains the screening criteria. The operational criteria pollutant screening size for single-family residential projects is 325 dwelling units (Bay Area Air Quality Management District 2017a). With the proposed five single-family residences, the project is substantially smaller than the screening threshold.

Table 3-1 also contains screening criteria for construction impacts of new development projects. For single-family residential uses, construction emissions impacts are less than significant for projects of 114 dwelling units or less. The proposed project involves the construction of five dwelling units, resulting in a less than significant impact from construction emissions. However, cumulative construction activities are identified by the air district as having potential to result in cumulative impacts on air quality from contribution of PM₁₀ emissions. As such, the air district recommends the implementation of the following standard permit conditions whether or not construction-related emissions exceed applicable thresholds of significance (Bay Area Air Quality Management District 2017a, p.8-4). The short-term air quality effects during project construction would be avoided with implementation of the air district measures listed as standard permit conditions below. Therefore, the project’s contribution to the air quality violations in the air basin would be less than significant.

Standard Permit Conditions

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The air district’s phone number shall also be visible to ensure compliance with applicable regulations.

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

(Less Than Significant Impact) The air basin is currently in non-attainment for ozone, PM₁₀, and PM_{2.5}. The five single-family homes at the project site would add to these pollutants; however, this increase is not cumulatively considerable.

- d) **Expose sensitive receptors to substantial pollutant concentrations?**

(Less Than Significant Impact) Operation of the residential project is not expected to cause any localized emissions that could expose sensitive receptors to unhealthy air pollutant levels, because no significant operational sources of pollutants are proposed onsite. Construction activities would result in localized emissions of dust and diesel exhaust that could result in temporary impacts to adjacent land uses that include sensitive receptors (residential uses to the north, east and south). The short-term air quality effects during project construction would be avoided with implementation of the air district measures listed as standard permit conditions under checklist item “b)” above. The proposed project would not result in localized, concentrated operational emissions that would expose sensitive receptors to unhealthy air pollutant levels.

- e) **Create objectionable odors affecting a substantial number of people?**

(Less Than Significant Impact) The proposed project would result in five residences at the project site. Operation of the project is not anticipated to produce any offensive odors. During construction, the various diesel-powered vehicles and equipment in use onsite would create localized odors. These odors would be temporary and not likely to be noticeable for extended periods of time much beyond the project’s site boundaries. Implementation of standard abatement measures for construction period emissions identified in “b)” above per the air district requirements would ensure that construction odor impacts are less than significant.

4.4 BIOLOGICAL RESOURCES

4.4.1 Environmental Setting

The project site is located within an urbanized area of San José. The property currently consists of one house and a paved driveway that connects with an asphalt path that leads to the back of the house. There are 13 trees on the site primarily on the corner of the project site where Murphy Avenue and Ringwood Avenue intersect (Steve Young and Associates 2017). The canopies of several trees located on adjacent properties and one tree located on the sidewalk of Murphy Avenue extend onto the site. There are no water features and no riparian habitat on the site.

The City of San José's has established regulations for removal of ordinance sized trees defined as having a trunk measuring 38 inches or more in circumference at the height of 4.5 feet above natural grade (Chapter 13.32 of Title 13 of the San José Municipal Code). The City's regulations apply to native and non-native species.

Construction of the proposed project would result in the removal of the trees from the site. The project will be required to conform to the City's tree preservation ordinance and will be required to provide replacement tree(s) in conformance with City policy.

Trees and other areas on the project site have the potential to provide nesting habitat for birds. Birds and their nests are protected under the Migratory Bird Treaty Act of 1918 and California Department of Fish and Game Code Sections 3503 and 3503.5. Despite the disturbed nature of the site, there remains the potential for birds to nest in trees on the site. No other special-status species are expected to occur on the site due to the extent of existing disturbance and the fact that the surrounding areas are developed.

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

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

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

Policy ER-4.1: Preserve and restore, to the greatest extent feasible, habitat areas that support special-status species. Avoid development in such habitats unless no feasible alternatives exist and mitigation is provided of equivalent value.

Policy ER-5.1: Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of

native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.

The project site is located within the boundaries of the Santa Clara Valley Habitat Plan/Natural Communities Conservation Plan (HCP), which 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 within the land cover type of Urban-Suburban, which is designated for urban development equal to or greater than two acres for residential, commercial, industrial, or other urban developments. The landscaping that is found in this area is typically residential street trees and landscaped residences.

4.4.2 Biological Resources Environmental Checklist

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact | Checklist Source(s) |
|--|--------------------------------|--|-------------------------------------|-------------------------------------|---------------------|
| Would the project: | | | | | |
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 2,3 |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,3 |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,2,3 |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,2,3 |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,2,9, 10,27 |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2,10 |

4.4.3 Impact Discussion

- 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 CDFW or USFWS?**

(Less than Significant with Mitigation) No known raptor, migratory birds, or special-status species are known to reside on the project site. The trees on and adjacent to the project site could provide nesting habitat for birds, including migratory birds.

Construction activities, including tree/shrub removal and ground disturbance, have potential to impact nesting birds protected under the federal Migratory Bird Treaty Act and California Fish and Game Code, should nesting birds be present during construction. The project site has potential to support nesting birds. If protected bird species are nesting in or adjacent to the project site during the bird nesting season (February 1st through August 31st), then noise-generating construction activities and/or vegetation removal could result in the loss of fertile eggs or nestlings, or otherwise lead to the abandonment of nests. Implementation of the following mitigation measure would reduce potentially significant impacts to nesting birds to a less-than-significant level.

Impact BIO-1: Tree removal, demolition, grading, and other construction activities occur during breeding season could result in a significant impact to nesting raptors.

Mitigation Measure

BIO-1 The project applicant shall schedule demolition and construction activities to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st (inclusive). . If it is not possible to schedule demolition and construction between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st inclusive). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests.

If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with the California Department of Fish and Wildlife, shall determine the extent of a construction free buffer zone to be established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests shall not be disturbed during project construction.

Prior to any tree removal, or approval of any grading or demolition permits (whichever occurs first), the ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the City's Supervising Environmental Planner.

Implementation of Mitigation Measure BIO-1 would ensure impacts to nesting birds are avoided by requiring a pre-construction survey for bird nests (should construction be scheduled during the nesting season) and implementation of avoidance measures should any active nests be found.

- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?**

(No Impact) The project site is located in a residential setting with minimal native habitats. There are no riparian habitats or other sensitive natural communities on or adjacent to the site. Thus the project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

- c) 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?**

(No Impact) The project site is disturbed and does not contain any wetland resources and, therefore, will not adversely affect federally protected wetlands as defined by Section 404 of the Clean Water Act.

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

(No Impact) The project site is located in an urban area and is not currently used as a migratory wildlife corridor. The project site does not contain a native wildlife nursery site. As described above, there are no wetlands on or adjacent to the project site, and therefore, the project would not impact the movement of migratory fish. The project will not interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites.

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

(Less Than Significant Impact) Within the City of San José, the urban forest as a whole is considered an important biological resource because most mature trees provide nesting, cover, and foraging habitat for a variety of species that are tolerant of humans. While the urban forest is not as favorable an environment for native wildlife as native habitats, trees in the urban forest are often the only or best habitat commonly or locally available within urban areas.

The City of San José Tree Ordinance, Chapter 13.32 of Title 13 of the San José Municipal Code, regulates tree removals. Development of the proposed project would result in the loss of 16 trees on the site, 3 of which are considered protected under the City's Tree Ordinance due to the circumference sizes exceeding 38 inches.

Consistent with the General Plan FEIR, trees removed as a result of the project will be required to be replaced in accordance with all applicable laws, policies or guidelines, including:

- City of San José Tree Protection Ordinance
- San José Municipal Code Section 13.28
- General Plan Policies MS-21.4, MS-21.5, and MS-21.6

Implementation of the following standard permit condition would reduce potential impacts to regulated trees to a less-than-significant level.

Standard Permit Conditions

- Any tree to be removed will be replaced with new trees in accordance with the City’s Tree Replacement Ratios, as set forth below.

Table 4.4-1 Tree Replacement Ratios

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

SOURCE: Krinjal Mathur 2018

Note: Trees greater than or equal to 38-inch circumference shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.

- In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement, at the development permit stage:
 - The size of a 15-gallon replacement tree may be increased to 24-inch box and count as two replacement trees.
 - An alternative site(s) will be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the Director of the Department of Planning, Building and Code Enforcement.
 - A donation of \$300 per mitigation tree to Our City Forest for in-lieu off-site tree planting in the community. These funds will be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting shall be provided to the Planning Project Manager prior to issuance of a development permit.

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?

(Less Than Significant Impact) The project site is located within the Habitat Plan study area and has a designation of Urban - Suburban. Projects within the Habitat Plan study area, that are on sites of two acres or more are covered under the Habitat Plan and subject to applicable fees

of the plan. The proposed residential development, therefore, is consistent with the land use assumptions for the site in the Habitat Plan. With the implementation of the following standard permit condition, the development of the project site would have a less than significant impact on the Habitat Plan's covered species.

Standard Permit Conditions

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

4.5 CULTURAL AND TRIBAL CULTURAL RESOURCES

The following discussion is based in part on a historic evaluation, included as Appendix A of this Initial Study.

4.5.1 Environmental Setting

Cultural resources include both historical and archaeological resources. These resources are irreplaceable and often reveal distinctive information about past environments and the societies that lived there. Historic resources, such as buildings or objects, are typically 50 years or older in age. Paleontological resources include fossils that range from well-known types, such as dinosaur bones, to scientifically crucial types, such as paleobotanical remains. Paleontological resources also include the impressions of ancient animals and plants and unmineralized remains, such as the bones of Ice Age mammals (City of San José 2011a).

The following policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating historic, archaeological, and paleontological impacts resulting from development within the City.

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

Policy ER-10.2: Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon their discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.

Policy ER-10.3: Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.

Evaluation Criteria

The California Register of Historical Resources was created to identify resources considered worthy of preservation. The criteria include resources of local, state, and regional and/or national levels of significance.

Under California Code of Regulation Section 4852(b) and Public Resources Code Section 5024.1, an historical resource generally must be greater than 50 years old and must be significant at the local, state, or national level under one or more of the following four criteria:

- It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.
- It is associated with the lives of persons important to local, California, or national history.

- It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or important creative individual, or possesses high artistic values.
- It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

Additionally, the City of San José has enacted an ordinance providing for the designation of historic resources as City Landmarks (Municipal Code Chapter 13.48). Based upon the General Plan goals and policies, and the City of San José Historic Preservation Ordinance, the criteria for designation are similar to those for listing on the California Register of Historical Resources but oriented to the local context.

4.5.1.1 *Structural Historic Resources*

According to the Department of Parks and Recreation's Primary Record report of the project site, the existing on-site residence has lost its integrity and is not considered eligible for the California Register of Historic Resources or as a San José Historic Landmark (California Department of Parks and Recreation 2017). The project site is not within what the City considers the Historic District or Conservation Areas (City of San José 2011a, p. 688).

4.5.1.2 *Archaeological Resources*

According to the General Plan EIR, the City of San José has consisted of prehistoric and historic era sites associated with Native Americans for the past 5,000 years. Most of these prehistoric archaeological sites have been found near fresh water sources, at the base of hills, and along or adjacent to the major north/south Native American trails. The project site is located approximately one half mile from Coyote Creek suggesting potential for settlement in the vicinity of the project site.

4.5.1.3 *Paleontological Resources*

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

4.5.1.4 *Tribal Cultural Resources*

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

The legislation imposes new requirements for consultation regarding projects that may affect a tribal cultural resource, includes a broad definition of what may be considered to be a tribal cultural resource, and includes a list of recommended mitigation measures. AB 52 also requires lead agencies to provide notice to tribes that are traditionally and culturally affiliated with the geographic area if they have requested to be notified of projects proposed within that area.

Where a project may have a significant impact on a tribal cultural resource, consultation is required until the parties agree to measures to mitigate or avoid a significant effect on a tribal cultural resource or when it is concluded that mutual agreement cannot be reached.

4.5.2 Cultural and Tribal Cultural Resources Environmental Checklist

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact | Checklist Source(s) |
|--|--------------------------------|--|-------------------------------------|-------------------------------------|---------------------|
| Would the project: | | | | | |
| a) Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines Section 15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2,9,11, 12 |
| b) Cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines Section 15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,2,11 |
| c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2,11 |
| d) Disturb any human remains, including those interred outside of dedicated cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,2,11 |
| e) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,2,11, 12 |
| Tribal Cultural Resources | | | | | |
| 1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,2,11, 12 |
| 2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying this criteria, the significance of the resource to a California Native American tribe shall be considered. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,2,11, 12 |

4.5.3 Impact Discussion

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

Impacts to Historic Resources

(No Impact) The results of the historic evaluation determined that there are no eligible historic resources on the project site (Appendix A). As there are no listed, determined, or pending local, State of California, or California Register of Historic Resources historic properties located on the proposed project site and the project site is not within any City Historic District; the development of the site would not cause a substantial adverse change in the significance of a historical resource per CEQA.

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

(Less Than Significant Impact) Although there are no known archaeological resources on the project site, it is possible that archaeological resources may be found during construction activities. As a part of the development permit approval, the project will conform to the following standard permit conditions to avoid impacts related to the disturbance of buried archaeological resources during construction:

Standard Permit Conditions

- Should evidence of prehistoric cultural resources be discovered during construction, work within 50 feet of the find shall be stopped to allow adequate time for evaluation and mitigation by a qualified professional archaeologist. The material shall be evaluated and if significant, a mitigation program including collection and analysis of the materials at a recognized storage facility shall be developed and implemented under the direction of the City's Supervising Environmental Planner.
- If avoidance is not feasible, adverse effects to such resources should be mitigated in accordance with the recommendations of the appropriate personnel. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings, documenting any data recovery would be submitted to Supervising Environmental Planner and Historic Preservation Officer of the Department of Planning, Building, and Code Enforcement and the Northwest Information Center.
- If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Section 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed. In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The project applicant shall immediately notify the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement and a qualified archaeologist, who will then notify the Santa Clara County Coroner. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify

descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

Implementation the City's standard permit conditions would serve to avoid impacts related to the disturbance of buried archaeological resources during construction.

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

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

Standard Permit Conditions

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

d) Disturb any human remains, including those interred outside of dedicated cemeteries?

(Less Than Significant Impact) Although it is unlikely, human remains may be revealed during the development of the project site. Standard measures and mitigation is identified in "b)" to avoid impacts associated with disturbance to human remains.

e) Cause a substantial adverse change in the significance of a tribal cultural resource that is: 1) listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources, 2) determined to be a significant resource to a California Native American tribe.

(Less Than Significant Impact) Assembly Bill (AB) 52 requires lead agencies to conduct formal consultations with California Native American tribes during the CEQA process to identify tribal cultural resources that may be subject to significant impacts by a project. Where a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. This consultation

requirement applies only if the tribes have sent written requests for notification of projects to the lead agency. No tribes have sent written requests for notification of projects to the City of San José.

Additionally, notification letters were re-sent via certified mail to the Native American Heritage Commission identified tribal contacts on September 5, 2017. At the time of preparation of this Initial Study, the City of San José had yet to receive any requests for notification from tribes.

4.6 GEOLOGY/SOILS

4.6.1 Environmental Setting

According to the City’s General Plan EIR, the average grade of the Santa Clara Valley floor is from approximately horizontal grade to a two percentage downward grade to the northwest; however, the grades are steeper when adjacent to hillsides. Santa Clara Valley is an area characterized by its northwest-trending valleys and ridges with sedimentary and metamorphic rocks of the Franciscan Complex. Alluvial deposits make up the structural foundation, with the Diablo Range to the east and Santa Cruz Mountains to the west. The soil type within the area of the project site is clay (City of San José 2011a, p. 497).

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

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

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

4.6.2 Geology/Soils Environmental Checklist

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact | Checklist Source(s) |
|---|--------------------------------|--|-------------------------------------|--------------------------|---------------------|
| Would the project: | | | | | |
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | | |
| 1. Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,11,26 |

| | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|------------|
| 2. Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,11,22,26 |
| 3. Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,11,26 |
| 4. Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,11,26 |
| b) Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3,13 |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,2,11,26 |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,2,11 |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2 |

4.6.3 Impact Discussion

a) Expose people or structures to potential substantial adverse effects?

(Less Than Significant Impact) The project site is in a seismically active region of California and strong ground shaking would be expected during the life of the proposed project (City of San José 2011a, p. 503). The site is not within a designated Alquist-Priolo Earthquake Fault Zone or a Geologic Hazard Zone; however, the site is within a Liquefaction Seismic Hazard Zone. The site is not subject to landslides because it is generally flat.

Because the potential for liquefaction on the site is considered high, liquefaction and differential settlement could occur on the site during an earthquake.

Conformance with the *2016 California Building Code* would minimize potential impacts from seismic shaking on the site. With compliance to the standard permit conditions, the impact would be reduced to less-than-significant.

Standard Permit Conditions

- Prior to the issuance of any site-specific grading or building permits, a design-level geotechnical investigation shall be prepared and submitted to the City of San José Public Works Department for review and confirmation that the proposed development complies with the California Building Code and the requirements of applicable City Ordinance 25015 and Building Division Policy SJMC 24.02.310-4- 94. The report shall determine the project site’s surface geotechnical conditions and address potential seismic hazards such as seismicity, expansive soils, and liquefaction. The report shall identify building techniques appropriate to minimize seismic damage. In addition, the following requirement for the geotechnical and soils report shall be met:

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

b) Result in substantial soil erosion or the loss of topsoil?

(Less Than Significant Impact) Although the proposed project would not require an intensive level of grading during the construction of the project site, temporary increase in erosion potential could occur at that time. This impact would be less than significant with the implementation of the required standard permit conditions listed below.

Standard Permit Conditions

- The project applicant shall comply with the City of San José Grading Ordinance (Chapter 17.04, Part 6), including erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction. The following specific BMPs will be implemented to prevent storm water pollution and minimize potential sedimentation during construction:

1. Grading will not be allowed between October 1st and April 30th of any year without Erosion Control plans and measures approved by the Director of Public Works.

2. Utilize on-site sediment control BMPs to retain sediment on the project site.

3. Utilize stabilized construction entrances and/or wash racks.

4. Implement damp street sweeping.

5. Provide temporary cover of disturbed surfaces to help control erosion during construction.

6. Provide permanent cover to stabilize the disturbed surfaces after construction has been completed.

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??

(Less Than Significant Impact) This issue is addressed above in responses “a)” and would be reduced to a less-than-significant level with standard permit conditions.

d) Be located on expansive soil?

(Less Than Significant Impact) The project site soils could be expansive, which could damage the proposed structures. Impacts associated with expansive soils or other soil hazards would be minimized by applying engineering and construction techniques for expansive soils. This issue is addressed above in response “(a)” and would be reduced to a less-than-significant level.

- e) **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?**

(No Impact) A previous septic tank was found on the southeast side of the project site, which will be abandoned in accordance with the DEH requirements. The proposed project does not include any septic systems. The project would tie into the City's existing sanitary sewer system within Ringwood Avenue.

4.7 GREENHOUSE GAS EMISSIONS

4.7.1 Environmental 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.

4.7.2 Greenhouse Gas Emissions Environmental Checklist

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact | Checklist Source(s) |
|--|--------------------------------|--|-------------------------------------|--------------------------|---------------------|
| Would the project: | | | | | |
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,8,14 |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,8,14 |

4.7.3 Impact Discussion

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

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

During site preparation and construction of the project, GHGs would be emitted through the operation of construction equipment and from worker/builder supply vehicles, which typically use fossil-based fuels to operate. Project excavation, grading, and construction would be temporary, occurring only over the construction period, and would not result in a permanent increase in GHG emissions. In addition, compliance with the Standard Permit Conditions

(described above in *Section 4.3 Air Quality*) to limit air quality impacts during construction as required by air district (e.g., limiting speed in construction areas, minimizing idling times, etc.) would further reduce construction GHG emissions. The impact from construction emissions associated with the project, therefore, would be less than significant.

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

(Less Than Significant Impact) Per CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the Lead Agency and must be based to the extent possible on scientific and factual data. The proposed project was evaluated for consistency with the City's GHG Reduction Strategy. The GHG Reduction Strategy identifies GHG emissions reduction measures to be implemented by development projects in three categories: built environment and energy, land use and transportation, and recycling and waste reduction. Some measures are mandatory for all proposed development projects and others are voluntary. Voluntary measures could be incorporated as mitigation measures for proposed projects, at the City's discretion.

Since the project is consistent with the General Plan land use designations for the site and the land use assumptions of the GHG Reduction Strategy, compliance with the mandatory measures and voluntary measures required by the City would ensure its consistency with the GHG Reduction Strategy. Projects that are consistent with the GHG Reduction Strategy would have a less than significant impact related to GHG emissions.

4.8 HAZARDS AND HAZARDOUS MATERIALS

The following information is from the *Phase I Environmental Site Assessment* (“Phase I ESA”) prepared by Cornerstone Earth Group. A copy of this report is included as Appendix B of this Initial Study.

4.8.1 Environmental Setting

4.8.1.1 *Historic and Current Uses of the Site and Surrounding Areas*

Based on the Phase I ESA, the project site was historically occupied by an orchard. The existing residence on the site was constructed in 1952, with several orchard trees present until the late 1960s or early 1970s. The Phase I ESA indicates that the project site has remained residential in use. Additionally, the Phase I ESA determined the presence of an additional residence on the southwesterly adjacent parcel during the late 1980s or early 1990s. This residence was present prior to the construction of Ringwood Avenue and partially extended onto the southwest portion of the project site. Since the construction of Ringwood Avenue, this residence appears to have been demolished.

On May 23, 2017, Cornerstone Earth Group staff conducted a reconnaissance of the project site. The Cornerstone staff reported that a single-story building with an attached garage was on the project site. The southeastern portion of the project site, the rear of the residence, consisted of dirt and gravel used for parking vehicles. No hazardous materials were observed on site and the site does not appear to have historically been occupied by businesses that use or store hazardous materials. A septic tank was also found at the southeastern portion of the project site.

4.8.2 Hazards and Hazardous Materials Environmental Checklist

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact | Checklist Source(s) |
|---|--------------------------------|--|-------------------------------------|-------------------------------------|---------------------|
| Would the project: | | | | | |
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2 |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 2 |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2,3 |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2,15 |

| | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|-------|
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2,16 |
| f) For a project within the vicinity of a private airstrip, will the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2,16 |
| g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1 |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,2,3 |

4.8.1.2 Recognized Environmental Conditions

No hazardous materials, or spill incidents, were observed by Cornerstone staff during the project site reconnaissance. However the following recognized environmental conditions were identified in the report:

- The site historically was used for agricultural purposes. There is a potential that residual pesticides could remain in site soil. If pesticides are present, this soil may require appropriate management.
- Soil adjacent to structures that are painted with lead-containing paint can become impacted with lead as a result of the weathering and/or peeling of painted surfaces. Soil near wood framed structures also can be impacted by pesticides historically used to control termites. There is a potential that residual lead and pesticide concentrations could remain in on-site soil resulting from existing and/or prior on-site structures.

4.8.3 Impact Discussion

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

(No Impact) The proposed project is residential and would not involve the use or transport of significant quantities of hazardous materials.

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

(Less Than Significant with Mitigation) The project site was used for agricultural purposes for several decades, primarily as an orchard. Due to the historical agricultural use of the site, there is potential that the past owners of the site used pesticides and that there are residual concentrations remaining in the on-site soil. Therefore, soil sampling has been recommended

in the Phase I ESA to determine if agricultural chemicals are present in the soil prior to redevelopment of the project site. With the implementation of the following mitigation measures, this impact would be less than significant.

Impact HAZ-1: Historic activities on the project site may have impacted subsurface soil from previous agricultural uses.

Mitigation Measures

HAZ-1.1 The project applicant shall retain a qualified professional to prepare a Phase II Soil Contamination Investigation (Phase II) prior to issuance of any demolition or grading permits or site clearance activities. The Phase II investigation shall consist of collecting shallow soil samples and testing for organochloride pesticides and pesticide based metals, arsenic, and lead across the entire site to investigate historical agricultural use. The Phase II investigation shall also include shallow soil sampling around existing structures to test for lead that may have flaked off structures with lead-containing paint and for organochlorine pesticides that may have been applied for termite control.

The Phase II Soil Contamination Investigation report shall be provided to the City's Supervising Environmental Planner. If the soil testing results indicate residual contamination is not detected and/or found below regulatory environmental screening levels for public health and the environment and/or construction worker safety, no further mitigation is required.

HAZ-1.2 If the soil testing results indicate pesticides, arsenic and/or lead that exceed regulatory environmental screening levels for public health and the environment and/or construction worker safety, then the project applicant shall enter into the Santa Clara County Department of Environmental Health's (SCCDEH) Voluntary Cleanup Program to mitigate the contamination. Mitigation may include removal of the contaminated soil and/or capping the contaminated soil under hardscape or clean soil with deed restrictions. The SCCDEH will require a Health & Safety Plan to protect construction workers and will require a Remediation Work Plan, Site Management Plan (SMP), or other similar report to document the mitigation. The SCCDEH will issue a final No Further Action letter or equivalent after the remediation has been satisfactorily completed, which must be provided to the City's Supervising Environmental Planner prior to issuance of any grading permit.

Additionally, due to the age of the existing structures onsite, there is potential for the building materials to contain lead-based paint and/or asbestos containing building material. Implementation of the following standard permit conditions shall reduce these impacts to a less than significant level.

Standard Permit Conditions

- In accordance with National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines, an asbestos survey shall be performed on all structures proposed for demolition that are known or suspected to have been constructed prior to 1980. If asbestos-containing materials are determined to be present, the materials shall be abated

by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of Bay Area Air Quality Management District (BAAQMD). Demolition and disposal of asbestos-containing materials (ACMs) will be completed in accordance with the procedures specified by BAAQMD's Regulation 11, Rule 2. A final report of methodologies and findings of the survey shall be submitted to the Building Division of the City of San José Department of Planning, Building and Code Enforcement prior to the issuance of grading or building permits.

- A lead-based paint survey shall be performed on all structures proposed for demolition that are known or suspected to have been constructed prior to 1980. If lead-based paint is identified, then federal and state construction worker health and safety regulations shall be followed during renovation or demolition activities. If loose or peeling lead-based paint is identified at the building, it shall be removed by a qualified lead abatement contractor and disposed of in accordance with existing hazardous waste regulations. Requirements set forth in the California Code of Regulations will be followed during demolition activities, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings will be disposed of at landfills that meet acceptance criteria for the waste being disposed. A final report of methodologies and findings of the survey shall be submitted to the Building Division of the City of San José Department of Planning, Building and Code Enforcement prior to the issuance of grading or building permits.

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

(Less Than Significant Impact) Happy Childhood Preschool is located approximately one quarter mile southwest of the project site in a business park on Murphy Avenue. The proposed project is a residential development and would not emit significant amounts hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste that would significantly affect children at the preschool. Therefore, this impact would be less than significant.

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

(No Impact) The project site is not located on a site that is included on a list of hazardous materials sites compiled pursuant Government Code Section 65962.5 (Cortese List).

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

(No Impact) The project site is not located within an airport land use plan or within two miles of a public airport or public use airport.

- f) Be within the vicinity of a private airstrip, will the project result in a safety hazard for people residing or working in the project area?**

(No Impact) The project is not located within the vicinity of a private airstrip.

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

(Less Than Significant Impact) The project, located within a developed area, would not change the local roadway circulation pattern, access, or otherwise physically interfere with local emergency response plans. The project will not significantly interfere with any emergency response or evacuation plans. Therefore, this impact would be less than significant.

- 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?**

(No Impact) The project will not expose people or structures to risk from wildland fires as it is located in an urban area that is not prone to such events.

4.9 HYDROLOGY AND WATER QUALITY

4.9.1 Environmental Setting

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

The project must comply with the City of San José's Grading Ordinance, which requires the use of erosion and sediment controls to protect water quality while the site is under construction. Prior to the issuance of a permit for grading activity occurring during the rainy season (October 1st to April 30th), the applicant must submit to the Director of Public Works an Erosion Control Plan detailing Best Management Practices that will prevent the discharge of storm water pollutants.

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

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

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

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

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

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

4.9.2 Hydrology and Water Quality Environmental Checklist

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact | Checklist Source(s) |
|--|--------------------------------|--|-------------------------------------|-------------------------------------|---------------------|
| Would the project: | | | | | |
| a) Violate any water quality standards or waste discharge requirements? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,2,3, 11,13 |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells will drop to a level which will not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,2,11, 17 |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which will result in substantial erosion or siltation on-or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2,11,13, 17 |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which will result in flooding on-or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2,18 |
| e) Create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,2,18 |
| f) Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,2,3, 11,13 |
| g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2,19 |
| h) Place within a 100-year flood hazard area structures which will impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2,19 |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,2,11 |
| j) Inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,2,11, 20 |

The project will create approximately 11,825 square feet of impervious area. Based its size and land use, the project will be required to comply with the Low Impact Development stormwater management requirements of Provision C.3 of the Municipal Regional Permit.

Based on the City's General Plan EIR, the project site is within the Coyote Creek Watershed (City of San José 2011a, p. 525), which is a part of the Santa Clara Valley Groundwater Basin and the larger San Francisco Bay Basin. There are no waterways that flow through the project site, but the Coyote Creek is approximately one half mile west of the project site.

Storm water runoff within urbanized areas flows into the local storm drain system, which connects into local creeks and the San Francisco Bay (City of San José 2011a). The storm water runoff from the project site, as illustrated within the applicant's Storm Water Control Plan, would flow toward the existing City storm drain on Ringwood Avenue.

The project site is not within a 100-year flood zone, it is not within a dam failure inundation area (City of San José 2011a, p. 532), and it is not within a tsunami inundation zone (California Department of Conservation 2009).

4.9.3 Impact Discussion

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

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

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

(Less Than Significant Impact) As stated within the City's General Plan EIR, development of new residential uses, as allowed under the General Plan, are not proposed to occur within any of the Santa Clara Valley Water District's percolation facilities for groundwater recharge nor will it otherwise affect the operation of the percolation or recharge facilities (City of San José 2011a, p. 549). The proposed project is consistent with the General Plan and does not include the installation of new groundwater wells or use of groundwater supplies at greater rates than anticipated in the City's 2015 Urban Water Management Plan (CH2M 2016, p. 4-3), which is consistent with the General Plan's projected development and subsequent water demand.

The project will result in minor increase in demand for water to be obtained from the City and will not substantially deplete or otherwise affect groundwater supplies. In addition, the project will not deplete/otherwise affect groundwater recharge since the project is not located within a groundwater recharge area. This impact would be less than significant.

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

(Less Than Significant Impact) Construction of the project will require grading activities that could result in a potential temporary increase in erosion that could affect the quality of storm water runoff. This increase in erosion is expected to be minimal, due to the small size (less than one acre) and flatness of the site. Implementation of the City's Grading Ordinance (Chapter 17.04, Part 6 of the Municipal Code) and the standard permit conditions listed in *Section 4.6 Geology and Soils Checklist "b)"* would reduce potential construction to surface water quality to a less-than-significant level.

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

(Less Than Significant Impact) Because the proposed project would replace and create more than 10,000 square feet of impervious surface on the project site, the applicant was required to submit a Stormwater Control Plan, which will be reviewed and confirmed for compliance with the Municipal Regional Stormwater NPDES Permit and the City Council's Urban Runoff Policy 6-29 by the City Engineer. Details of specific site design, pollutant source control, and stormwater treatment control measures demonstrating compliance with Provision C.3 of the Municipal Regional Stormwater Permit (NPDES Permit Number CAS612008), shall be included in the project design, to the satisfaction of the Director of Planning, Building and Code Enforcement. With the implementation of the site design, source control, and Low Impact Development storm water treatment measures provided within the applicant's Stormwater Control Plan the proposed project would not substantially increase the rate or amount of surface runoff in a manner that would result in flooding on-or off-site; therefore, this impact is less than significant.

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

(Less Than Significant Impact) The project site's storm water runoff is required to be managed in accordance with the City Council's Urban Runoff Policy 6-29 and comply with the hydromodification requirements of Provision C.3 of the Municipal Regional Permit (see Impact Discussion "a)"). The project proposes to connect to the City's existing storm drainage system. The small scale of the residential project is not expected to contribute runoff that will exceed the capacity of existing or planned storm water drainage systems or result in substantial additional sources of polluted runoff. This impact would be less than significant. See also c) above.

- f) **Otherwise substantially degrade water quality?**

(Less Than Significant Impact) The proposed project would not otherwise substantially degrade water quality; therefore, this impact would be less than significant.

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? and

(No Impact) The project site is not located within a floodplain or determined flood hazard zone.

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

(No Impact) The project site is not located within any determined flood hazard zones; therefore, the proposed project would not impede or redirect flood flows.

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

(No Impact) The project site is not within a dam inundation zone.

j) Result in inundation by seiche, tsunami, or mudflow?

(No Impact) The project site is not within an area subject to significant seiche, tsunami, or mudflow (California Department of Conservation 2009).

4.10 LAND USE AND PLANNING

4.10.1 Environmental Setting

The project site is located in an existing urbanized area in the northern portion of San José at the southeast corner of Murphy Avenue and Ringwood Avenue. The surrounding area is residential neighborhood.

4.10.1.1 *Envision San José 2040 General Plan*

The project site is currently designated as RN (Residential Neighborhood) within the City’s General Plan. The RN land use designation typically allows up to eight dwelling units/acre (or a density that matches the existing neighborhood character) and a floor area ratio (FAR) up to 0.7 (one to 2.5 stories). The RN designation allows for single-family residential neighborhoods, including both suburban and traditional residential neighborhood areas that match the character of the existing neighborhood.

4.10.1.2 *San José Zoning Ordinance*

The project site is currently zoned as A (Agricultural District) in the City’s zoning ordinance. The purpose of the Agricultural District is to provide for areas where agricultural uses are desirable. The regulations contained in this district are intended to provide for a wide range of agricultural uses as well as implementing the goals and policies of the general plan.

4.10.2 Land Use and Planning Environmental Checklist

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact | Checklist Source(s) |
|---|--------------------------------|--|-------------------------------------|-------------------------------------|---------------------|
| Would the project: | | | | | |
| a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2,3 |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,2,3 |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2,10 |

4.10.3 Impact Discussion

a) Physically divide an established community?

(No Impact) Projects that have the potential to physically divide an established community include new freeways and highways, major arterials streets, and railroad lines. The proposed

residential subdivision would provide infill housing within an existing residential neighborhood. Therefore, the proposed project would not physically divide an established community.

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

(Less Than Significant Impact) The project site is currently designated as RN (Residential Neighborhood) in the City's General Plan. The intent of the RN designation is to preserve the existing character of the neighborhood and strictly limit new development to infill projects that closely conform to the existing neighborhood character as defined by density, lot size and shape, massing and neighborhood form and pattern. New infill development should improve and/or enhance existing neighborhood conditions by completing the existing neighborhood pattern and bringing infill properties into general conformance with the quality and character of the surrounding neighborhood. New infill development should be integrated into the existing neighborhood pattern, continuing and, where applicable, extending or completing the existing street network.

The average lot size, orientation, and form of the proposed residential project on this infill site generally match the typical lot size and building form of adjacent development and is in conformance with the intent of the residential land use designation. The project site is currently zoned A-Agricultural District, under the City's Zoning Ordinance. The project includes a proposal to rezone the site to R-M (PD) Planned Development District which is consistent with the General Plan designation.

The project will not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the General Plan, specific plan or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, this impact would be less than significant.

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

(Less Than Significant Impact) The project site is located within the boundaries of the Santa Clara Valley Habitat Conservation Plan and identified as Urban-Suburban in the plan. See Impact Discussion "f)" in *Section 4.4 Biological Resources*.

4.11 MINERAL RESOURCES

4.11.1 Environmental Setting

The area known as Communications Hill, located within the central portion of the City, is designated by the State Mining and Geology Board under Surface Mining and Reclamation Act of 1975 as containing mineral deposits.

Neither the State Geologist nor the State Mining and Geology Board has classified any other areas in San José as containing mineral deposits which are either of statewide significance or the significance of which requires further evaluation. Therefore, other than the Communications Hill area cited above, San José does not have mineral deposits subject to the Surface Mining and Reclamation Act of 1975.

4.11.2 Mineral Resources Environmental Checklist

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact | Checklist Source(s) |
|---|--------------------------------|--|------------------------------|-------------------------------------|---------------------|
| Would the project: | | | | | |
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,2,11 |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local General Plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,2,11 |

4.11.3 Impact Discussion

- 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?**

(No Impact) The proposed project is not located within Communications Hill; therefore, the proposed project would have no impact on mineral resources.

- b) Result in the loss of availability of a locally-important mineral resource recovery site?**

(No Impact) Because there are no mineral resources located on or near to the project site, there would be no loss of availability of locally-important mineral resource recovery sites.

4.12 NOISE AND VIBRATION

4.12.1 Environmental Setting

Noise is measured in decibels (dB), and is typically characterized using the A-weighted sound level or dBA. This scale gives greater weight to the frequencies to which the human ear is most sensitive. 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. It is important to recognize that there are specific moments when noise levels are higher (e.g., during a train passby) and specific moments when noise levels are lower (e.g. during lulls in traffic flows).

4.12.1.1 *Existing Conditions*

The proposed project would be located within a residential neighborhood outside of downtown San José. The project site is just over three miles east of the Norman Y. Mineta San José International Airport and is outside the aircraft noise contours. The primary sources within San José include highways, major roadways, and three rail lines (City of San José 2011a, p. 313). The project site is in the 60 dBA DNL noise contour for traffic noise levels according to Figure 3.3-2 (City of San José 2011a, p. 327).

4.12.2 Noise and Vibration Environmental Checklist

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact | Checklist Source(s) |
|--|--------------------------------|--|-------------------------------------|-------------------------------------|---------------------|
| Would the project: | | | | | |
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,2,11, 21 |
| b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,2,11, 21 |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2,3,22 |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,2,11, 21 |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,2,16 |

| | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|--------|
| f) For a project within the vicinity of a private airstrip, will the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,2,16 |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|--------|

4.12.2.1 *Envision San José 2040 General Plan*

The City's General Plan provides quantitative thresholds for noise and vibration impacts for new developments within the City limits. The General Plan's Table EC-1: Land Use Compatibility Guidelines for Community Noise San José, provides the acceptable and unacceptable exterior noise exposure for several different land use categories (City of San José 2011b, Chapter 3, p. 40).

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

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

Exterior Noise Levels: The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (Table EC-1). For single family residential uses, use a standard of 60 dBA DNL for exterior noise in private usable outdoor activity areas, such as backyards.

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

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

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

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

4.12.3 Impact Discussion

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

(Less Than Significant Impact) The primary source of noise at the project site is traffic traveling on Murphy Avenue. As described in Section O. Transportation/Traffic section of this Initial Study, the proposed project would generate approximately 38 net new average daily trips. This is a minor increase in traffic for a developed residential area within San José. As traffic volumes on a street would normally have to double to raise noise levels to a detectable level that creates a significant impact, it is not expected that traffic generated by this project would substantially increase noise levels in the project area. Therefore, the proposed project would not result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

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

(Less Than Significant Impact) Construction noise could have significant impacts on the residential uses nearest to the project site. With implementation of the Standard Permit Conditions described in Section d) below will the project would not generate excessive groundborne noise or vibration levels or result in the exposure of nearby noise-sensitive receptors to these levels.

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

(Less Than Significant Impact) The development of residential uses on an infill site is not expected to result in permanent noise increases from operational sources. Refer to “a)” above.

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

(Less Than Significant Impact) Construction of the project will temporarily elevate noise levels in the immediate project area from the use of construction equipment.

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

Standard Permit Conditions

- Construction hours within 500 feet of residential uses will be limited to the hours of 7:00 a.m. and 7:00 p.m. weekdays, with no construction on weekends or holidays.

- Utilize ‘quiet’ models of air compressors and other stationary noise sources where technology exists.
- Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment;
- Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from adjacent land uses;
- Locate staging areas and construction material areas as far away as possible from adjacent land uses;
- Prohibit all unnecessary idling of internal combustion engines;
- The contractor will prepare a detailed construction plan identifying a schedule of major noise generating construction activities. This plan shall identify a noise control ‘disturbance coordinator’ and procedure for coordination with the adjacent noise sensitive facilities so that construction activities can be scheduled to minimize noise disturbance. This plan shall be made publicly available for interested community members.
- The disturbance coordinator will be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g. starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. The telephone number for the disturbance coordinator at the construction site will be posted and included in the notice sent to neighbors regarding the construction schedule.

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

(No Impact) The project is not located within an airport land use plan (Santa Clara County Airport Land Use Commission 2016).

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

(No Impact) The project is not located near any private airstrips.

4.12.4 Impacts on Future Residences at the Site (not covered under CEQA)

As previously discussed in Section 4.0, on December 17, 2015, the California Supreme Court issued an opinion in “CBIA vs. BAAQMD” holding that CEQA is primarily concerned with the impacts of a project on the environment and generally does not require agencies to analyze the impact of existing conditions on a project unless the project could exacerbate the existing environmental hazards or risks. Nevertheless, the City has policies and regulations that address existing conditions affecting a proposed project. The City has, therefore, included information regarding the project’s exposure to ambient noise levels as a General Plan consistency analysis and considerations relating to these policies and regulations.

Future Exterior Noise Environment

As previously stated, the City's standard for exterior noise levels for residential uses is 60 dBA DNL or less. The proposed project is an infill development that would be expected to conform to the City's exterior noise standard similar to how the surrounding residential development has achieved this. The proposed project would also have shielding provided by the proposed six-foot wooden fence along the borders of the project site, further reducing exterior noise levels. Therefore, buildout of the proposed project is anticipated to conform to the City's exterior noise standard.

Future Interior Noise Environment

As previously stated, the City's standard for interior noise levels for residential uses is 45 dBA DNL or less. Assuming standard building construction conditions are met in accordance with the *2016 California Building Code* regulations, the proposed project is anticipated to meet the City's interior noise standard.

4.13 POPULATION AND HOUSING

4.13.1 Environmental Setting

The City’s population as of January 1, 2017 was estimated to be approximately 1,046,079 people (California Department of Finance 2017) and the average number of persons per household was estimated to be 3.13 (United States Census Bureau 2017). The City’s General Plan estimates that through the year 2040, the City could grow to 751,000 jobs and 430,000 dwelling units in total, supporting a population of approximately 1.3 million people.

4.13.2 Population and Housing Environmental Checklist

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact | Checklist Source(s) |
|---|--------------------------------|--|-------------------------------------|-------------------------------------|---------------------|
| Would the project: | | | | | |
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,2,23 |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,2 |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,2 |

4.13.3 Impact Discussion

a) Induce substantial population growth?

(Less Than Significant Impact) As the project is on a small infill parcel, the proposed project would not extend infrastructure or foster growth beyond that planned in the General Plan. The project would construct five new single-family homes that would add approximately 13 people to the City of San José. This is a negligible increase in the City’s current population of 1,046,079.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? and

c) Displace substantial numbers of people?

(No Impact) The project site contains one residence. The housing associated with the proposed project would more than mitigate for the loss of one home and displacement of the associated residents. Therefore, future development of the project site would not displace substantial numbers of people, necessitating the construction of replacement housing

4.14 PUBLIC SERVICES

4.14.1 Environmental Setting

The project site is located in an urbanized area of San José, and served by existing fire, police, school, park and other public facilities. The project would result in a potential increase in population of approximately 13 people.

The City's Fire Department is responsible for all fire, hazardous materials spills, and medical emergencies (City of San José 2011a). The nearest fire station, Station 1, is approximately four miles west of the project site at 225 N Market Street. The City's Police Department is located approximately three miles west of the project site at 201 W Mission Street.

The project site is located within the Berryessa Union School District, which includes ten elementary schools and three middle schools.

Nearby parks include Townsend Park, just under one mile south of the project site, and Gran Paradiso Park, approximately a half mile north of the project site.

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

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

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

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

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

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

4.14.2 Public Services Environmental Checklist

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact | Checklist Source(s) |
|---|--------------------------------|--|-------------------------------------|--------------------------|---------------------|
| Would the project: | | | | | 1,2,11, 23 |
| a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: | | | | | |
| - Fire Protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| - Police Protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| - Schools? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| - Parks? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| - Other Public Facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |

4.14.3 Impact Discussion

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

(Less Than Significant Impact) Fire and Police Protection Facilities: The project could result in an incremental increase in the demand for fire and police protection services. No additional fire or police personnel or equipment are necessary to serve the proposed project’s five residences; no significant impacts from construction of new related facilities would occur. Therefore, this impact is less than significant.

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

(Less Than Significant Impact) Park Facilities: The project will be subject to developer fees to accommodate the incremental demand for park facilities, including the City-required park dedication in-lieu fee.

(Less Than Significant Impact) Other Public Facilities: The project will not significantly impact other public services, including library services. Therefore, this impact would be less than significant.

4.15 RECREATION

4.15.1 Environmental Setting

Although the proposed project does not include parkland, Townsend Park, an eight-acre neighborhood park with an exercise course, children's water play feature, horseshoe pit, and two unlighted tennis courts, is just under one mile south of the project site. Additionally, Gran Paradiso Park is approximately one half mile north of the project site. The Gran Paradiso Park is 1.25 acres with picnic sites, a barbeque, and a youth playground for ages 5-12.

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

4.15.2 Recreation Environmental Checklist

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact | Checklist Source(s) |
|--|--------------------------------|--|-------------------------------------|--------------------------|---------------------|
| Would the project: | | | | | |
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2,3,23, 24 |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2,3,23, 24 |

4.15.3 Impact Discussion

- a) **Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**
- b) **Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?**

(Less Than Significant Impact) The development of five single-family residences on the project site could increase in the number of residents in the project area by approximately 13 people. This would incrementally increase demand on recreational facilities.

The City of San José has adopted the Parkland Dedication Ordinance and Park Impact Ordinance (Municipal Code Chapter 19.38), which require residential developers to dedicate public park land or pay in-lieu fees (or both) to compensate for the increase in demand for neighborhood parks. The project would be required to comply with the City's Parkland Dedication Ordinance and Park Impact Ordinance.

The proposed project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated, and would not require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment; therefore, this impact would be less than significant.

4.16 TRANSPORTATION/TRAFFIC

4.16.1 Environmental Setting

4.16.1.1 *Existing Roadway Network*

The project site is located at the southeast corner of Murphy Avenue and Ringwood Avenue. Murphy Avenue is an extension of Brokaw Road, which connects the roadway onto Interstate 880, and an extension of Hostetter Road, which connects the roadway onto Interstate 680.

The Institute of Transportation Engineers’ standard traffic generation rate for single-family residential development is approximately 9.44 weekday trips per single family detached unit (Trip Generation Manual, 10th Edition September 2017). The weekday morning peak hour of traffic generally falls within the 7:00 to 9:00 a.m. period and the weekday afternoon peak hour is typically in the 4:00 to 6:00 p.m. period.

4.16.2 Transportation/Traffic Environmental Checklist

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact | Checklist Source(s) |
|---|--------------------------------|--|-------------------------------------|-------------------------------------|---------------------|
| Would the project: | | | | | |
| a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,2,25 |
| b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,2,25 |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2,3 |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,2,3 |
| e) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,2,3 |
| f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,2,3 |

Utilizing the Institute of Transportation Engineers' generation factors, the existing residential use (one single-family house) is estimated to generate approximately 9.44 vehicle trips per weekday, one of which would be during the am and pm peak hours.

The following trip generate table indicates the net new vehicle trips for the proposed project.

Table 4.16-1 Trip Generation²

| Proposed Land Use (210) ¹ | Size (units) | Daily | | AM Peak Hour | | PM Peak Hour | |
|--------------------------------------|--------------|-------|-----------|--------------|----------|--------------|----------|
| | | Rate | Trip | Rate | Trip | Rate | Trip |
| Single-Family Detached Housing | 5 | 9.44 | 47 | 0.74 | 4 | 0.99 | 5 |
| Existing Land Use (210) ¹ | | | | | | | |
| Single-Family Detached Housing | 1 | 9.44 | 9 | 0.74 | 1 | 0.99 | 1 |
| Net Vehicle Trips | | | 38 | | 3 | | 4 |

SOURCE: Institute of Transportation Engineers 2017

NOTE: (1) From the *Trip Generation Manual, 10th Edition*, Land Use Code 210 for Residential Single-Family Detached Housing.

(2) Results may vary due to rounding.

4.16.1.2 Existing Transit Service

There are several transit stations located to the east and west of Murphy Avenue; Lundy Avenue and Oakland Road, respectively. The nearest stations are Lundy and Hostetter Station to the east and Oakland and Brokaw to the west, each located approximately 0.3 miles from the project site.

Existing Pedestrian and Bicycle Facilities

Because the project site is located within an existing residential neighborhood, Class II bike lanes exist within the busy roads such as Murphy Avenue (City of San José 2011a, page 227). Sidewalks area also incorporated throughout the entire area, on busy and neighborhood streets.

Proposed Site Access

The proposed project would create access to the project site from Ringwood Avenue, through a private road that connects to each of the five proposed new residential units. There would also be a walking path for pedestrians to access Lot 2 from Murphy Avenue and Lot 1 from Ringwood Avenue. The remaining proposed lots, Lots 3, 4, and 5, would only have access from the private road, Lot 6.

4.16.3 Impact Discussion

- 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? and**
- 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?**

(Less Than Significant Impact) The project is located within the North San José Area Development Policy area. An area wide traffic impact analysis was prepared as part of the North San José Area Development Policy, adopted June 2005. Traffic impacts were identified and resulted in an area wide traffic impact fees. This project is covered under the North San José EIR. Consistent with North San José EIR, this project is required to pay a traffic impact fee for the single family detached units. The 2018 fee is \$10,326.00 per single-family unit and \$8,262 per multi-family unit and are subject to an annual escalation of 3.3% on July 1st and the next fee escalation will occur on July 1st, 2019. This fee must be paid prior to issuance of Public Works Clearance. Credits for existing structures on site will be applied to the residential traffic impact fee consistent with the policy and will be prorated with each building permits issued.

The net increase of 38 daily trips to the local road network would not result in an exceedance of the expected trip volumes already anticipated by the General Plan. Therefore, the proposed project would not 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 or 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. This impact would, therefore, be less than significant.

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

(No Impact) The proposed project would not result in a change in air traffic patterns or create a safety risk associated with air traffic.

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

(Less Than Significant Impact) The proposed project includes a new ten-foot width sidewalk that borders the project site along Murphy Avenue as well as an eight-foot width sidewalk on Ringwood Avenue that borders the project site. This improvement of the sidewalk would be required to conform to the City standards providing an appropriate turning radius as vehicles and/or pedestrians make their way from Ringwood Avenue onto Murphy Avenue. The proposed project involves access to the site through a private street on Ringwood Avenue, which conforms with the City's General Plan in that local streets within the City are designed for high accessibility to adjacent properties.

Given the requirement that improvements conform to City standards and the low volumes of daily trips on Murphy Avenue and Ringwood Avenue, this impact would be less than significant.

e) Result in inadequate emergency access?

(Less Than Significant Impact) The proposed project would not increase hazards due to a design feature because access to the project site would be from Ringwood Avenue, which has a common 25 miles per hour speed limit from neighborhood roads. There would also be no concern for inadequate emergency access to the project site because the proposed project would conform to all City standards in order to provide sufficient access for emergency vehicles. Therefore, the proposed project would not result in inadequate emergency access.

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?

(Less Than Significant Impact) The proposed project complies with General Plan Policy CD-3.3, which states that within new development, pedestrian friendly environments through the connection of internal components with safe, accessible, and pleasant pedestrian facilities are encouraged. The proposed project does this through the access points onto the project site from Murphy Avenue and Ringwood Avenue as well as the common area just south of the entrance fronting Ringwood Avenue; benches are proposed in this location. The proposed project is not of sufficient size or density to warrant provision of a new public transit facility. The proposed project would not conflict with adopted policies or plans regarding public transit, bicycle or pedestrian facilities; therefore, the proposed project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

4.17 UTILITIES AND SERVICE SYSTEMS

4.17.1 Environmental Setting

The project site is an infill development located within the City of San José Urban Service Area where adequate utilities and service systems for urban development exist. The proposed project would result in a population increase of approximately 13 persons in the City. The site is designated for residential development in the City's General Plan, and the proposal is consistent with the land use designation.

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

Policy MS-3.2: Promote use of green building technology or techniques that can help reduce the depletion of the City's potable water supply, as building codes permit. For example, promote the use of captured rainwater, graywater, or recycled water as the preferred source for non-potable water needs such as irrigation and building cooling, consistent with Building Codes or other regulations.

Policy MS-3.3: Promote the use of drought tolerant plants and landscaping materials for non-residential and residential uses.

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

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

4.17.1.1 *Water Service*

The project site would be served by the San José Water Company through an existing water line in Ringwood Avenue.

4.17.1.2 *Wastewater/Sanitary Sewer System*

The project site would be served by the city's wastewater collection system through an existing sewer line in Ringwood Avenue. Wastewater is treated at the San José-Santa Clara Regional Wastewater Facility.

4.17.1.3 *Storm Drainage*

Storm water runoff would be directed into the City-maintained storm drain system located in Ringwood Avenue. The storm water would be collected through two new storm drains, located on the north and south sections of the proposed project, which would direct the flow into the two bio-retention basins fronting Ringwood Avenue. A third new storm drain would direct storm water flow from the bio-retention basins and connect into the City's existing storm drain system. The proposed project would result in more than 10,000 square feet of replaced and new impervious surfaces.

4.17.2 Utilities and Services Environmental Checklist

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact | Checklist Source(s) |
|---|--------------------------------|--|-------------------------------------|-------------------------------------|---------------------|
| Would the project: | | | | | |
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,2,11 |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2,17,23 |
| c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2,17 |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2,17,23 |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,2,11, 17,23 |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,2,11 |

4.17.1.4 Solid Waste

The Santa Clara County's Integrated Waste Management Plan, which includes the jurisdiction of the City of San José, indicates adequate disposal capacity beyond 2022. According to the City's General Plan EIR, the total permitted landfilling capacity of the five operating landfills in the City is approximately 5.3 million tons per year (City of San José 2011a, p. 663-664).

4.17.3 Impact Discussion**a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?**

(Less Than Significant Impact) The General Plan EIR determined that development allowed under the General Plan would not exceed wastewater treatment requirements of the San Francisco Bay Regional Water Quality Control Board nor would it exceed the City's allocated capacity of the San José-Santa Clara Regional Wastewater Facility. The proposed project is consistent with the General Plan designation of City's General Plan designation of RN (Residential Neighborhood); therefore, residential development of the site has been anticipated in the City's General Plan and evaluated in the General Plan EIR. Since the City's General

Plan EIR determined that residential development of the site would not impact wastewater treatment requirements of the applicable Regional Water Quality Control Board, this impact would be less than significant.

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?

(No Impact) The proposed project would result in a population increase of approximately 13 persons in the City. The San José Water Company would provide water to the site and sanitary sewer service for the project site would be provided by the City of San José. The project would not substantially increase water demands and wastewater generation, nor would it require or result in the construction of new water or wastewater treatment facilities or any expansion of existing facilities

c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

(No Impact) The proposed project proposes to connect to the City's existing storm drainage system and is not expected to contribute runoff that will exceed the capacity of existing or planned storm water drainage systems. A storm water control plan has been prepared and would be implemented as part of the proposed project. Refer also to *Section 4.9 Hydrology and Water Quality*.

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

(Less Than Significant Impact) See "b)" above. Sufficient water supplies are available to serve the project from existing entitlements and resources and the proposed project would not require construction of new water facilities. Therefore, this impact would be less than significant.

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?

(Less Than Significant Impact) See Impact Discussions "a)" and "b)" above. The project will not significantly impact wastewater treatment services, since adequate capacity is available to serve the project demand. Therefore, this impact would be less than significant.

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

(Less Than Significant Impact) As concluded in the General Plan EIR, there is sufficient capacity at existing landfills which service the City to serve development under buildout of the General Plan. No new or expanded landfill facilities would be required as a result of this project. Therefore, this impact would be less than significant.

4.18 MANDATORY FINDINGS OF SIGNIFICANCE

4.18.1 Environmental Checklist

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact | Checklist Source(s) |
|--|--------------------------------|--|-------------------------------------|--------------------------|---------------------|
| Would the project: | | | | | |
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | All |
| b) Does the project have impacts that are individually limited, but cumulatively considerable (“cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | All |
| c) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | All |
| d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | All |

4.18.2 Impact Discussion

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

(Less Than Significant with Mitigation) The proposed project has the potential to result in impacts associated with sensitive biological and cultural resources, as discussed in *Section 4.4 Biological Resources* of this Initial Study. However, with implementation of mitigation measures presented in that section (requiring construction outside the bird nesting period or, if not possible, pre-construction survey for nesting birds), the proposed project would not have the potential to degrade the quality of the environment, or substantially reduce the number or restrict the range of an endangered, rare, or threatened species; or eliminate important examples of the major periods of California history or prehistory.

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

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

(Less Than Significant Impact) The project is proposed in an established, developed area and there are no planned or proposed developments in the immediate site vicinity that could contribute to cumulative aesthetic, air quality, biological, land use, noise and vibration, population and housing, public services, recreation, transportation, utilities and service systems impacts. The project's cultural resources, geology and soils, and hazardous materials impacts are specific to the project site and would not contribute to cumulative impacts elsewhere. Implementation of the project would marginally contribute to global GHG emissions, by definition. As discussed in *Section 4.7, Greenhouse Gas Emissions*, the project's individual GHG emissions would have a less than significant (cumulative) GHG impact.

c) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?

(Less Than Significant Impact) The project site is currently developed with one single-family residence in a developed urban area. The project proposes to demolish the existing residence and develop five single-family residences, which would be consistent with the General Plan land use designation of the project site. Although the proposed project would result in an increase in demand on nonrenewable resources, the demand would be reduced due to the proposed project complying with the City's Greenhouse Gas Reduction Strategy. The proposed project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.

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

(Less Than Significant Impact) Based on the analysis provided in this Initial Study, the proposed project will not result in environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.

SECTION 5.0 REFERENCES

Checklist References

1. City of San José. November 2011b. *Envision San José 2040 General Plan*. San José, CA.
2. Project Plans including City File No. PD17-024, PDC17-050, and PT-054
3. Google Earth. 2018. Site Imagery from April 15, 2017. Accessed in January 2018.
4. California Department of Transportation. “Santa Clara County.” Accessed January 2, 2018.
http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/.
5. California Department of Conservation. 2016b. “Santa Clara County Important Farmland 2014.”
<ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2014/sc114.pdf>
6. California Department of Conservation. 2016a. “State of California Williamson Act Contract Land.”
ftp://ftp.conservacion.ca.gov/pub/Dlrp/WA/2016%20Statewide%20Map/WA_2016_8.5X11.pdf.
7. Bay Area Air Quality Management District. April 2017b. *Final 2017 Clean Air Plan*. San Francisco, CA.
8. Bay Area Air Quality Management District. May 2017a. *California Environmental Quality Act Air Quality Guidelines*. San Francisco, CA.
9. City of San José. February 2006. *Title 13 of the San José Municipal Code Zoning Ordinance*. San José, CA.
10. Santa Clara Valley Habitat Agency. August 2012. *Final Santa Clara Valley Habitat Plan*. Morgan Hill, CA.
11. City of San José. June 2011a. *Draft Program Environmental Impact Report for the Envision San José 2040 General Plan*. San José, CA.
12. California Department of Parks and Recreation. October 2017. *Primary Record*. Sacramento, CA.
13. City of San José. “Chapter 17.04 – Building Code, Part 6 – Excavation and Grading.” Accessed on January 11, 2018.
https://library.municode.com/ca/san_jose/codes/code_of_ordinances?nodeId=TIT17BUCO_CH17.04BUCO
14. City of San José. December 2015. *Greenhouse Gas Reduction Strategy for the City of San José*. San José, CA.
15. California Department of Toxic Substances Control. “DTSC’s Hazardous Waste and Substances Site List – Site Cleanup (Cortese List).” Accessed January 10, 2018.
http://www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm.

-
16. Santa Clara County Airport Land Use Commission. November 2016. *Comprehensive Land Use Plan Santa Clara County*. San José, CA.
 17. CH2M. June 2016. *Final Report 2015 Urban Water Management Plan San Jose Municipal Water System*. San José, CA.
 18. City of San José. “Stormwater Management.” Accessed on January 26, 2018.
<http://www.sanjoseca.gov/index.aspx?NID=1761>
 19. Federal Emergency Management Agency. “FEMA’s National Flood Hazard Layer (Official).” Accessed on January 11, 2018.
<http://fema.maps.arcgis.com/home/webmap/viewer.html?webmap=cbe088e7c8704464aa0fc34eb99e7f30&extent=-121.91057452661187,37.379077372407814,-121.86903247338813,37.39033021873477>
 20. California Department of Conservation. 2009. “Tsunami Inundation Map for Emergency Planning Mountain View Quadrangle.”
http://www.conservation.ca.gov/cgs/geologic_hazards/Tsunami/Inundation_Maps/SantaClara/Documents/Tsunami_Inundation_MountainView_Quad_SantaClara.pdf
 21. City of San José. February 2006. *Title 20 of the San José Municipal Code Zoning Ordinance*. San José, CA.
 22. California Building Standards Commission. 2017. “2016 California Building Code.” Accessed January 26, 2018.
<https://ia801200.us.archive.org/23/items/gov.ca.bsc.title24.2016.02.1/gov.ca.bsc.2016.02.1.pdf>
 23. California Department of Finance. 2017. “E-1 Cities, Counties, and the State Population Estimates with Annual percent Change-January 1, 2016 and 2017.”
<http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-1/>
 24. City of San José. February 2006. *Title 19 of the San Jose Municipal Code Zoning Ordinance*. San José, CA.
 25. Institute of Transportation Engineers. September 2017. *Trip Generation Manual, 10th Edition*. Washington, DC.
 25. Institute of Transportation Engineers. September 2017. *Trip Generation Manual, 10th Edition*. Washington, DC.
 26. City of San José. “Permit Center.” Accessed on February 2, 2018.
<https://sjpermits.org/permits/general/generalpropertyinfo.asp>
 27. Mathur, Krinjal, Planner for City of San José. Email message to consultant, 19 March 2018.

Additional References

City of San José. “Gran Paradiso Park.” Accessed on February 5, 2018.
<http://sanjoseca.gov/facilities/Facility/Details/177>.

JMH Weiss, Inc. December 2017. *Vesting Tentative Tract Map*. San José, CA.

Santa Clara Valley Habitat Agency. “Key Maps.” Accessed on January 3, 2018.
<http://scv-habitatagency.org/228/Key-Maps>.

Santa Clara Valley Habitat Agency. “Habitat Agency Fee Schedule.” Accessed January 3, 2018.
<http://www.scv-habitatagency.org/206/Habitat-Agency-Fee-Schedule>.

Steve Young and Associates. October 2017. *Site Demo Plan, H17-048*. San José, CA.

United States Census Bureau. “Quick Facts San Jose city, California: United States.” Accessed on January 12, 2017.
<https://www.census.gov/quickfacts/fact/table/sanjosecitycalifornia,US/PST045216>

This side intentionally left blank.

SECTION 6.0 LEAD AGENCY AND CONSULTANTS

6.1 LEAD AGENCY

City of San José

Department of Planning, Building, and Code Enforcement

Krinjal Mathur, Environmental Project Manager

John Tu, Planning Project Manager

6.2 CONSULTANTS

EMC Planning Group

Environmental Consultants and Planners

Teri Wissler Adam, Senior Principal

Polaris Kinison Brown, MS, Principal Planner

Shoshana Wangerin, Assistant Planner

This side intentionally left blank.